

Minutes of the Planning Commission meeting held on Thursday, October 18, 2012 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Vice-Chair
Tim Taylor
Ray Black
Phil Markham
Chad Wilkinson, Division Manager
Joshua Beach, Assistant Planner
Mark Boren, Zoning Enforcement Officer
G.L. Critchfield, City Attorney
Citizens

Excused: Jim Harland, Chair
Vicki Mackay
Scot Woodbury

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.

Karen Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures. In addition Ms. Daniels made note that item #8 on the agenda (State & Vine, LLC) has been postponed until November, 15, 2012.

APPROVAL OF MINUTES

Ms. Daniels asked for additions or corrections to the minutes September 6, 2012. Mr. Markham made a motion to approve the minutes as written. Tim Taylor seconded the motion.

A voice vote was taken. Motion passed, 4-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

There were no Findings of Fact prepared for this meeting to be approved.

OXFORD CREEK SUBDIVISION AMENDMENT - 662 & 668 Oxford Hollow Court – Project #12-120

Nick Mingo of Ivory Development was the applicant present to represent this request. Mark Boren reviewed the location and request for an amendment to the Oxford Creek Subdivision properties addressed 662 and 668 East Oxford Hollow Court with a property boundary change between lots #106 and #107. Ivory Development is requesting the boundary adjustment to allow the house to be constructed on lot #106 to be moved forward on the lot. With the proposed lot boundary adjustment, the proposed dwelling for lot #106, will meet the setback requirements of the R-1-8 Zone.

The property boundary adjustment will allow the developer to move the dwelling closer to the street and provide more area for a private backyard. The lots shall comply with the landscaping regulations found in Section 17.68 of the Murray City Municipal Code. The properties will be accessed from Oxford Hollow Court. Based on the information presented in this report, application materials submitted and the site review, staff recommends the planning commission send a recommendation of approval to the Mayor for plat amendment subject to conditions.

Nick Mingo, 978 East Woodoak Lane, indicated that they will meet the conditions as recommended.

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 boundary adjustment to the Oxford Creek Subdivision properties addressed 662 and 668 East Oxford Hollow Court with a property boundary change between lots #106 and #107, subject to conditions 1-6. In addition, send a recommendation of approval to the Mayor for the plat amendment subject to the following conditions:

1. Comply with the requirements of the Murray City Engineer for the recording of the amended 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. Upon receiving planning commission approval, the plat amendment must be updated to include Planning Commission comments and resubmitted to the Engineering Department for final review.
4. Show utility easements on all of the property boundaries to meet the subdivision ordinance regulations.
5. The property shall meet applicable building code standards for structures on the property.
6. Comply with Murray Building and Fire Department requirements, Murray Water and Sewer, and Murray Power Department requirements.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Boren.

 A _____ Tim Taylor

 A _____ Karen Daniels

 A _____ Ray Black

 A _____ Phil Markham

Motion passed, 4-0.

GOODWILL – 6042 South State Street – Project # 12-116

Kris Pasker was the applicant present to represent this request of Goodwill. Joshua Beach reviewed the location and request for a Conditional Use Permit for a second hand retail sales business to be located in an existing 23,600 sq. ft. building for the property addressed 6042 South State Street. Municipal Code Ordinance 17.160.030 allows second hand retail sales within the C-D-C zoning district subject to Conditional Use Permit approval. The business has proposed adding a drop off area on the south side of the building that would eliminate 16 parking spaces. The site plan shows 224 total parking spaces on site for the proposed business. The 14,640 sq. ft. retail section of the business will require 75 parking stalls based on Murray City code for retail businesses which requires 1 space for every 200 sq. ft. of retail space; the 5,700 sq. ft. warehouse section of the building will require 8 parking stalls based on Murray city code which requires 1 space for every 750 sq. ft. of warehouse space; and the 3,060 square foot office/break room area of the building will require 13 stalls based on Murray city code which requires 1 space for every 250 sq. ft. of office space. The total number of required parking stalls is 96 with 4 required handicap stalls. Goodwill will use 96 of the stalls on site. The building complies with the setback requirements for the C-D-C zone. The landscaping on site meets current city code. Access to the property is from the west side of State Street. Mr. Beach did mention that a letter was sent into the Economic & Community Development Department by Michelle Upchurch, a resident in the area. Her concern was in regard to noise near the dumpsters. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Ms. Daniels wanted Mr. Beach to confirm there would be no outside overnight drop off area and no storage outside. Mr. Beach responded in the affirmative.

Kris Pasker, 5263 South 300 West is with PGA&W Architects, the firm hired to assist with this project made note this is the second of seven Goodwill's they are putting in the Valley. Ms. Daniels asked Mr. Pasker if he would be able to comply with the six conditions of approval. Mr. Pasker replied in the affirmative. Mr. Pasker did make note that there will be employees assisting patrons in dropping off re-sale items, however; there will not be any outdoor storage.

