

Minutes of the Planning Commission meeting held on Thursday, July 19, 2012 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair  
Karen Daniels, Vice-Chair  
Ray Black  
Phil Markham  
Vicki Mackay  
Scot Woodbury  
Chad Wilkinson, Division Manager  
Joshua Beach, Assistant Planner  
G.L. Critchfield, City Attorney  
Citizens

Excused: Tim Taylor

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Jim Harland opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

There were no minutes to be approved

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Ms. Daniels made a correction the decision summary. The vote was 4-0, but the Findings of Fact mentioned that she voted when in fact she had abstained from that vote due to a conflict of interest.

Mr. Markham made a motion to approve the July 5, 2012 Findings of Fact for a Conditional Use Permit for John & Laura Cowan for an accessory dwelling unit, property addressed 642 East Lincoln Place with the correction made by Ms. Daniels.

Seconded by Mr. Woodbury.

A voice vote was made. Motion passed 6-0.

#### BEAR CREEK FENCING – 6567 South Cottonwood Street – Project #12-91

Eric Nicol was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a fence contractor use inside the existing office and warehouse building. Municipal Code Ordinance 17.152.030 allows a fence contractor use located in the M-G-C zoning district subject to Conditional Use Permit approval. There are other business uses in this building

and the driveways and parking lot are shared. The applicant stated there will be no storage of materials outside the building. The unit has approx. 440 sq. ft. in office space and about 2,600 sq. ft. in warehouse which will require 6 parking stalls. There are adequate parking stalls for the proposed use with the existing parking lot. There are 36 parking stalls adjoining the building and about 20 additional parking stalls to the south parking area for this building. The building complies with the required setbacks for the M-G-C zone. The site is in compliance with landscaped requirements at the time of construction of this building and site. Access to the property is from the east side of Cottonwood Street. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Eric Nicol, 2177 Shadow Wood Drive, stated he does not have any problems in complying with the stated conditions.

The meeting was opened for public comment. No comments were made by the public and the public comment period was closed.

Mr. Black made a motion to approve a Conditional Use Permit for Bear Creek Fencing for a contractor use inside the existing office and warehouse building at the property addressed 6567 South Cottonwood Street, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. Comply with Murray Water and Sewer and Power Department requirements.
4. Any use of trash containers shall be screened as required by Section 17.76.170.

Ms. Daniels seconded the motion.

Call vote recorded by Mr. Wilkinson.

A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Ray Black  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Vicki Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 6-0.

LAZY ACRES SUBDIVISION – 757 West Bullion Street – Project # 12-88

Karen Edwards was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for an amendment to the Lazy Acres Subdivision in order to subdivide Lot 1 into two lots at the property addressed 757 West Bullion

Street. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. The Murray City Council approved a zone change for the property from A-1 (agriculture) to an R-1-8 (single family residential) zone at the July 10, 2012 meeting. Both of the lots exceed the required minimum 8,000 sq. ft. lot size and show the utility easements on each lot. Access into the site is from Bullion Street and from Anderson Avenue. Based on the information presented in this report, application materials submitted and the site review, staff recommends the Planning Commission send a recommendation for subdivision approval to the Mayor subject to conditions.

Karen Edwards, 757 Bullion Street, stated there is one correction in the staff analysis information. Where it has stated surrounding land use and zoning, it should read Viewmont Elementary to the south of the property, not Riverview Junior High.

Mr. Harland asked Ms. Edwards if she will be able to meet the four conditions of approval. Ms. Edwards said that all would be done and in compliance.

The meeting was opened for public comment. No comments were made by the public and the public comment period was closed.

Mr. Markham made a motion to send a recommendation of approval to the Mayor on an amendment in order to subdivide Lot 1 into two lots at the property addressed 757 West Bullion Street, subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office.
2. Comply with the City Engineer's requirements for grading/drainage, utility plans and comply with subdivision regulations.
3. Comply with Murray Water and Sewer and Power Department requirements.
4. The project shall meet all current fire codes.

Ms. Daniels seconded the motion.

Call vote recorded by Mr. Wilkinson.

A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Ray Black  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Vicki Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 6-0.