The meeting was opened for public comment.

Kim Hibert with Bonneville Realty Management, the property manager for Dalton Plaza, located next door. Mr. Hibert wanted to know if they will have public restrooms available in the store. Mr. Pasker responded in the affirmative.

The public comment section of the meeting was closed.

Mr. Taylor made a motion to grant a Conditional Use Permit for a second hand retail sales business located at the property addressed 6042 South State 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. The landscaping must meet the requirements of Chapter 17.68 of the Murray Municipal Code.
4. The parking shall be reconfigured on site as shown on the site plan. Stalls shall be restriped and directional signage provided both on the pavement and with signs.
5. Donated items shall not be stored outdoors overnight.
6. The trash container shall be screened as required by Section 17.76.170. Refuse and trash shall be located only within approved trash containers that are properly screened.

Mr. Markham seconded the motion.

Call vote recorded by Mr. Beach.

A _____ Tim Taylor
A _____ Karen Daniels
A _____ Ray Black
A _____ Phil Markham

Motion passed, 4-0.

QUIX AUTO SALES – 150 West 4800 South #38 – Project # 12-125

Veronica Ramirez was the applicant present to represent this request. Joshua Beach reviewed the location and request for Conditional Use Permit approval for a car dealership use at the property addressed 150 West 4800 South #38. Municipal Code Ordinance 17.152.030 allows car dealerships within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant will be selling used cars. The floor plan shows the building contains 3,400 sq. ft. of vehicle storage which will require 5 parking stalls at a rate of 1 per 750 sq. ft., and 100 sq. ft. of office which will require 1 parking stall at a rate of 1 per 250 sq. ft., including one disabled stall. Adequate paved and striped parking stalls shall be provided to comply with the parking regulations, including a 16 foot wide disabled stall with sign posted, to meet Municipal Code Chapter 17.72. Six exterior parking stalls, with signs posted, for customers and employees will need to be designated on the site and not be used for display of vehicles for sale. Due to the limited exterior parking for this business use and in order to meet the minimum parking requirements, the space inside the building is to be used for storage of vehicles only. The applicant's site plan indicates that there are 9 spaces available outside for customer and employee use. Three of these spaces may be used for vehicle display. The building meets the required setbacks for the M-G-C zone. The site has existing landscaping which was previously approved. Access into

the property is from 150 west, a private street. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Veronica Ramirez, 150 West 4800 South, #38, stated she is the owner of Quix Auto Sales.

Ms. Daniels asked Ms. Ramirez if she has had a chance to review the 5 conditions for approval and if she is able to comply with those conditions. Ms. Ramirez responded in the affirmative.

Mr. Black asked if this business is strictly sales and not repair. Ms. Ramirez stated they will only be selling vehicles and will not have repair. However, in the future she would like to add a body shop. Mr. Black made note that she would have to come back to get approval for that. Ms. Ramirez stated she understood that.

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 Conditional Use Permit for a car dealership use, for Quix Auto Sales at the property addressed 150 West 4800 South, #38, 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. The project shall meet all Water and Sewer department standards.
4. Adequate parking shall be provided and striped on the site to meet parking ordinance regulations found in Chapter 17.72, including a disabled stall to meet ADA regulations. Six exterior parking stalls, with signs posted will need to be designated on the site for customers and employees and not be used for display of vehicles for sale. Due to the limited exterior parking for this business use and in order to meet the minimum parking requirements, the space inside the building is to be used for storage of vehicles only. The applicant's site plan indicates that there are 9 spaces available outside for customer and employee use. Three of these spaces may be used for vehicle display.
5. The trash container shall be screened as required by Section 17.76.170.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Beach.

A _____ Tim Taylor

A _____ Karen Daniels

A _____ Ray Black

A _____ Phil Markham

Motion passed, 4-0.