AMY & DUSTEN MOORE – 170 West Winchester Street – Project #12-90

Amy and Dusten Moore were the applicants present to represent this request. Joshua Beach reviewed the location and request for a zone map amendment from R-1-8 (Single-Family Residential) zoning district to R-N-B (Residential Neighborhood Business) zoning district for the property addressed 170 West Winchester Street. The property is located on the north side of Winchester, and the west side of I-215. The request for the zone map amendment from single family residential to residential neighborhood business is consistent with the direction of the General Plan and zoning for these properties. A variety of permitted uses are allowed in the R-N-B zone including single family dwellings that meet the requirement of the R-M-10 zone, duplexes that meet the requirement of the R-M-10 zone, residential facility for persons with a disability, residential facility for the elderly as well as other low scale, low intensity types of land uses. The uses should all “fit” in the neighborhood and exude a distinct residential feel. These uses include offices, neighborhood serving commercial uses such as beauty and barber shops, florists and similar uses. Conditional uses include banks, schools, small scale restaurants and minor retail. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Change.

Amy Moore, 700 East 5600 South, stated that she has reviewed the staff recommendations.

The meeting was opened for public comment.

Brian DeMann, 194 West Winchester, indicated he is a nearby resident. Mr. DeMann asked what things can happen with a zone change and what will be allowed as well as the requirements that come along with this zone change (i.e. landscaping, fencing, privacy issues, etc.).

Mr. Harland stated that a written comment was submitted by Mr. Rackley, 160 West Winchester, which is next door to the subject property. Mr. Rackley’s memo questioned the development that could occur if the zone change is approved and indicated concerns about security, noise, lighting and interference with his property.

Mr. Beach stated that currently the R-1-8 zone allows for single family homes, residential facilities for people with disabilities, residential facilities for elderly persons, charter schools, residential childcare facilities, and group instruction. Other compatible uses require a Conditional Use Permit such as schools, churches, libraries, parks, playgrounds, telephone exchange stations, telephone relay towers, and other types of telephone communication. With a zone change to R-N-B a variety of permitted uses are allowed such as single family dwellings that meet the requirement of the R-M-10 zone, duplexes that meet the requirement of the R-M-10 zone, residential facility for persons with a disability, residential facility for the elderly as well as other low scale, low intensity types of land uses. The uses should all “fit” in the neighborhood and exude a distinct residential feel. . In the residential business zone any use that goes in is subject to the Planning Commission for approval. These uses include offices, neighborhood serving commercial uses such as beauty and barber shops, florists and similar uses. Conditional uses include banks, schools, small scale restaurants and

minor retail.

Mr. Markham asked if there were conditions that apply to the construction of businesses that would work in this zone. Mr. Beach stated that there are height restrictions, lot coverage requirements, landscaping standards, parking standards, setbacks, etc. Mr. Markham mentioned that when he had worked for the city he remembered something about low profile buildings were preferred in this type of zoning to act as a transitional buffer from a busy street into the neighborhood. Mr. Wilkinson commented that the standards include limits on height, buffering, landscaping and mitigating conditions may be added per the Planning Commission's approval. There are some protections for adjacent residential zoning uses. It is in the General Plan that over time this property would transition into R-N-B zoning.

Mr. DeMann stated that he has lived on Winchester for 26 years and has seen many changes. He does feel that some of the commercial changes have benefitted the neighborhood and have proven to be positive. As the next door neighbor he wants to not only understand, but have input on what goes in such as landscaping, parking, etc. He stated he does not want to have the property end up where it is a backhoe or dump truck parking area. He asked about the hours of operation and about the security situation and who should he be working with on these issues. Mr. Harland indicated that this proposal is for a zone change only. However, the next issue on the agenda pertains to what type of business will be allowed on that property and the applicants are also asking for a dance studio to be allowed in the R-N-B zoning district. Mr. Harland also noted that anything that is commercial related needs to be approved by the Planning Commission through the review of plans and conditions. Mr. Harland stated those issues will be addressed in conjunction with the Conditional Use Permit application process.

The public comment portion of the meeting was closed.

Mr. Woodbury commended Mr. DeMann for attending the meeting, asking questions and taking ownership of the neighborhood. Mr. Woodbury also made note that the purpose of the R-N-B zoning is to enhance the neighborhood. The job of staff and the commission is to make sure that the proposed project is following all the ordinances and codes necessary to do just that.

Mr. Black made a motion to forward a recommendation of approval to the City Council for the requested Zone Change from R-1-8 to R-N-B for the property addressed 170 West Winchester Street. Ms. Daniels seconded the motion.

Call vote recorded by Mr. Wilkinson.

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Karen Daniels

A \_\_\_\_\_ Ray Black

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Vicki Mackay

A \_\_\_\_\_ Scot Woodbury

Motion passed, 6-0.

AMY & DUSTEN MOORE – Text Amendment to the R-N-B Zone to allow a Dancing School Land Use – Project #12-89

Amy and Dusten Moore are the applicants present to represent this request. Joshua Beach reviewed the request for an ordinance text amendment to add land use 6835, Dancing Schools, as a permitted use in the R-N-B zoning district. The zoning ordinance currently does not allow for dancing schools in the R-N-B zone. The Murray City Standard Land Use Code does include a category of land uses under the heading of “6830: Special Training and Schooling” related to special types of schools. The applicant has requested to include 6835 in order to provide dancing school opportunities in the city of Murray. Since the use is not allowed in the R-N-B zoning district, the city is unable to issue a business license at this time. Land use code “6834: Art, drama and music schools” is a permitted use in the zone. Due to the similarity of the use it is unclear why dancing schools were not included as an allowed or conditional use in the R-N-B zone when the code was originally adopted. The R-N-B zoning district provides standards to mitigate adverse impacts. These standards will apply to any development proposed and will address building design, setbacks, etc. With the change to the request recommended by staff, the amendment is consistent with the Goals and Policies of “Chapter 8: Economic Development” of the General Plan. Specific goals and policies contained in Chapter 8 that are addressed by the proposed amendment include:

- Goal: To attract new businesses to Murray City
- Goal: Expand the types of businesses available in Murray City

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would allow land use 6835: Dance Schools to be located in the R-N-B zoning district.

Amy Moore, 700 East 5600 South, stated she has had a dance studio in Murray for the last 11 years. She stated that the existing garage on the property will suit the needs for the dance studio. She stated that they offer classes for ages pre-school to 15 years old in ballet, jazz and hip hop and the dance school performs throughout the community.

Ms. Daniels asked Ms. Moore if her current dance studio is in a residential area. Ms. Moore responded in the affirmative and made note that there have not been any complaints from neighbors for her existing dance studio. She stated the reason they are considering the move would be for more space.

Mr. Woodbury asked Ms. Moore how many classes she offers and how many students does she currently have. Ms. Moore responded that she holds classes in the evenings on week days, generally from 3-9pm and is also open on Saturdays.

Ms. Mackay made mention of a letter that was received from a neighbor that was concerned because he sleeps during the day. Ms. Mackay asked if the students are dropped off by the parents or if the parents stay. Ms. Moore responded that as of now, parents just drop the children off. She also stated that due to the amount of space there is, they should be able to meet parking needs as well as have some sort of round-about driveway.

The meeting was opened for public comment.

Jerry Toponce, 1391 North Main, stated he is the father of Amy Moore. He stated that he built the dance studio at Amy's current home. He stated that over the 11 years of having the dance business at their present location they have had zero complaints. He stated that Mr. DeMann's comments have been well accepted by Ms. Moore, her husband and himself. The property will allow them to put a driveway in on the east side parking on the west side of the property and landscape throughout. The students that come to the dance studio do not have driver's licenses, so there will not be any student parking. One of the stipulations at the studio is that parents are not allowed to stay and watch as it is a distraction to the students. The dance studio would implement the same policy at this property. In the past the dance studio has provided a small viewing room where people could come in and look through one day a month, but that has had very limited use. The use of the property keeps in line with a residential neighborhood. The students are young girls ranging from 3-15 years of age. With all the other options they have looked at over the last 11 years, the only thing they have been able to find in order to expand have been properties located in industrial areas, but for them that is not an ideal location in respect to traffic, the children's safety, etc. He stated children will not be running around the property or lingering after hours. The way the dance studio operates at this time is, when the class is over, the instructor walks the kids (3-12 year olds) out until the students are picked up. The same scenario would play out at this location. They plan on having the proper number of parking spaces that zoning requires which would include 1 space per employee.