RED SKY DEVELOPMENT, LLC – 110 & 134 West Winchester Street – Project 12-129

Rej Hintze was the applicant present to represent this request. Joshua Beach reviewed the request for a Conditional Use Permit for the construction of commercial buildings in the R-N-B zone. In addition the buildings are over 20 ft. tall which also requires approval by the Planning Commission at the properties addressed 110 and 134 West Winchester Street. Municipal Code Ordinance 17.140.040 allows commercial buildings to be constructed within the R-N-B zoning district subject to Conditional Use Permit approval. In addition, Municipal Code Ordinance 17.140.100 allows commercial building to be erected greater than 20 ft. in height in the R-N-B zoning district subject to Planning Commission approval. The applicant proposes to build five office buildings on the site which will all be thirty feet tall. The combined square footage for all five buildings is 15,400 sq. ft. Murray City zoning Code section 17.72.070 requires one space per 200 sq. ft. for medical/dental office space. With 15,400 sq. ft., the property is required to have a total of 77 parking spaces for the development with 4 required handicap spaces with signs posted. The applicant has provided 77 parking spaces on site which meets the minimum requirements for parking on the site. The preliminary site plan provided by the applicant meets the setback requirements for the R-N-B zone which are 20 ft. in the front and the rear and 8 ft. on the sides. The ordinance requires a 10 ft. wide landscape area along all frontages as well as a 10 ft. landscaping buffer along the property line of any residential zoning boundary line. The preliminary plan shows the required 10 ft. landscaping along Winchester Street and along the east and west property line which are boundary lines for the zone. Submittal and approval of a final landscape plan will be required prior to building permit issuance. Access to the site is off of Winchester Street. Mr. Beach indicated that a letter was received by the Community & Economic Development Department from a neighboring resident, Mr. Rackley who lives to the west of the property. Mr. Rackley's concerns are mainly about noise, light and spacing between buildings and property line. Mr. Beach stated that this building does meet required 10 ft. spacing. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Ms. Daniels asked Mr. Beach to restate what he means by 7-10. Mr. Beach stated within the residential neighborhood business zone, businesses are only able to operate from 7am-10pm to protect the residents who live close by.

Mr. Black asked Mr. Beach why staff is allowing the buildings to be higher than 20 ft. Mr. Beach noted that 30 ft. is allowed as long as it is approved by the Planning Commission. For the record Mr. Black noted that he doesn't feel having a building that much higher lends itself to a residential neighborhood. Mr. Wilkinson stated the properties that are closest to this development are indicated in the General Plan to be R-N-B (Residential Neighborhood Business). The maximum building height for a building in the R-1-8 zone is 35 ft., so these buildings won't be as high as what a single family residence could be on the adjoining lot.

Rej Hintze, 11925 South 700 East, Draper, indicated he is representing Red Sky Development, LLC for this application. He stated that this is the type of neighbor he would want you have because the hours of business are typically eight or nine in the morning until five the evening and typically are closed on the weekends. He stated the property will be clean and well landscaped. He stated that they have worked hard to comply with all the conditions and are hopeful of receiving an approval.

Ms. Daniels asked if they have reviewed all 13 conditions of approval and will they be able to comply. Mr. Hintze responded in the affirmative.

Mr. Black asked what types of businesses are foreseen to lease space at this location. Mr. Hintze stated that typically in buildings like this it is likely to see light medical, dental, chiropractors, insurance agents, accountants, small real estate companies that can operate in the 1000-2000 sq. ft. range. Mr. Taylor wondered what the reasoning is behind the layout of the buildings and parking. Mr. Hintze noted it is mostly done that way to maximize the site. Their objective was to keep the view of the parked cars away from the neighbors and try to get as much visibility for the buildings as possible. Red Sky Development feels these buildings are very nice looking buildings. Ms. Daniels wondered if Red Sky Development, LLC has any plans on acquiring the eastern tip of the property. Mr. Hintze stated they have been in discussions with staff in regards to that issue and both sides feel it would be a good move. They have not tried very hard, but have made an effort to reach the owners, but have not yet spoken with them. Ms. Daniels made note of the letter from Mr. Rackley and the inquisition on fencing. Would there be any kind of fencing installed between the buildings and the residents next door. Mr. Hintze stated they hadn't planned on it simply because the fence that is there right now is in good shape and screens well. The lot owned by Mr. Rackley which sits directly next door is a vacant lot and also acts as a good buffer. Mr. Rackley has also been making an effort over the past few years to market that lot as a commercial property, so Red Sky Development felt that putting up a different fence might be somewhat of a waste.

The meeting was opened for public comment.

Christine Rackley-Johansson is Tony Rackley's daughter and representing Mr. Rackley who could not be at the meeting. Mr. Rackley understands there is existing fencing, but the boundary lines are a mess. She also stated their concern will be the large buildings as their family frequently has get together on that lot. She would like to see boundary lines taken care of before any building permits are issued. Ms. Rackley asked about the lighting, boundary lines, zoning, parking and what types of people will be going in and out of there. Ms. Daniels did note that it is zoned R-N-B (residential neighborhood business).

Shane Johansson, 160 West Winchester, stated he is also representing Tony Rackley for this meeting. Mr. Johansson stated Mr. Rackley is in agreement about making the area better, but the way the buildings are situated on the plan takes away his privacy. He feels that rear and side yard definitions should be reviewed according to the way the buildings are situated.

The public comment portion of the meeting was closed.