Brian DeMann, 194 West Winchester, stated he is a nearby resident and he feels the dance studio sounds like a good idea from what he's heard and he would appreciate if the potential new owners would come by his house and to discuss his concerns. Mr. Harland pointed out that projects like this usually work better when the applicants talk to neighbors in the area and work out any issues they may have.

RaeLene Felkner, 165 West Winchester, stated she lives directly across the street. She asked about the plans are for the existing home on the property.

Larry Brimhall, resident of Washington City, stated he is the current owner of the property. He stated it is his understanding that the current tenant will be moving and the house will be occupied by the new owner.

Mr. Woodbury made a motion to forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would allow land use 6835: Dance Schools to be located in the R-N-B zoning district. Ms. Daniels seconded the motion.

Call vote recorded by Mr. Wilkinson.

A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Ray Black  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Vicki Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 6-0.

LAND USE ORDINANCE TEXT AMDNEMENT – Landscaping Amendments to Chapter 17.68 – Project #11-28

Chad Wilkinson reviewed the proposed text amendments to Murray City Municipal Code Section 17.68.040 relating to landscaping requirements in the M-G-C zone and Municipal Code 17.68.060 and Municipal Code Section 16.16.140 relating to landscaping requirements in the residential zones. The proposed ordinance amendment for Municipal Code Section 17.68.040 will provide for an alternative landscaping option in a manufacturing zone for xeriscaping plant materials which will allow for better water efficiency on the site. Municipal Code 17.68.060 deals with amendments to residential landscaping and regulates trees and plants in park strip areas and prohibits paving over the park strip area. Municipal Code Section 16.16.140 relates to landscaping requirements for subdivisions in residential zones and proposes changes to clarify requirements and modifies text to be consistent with changes in Title 17 of Municipal Code. Based on the above finding, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the Municipal Code Section 17.68.040, Section 17.68.060 and Section 16.16.140 regarding landscaping regulations.

Mr. Wilkinson provided proposed text for the landscaping ordinance. He state that one of the concerns is how to enforce these regulations and keep things consistent. The other concern is that there are several different varieties of park strips in existence now.

Mr. Beach stated that staff has re-vamped the residential park strip ordinance. Prior to occupancy, landscaping must be approved with the development plans. Currently staff is working on how to enforce existing, non-conforming and non-compliant residential park strips. Items that have been addressed are: should the ordinance restrict what is allowed in the park strips, can there be flexibility in certain materials that are allowed, the city does not want to require a park strip if there is not one already there, and limiting the coverage amount of concrete or black top to 10-25%.

Mr. Harland asked for suggestions on how to enforce existing park strips that have large boulders and trees. Ms. Daniels commented on commercial park strips and if the city would be able to require a landscaping plan when an application is made for a Conditional Use Permit or a business license. Mr. Markham made note that other



cities that he has worked with have a minimum number of trees required to be planted on the property in certain places throughout the yard. Ms. Daniels asked if when a property is sold, the new residents are made aware of what the landscaping requirements are. Mr. Markham noted that it would be hard to know and keep up with the sale of all homes. Mr. Harland asked if the city still plants trees in the park strips. Staff indicated that the city does plant trees in the park strips.

Mike Brown, 2885 South 7270 West, stated that he works for Murray City's Power Department and is acting as the city forester. He stated that the trees the city plants in the spring and fall are maples and pear trees, but they are looking to expand the list.

Mr. Harland asked Mr. Brown if the requirement was to have one tree per 30 feet of yard length, would the city be able to do that. Mr. Brown responded in the affirmative. Mr. Harland asked if the city forester works with the developers on enforcing the code. Mr. Brown responded in the affirmative. Mr. Harland asked Mr. Brown his opinion regarding the 10-25% coverage of landscaping. Mr. Brown responded that is appropriate.

Mr. Wilkinson pointed out that the proposed landscape ordinance would make it unlawful for any person to remove turf, trees or other forms of landscaping from park strips. Mr. Wilkinson also added that it might be a good idea to make a modification to get input from Community & Economic Development, city forester and city power crews, working together to improve and enforce the ordinance.

Ms. Daniels asked if the last sentence in the section noted as the letter "F" could be clarified on what happens when a tree dies. Mr. Wilkinson stated that there is a section of the code where it talks about replacing those trees. Mr. Brown stated that they won't take out a tree unless there is something wrong with it, or it is causing damage to the sidewalk. Mr. Harland asked if a tree on a residential park strips dies, does the city come out and cut it down. Mr. Brown responded that they maintain all the park strip trees including; trimming, removal, stumping and replanting.

Mr. Markham made note that it's difficult to come up with materials that would work in a park strip that are both attractive and a wise use of our resources. He stated that having trees in the community makes a substantial difference and the city should continue to require trees. Mr. Harland added that excessive water spraying on the sidewalk from sprinklers can be damaging to the pavement.

Jim Hendrickson, 266 Lindon Way stated he is representing the Murray Beauty & Shade Tree Commission. Mr. Hendrickson stated that he supports the proposed landscaping ordinance

Mr. Markham asked about the section C in the code stating that "all front yard unpaved areas not utilized for access or parking shall be landscaped in a similar manner". Mr. Markham stated that in his opinion there shouldn't be any unpaved areas for parking and that all parking areas should be paved and not dirt or gravel areas should be allowed for parking. Mr. Wilkinson responded this section could be better defined and that the intention is not to allow parking on lawn or dirt areas. Mr.

Markham suggested having photographs at the next meeting that would show examples of different types of landscaping vegetation. Mr. Wilkinson responded that this proposal could incorporate similar photos as what is in the MCCD zoning district design guidelines showing examples of approved types of vegetation. He stated that often times the park strips are simply a result of evidence of care or lack of care by the residents and not so much as the types of landscaping. Mr. Wilkinson stated that what they are really concentrating on are trees. The other sections on landscaping are vague with the terminology such as "low growth". The only requirement right now in the new ordinance is trees.

Mr. Hendrickson stated that one of the problems with having concrete is that people end up using those for parking spaces. Unfortunately in so doing, cars end up overlapping on the sidewalks. He feels that the city really needs to be careful on what they allow when it comes to concrete. Mr. Markham made note that he wasn't suggesting concrete on the park strips, but instead on the front lawn area of a residence. Mr. Markham stated that he agrees 100% that there needs to be vegetation in lieu of impervious materials on the park strips. It is necessary for vegetation if utilities need to be accessed.

Mr. Wilkinson then showed the Planning Commission photos of park strips throughout the city. Mr. Wilkinson made note that one of the issues that has not been addressed in the ordinance is how much concrete if any may be used. Ms. Mackay suggested that a friendly mailing goes out to all residents educating them about the landscaping ordinance for residential, commercial and park strips. Mr. Wilkinson stated that part of the problem right now is that there is not a clear standard out there and that is what needs to be clarified before they proceed with anything else. It's tough because it has already been established as a policy in the city that park strips will be required in subdivisions. Mr. Markham asked if standards from other cities and municipalities have been looked at. Mr. Wilkinson stated that the city has looked at other cities and their ordinances. Mr. Harland made note that it would be helpful if staff could put together a comparison from other cities for the commission to look at.

Mr. Woodbury suggested that a note/reminder could be left on the bottom of the power bill that informs residents of the ordinance. Ms. Mackay mentioned that it may be easier to list what is not allowed rather than what is allowed. Mr. Wilkinson started making note of what the Planning Commission would like to see prohibited; rocks, all forms of cacti, sculptures and spiny succulents. Mr. Wilkinson made mention that with the MCCD there are design guidelines and a design review process. What makes this ordinance a judgment call is it is through general application through the city. Mr. Woodbury reiterated the suggestion of making a list of recommended and approved items and a list of what items are prohibited. Ms. Mackay added that it would be nice to provide a free consultation for those residents that might need to change what they currently have. She also wanted to know who writes the new law on enforcing these things. Mr. Wilkinson stated that would be the job of the Planning Commission. Mr. Woodbury noted that he is in agreement with Ms. Mackay in that the first step is in awareness.

Mr. Wilkinson recommends that there be discussion on this ordinance again at the August 2, 2012 Planning Commission meeting.

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Mr. Harland closed the public portion of the meeting.

Ms. Daniels made a motion to continue the public hearing on the Landscape Ordinance Text Amendment until the August 2, 2012 Planning Commission meeting.

Mr. Markham seconded the motion.

A voice vote was made. Motion passed 6-0.

Meeting adjourned.

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Chad Wilkinson, Manager  
Community & Economic Development