Mr. Beach noted the concerns of Mr. Rackley. Mr. Beach stated that the property Mr. Rackley owns is zoned R-1-8 (single family residential), but the General Plan shows the entire section north of Winchester Street and west of I-215 to eventually be changed to R-N-B, so this type of building is consistent with the long term plan. The lot line issue needs to be addressed between the two property owners. Regarding the 10 ft. section in question, the city does consider that to be a side yard and as such is only required to have the 10 ft. setback, which this plan does comply with. In regards to lighting; the property lighting must be directed towards the property and not towards the surrounding neighborhood. The parking is situated more towards the interior, therefore shielding neighboring properties from headlights. In regards to the fencing, Mr. Beach stated that if the General Plan showed that Mr. Rackley's vacant lot was to be zoned R-1-8, the city would require there to be a masonry wall built. However, this is not the case as Mr. Rackley's lot is planned to be R-N-B, therefore, it is not required.

Mr. Hintze stated they designed the buildings and lighting plan under very strict guidelines. For obvious safety reasons, there needs to be sufficient lighting. Lighting is directional and will not spill over into the neighboring properties. Because the back sides of the buildings don't need to be lit up, the building will act as a buffer for any lighting the parking lot may have. Regarding the boundary line, Mr. Hintze indicated that they are willing to come to some kind of boundary line agreement with Mr. Rackley; however, the lot line agreement Mr. Rackley keeps sending the applicant requires a fence and Red Sky Development doesn't feel that is necessary.

Ms. Daniels made mention it would be in their best interest to work together with the surrounding neighbors as much as possible.

Mr. Markham made a motion to approve a Conditional Use Permit for the construction of commercial buildings in the R-N-B zone at the property addressed 110 and 134 West Winchester Street, and noting the buildings are in excess of 20 ft. in height, subject to the following conditions:

1. The project shall meet all applicable building and fire code standards.
2. The applicant shall provide stamped and sealed soils report from geotechnical engineer.
3. The applicant shall provide architectural, mechanical, plumbing, electrical and structural plans stamped and sealed by appropriate design professionals to include code analysis and egress plan.
4. Existing parcels shall be combined into one lot.
5. Meet all power department requirements.
6. A drainage plan is required for the parking area and driveway.

7. If buildings are to be divided and sold, a condo plat is required.
8. Repair or replace any damaged curb and gutter and sidewalk along the Winchester frontage.
9. Obtain a City Land Disturbance Permit prior to beginning any site work.
10. Meet all requirements of the R-N-B zoning district related to hours of operation, noise, odors, etc.
11. Applicant shall provide the required 77 paved and striped parking stalls required per the proposed site plan.
12. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester prior to approval of the building permit and installed as approved prior to occupancy. The plan shall show the required 10 ft. landscaping along all frontages measured from back of sidewalk. It shall also show the ten foot landscape buffer on both the east and west side of the property.
13. All trash containers shall be screened as required by Section 17.140.120.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Beach.

A _____ Tim Taylor
A _____ Karen Daniels
A _____ Ray Black
A _____ Phil Markham

Motion passed, 4-0.

Ms. Daniels once again made note that item #8, State & Vine; LLC has been postponed until the November 15th meeting at 6:30pm.

KIDZ ACADEMY – 4790 South Hanaper Street – Project #12-121

Isabel Lopez was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Certificate of Appropriateness and site plan approval for a daycare/preschool business to be located within the existing building. Municipal Code Section 17.170.050 outlines the process for review of applications located within the Murray City Center District (MCCD). Building remodel changes within the MCCD requires the issuance of a Certificate of Appropriateness by the Planning Commission after the project receives review and recommendation from the Design Review Committee. A public hearing is required prior to issuance or denial of the Certificate of Appropriateness. Municipal Code Ordinance allows 17.170.080 allows a daycare/preschool use within the MCCD zoning district subject to site plan approval. This property is on a corner lot and was previously used as an auto repair

business. There is a future plan for Hanaper Street to become a one way street as part of the Cottonwood Street extension. Through the review process it was discovered there are two parcels that make up the site. Those two parcels will need to be combined. There may be future changes needed to this property as a result of the Cottonwood Street extension. The parking lot is in front of the building and the building is non-conforming to the current MCCD code regarding the building setback on the south frontage of the property. The information provided with the plans indicates the age distribution is infant to five years, with a total of 89 children. Classes will be taught throughout the day with parents dropping off and picking up children. There is one room for a nursery with children up to one year. The applicant is planning to make interior remodel changes for the preschool, but is only planning to make minor exterior façade changes to the building with new door, window and exterior lighting fixtures. The interior floor plans show classrooms, office, kitchen, nursery, restrooms, and a teacher's lounge/storage area on the second story of the building. The applicant indicated she will apply for signage approval separately. The applicant plans to construct a playground area for the children at the south west side of the building. The exterior of the existing building is constructed with brown color brick materials. The applicant is planning to make minor exterior façade changes to the building with new door, window and exterior lighting fixtures. The plans show the windows and doors on the building elevation provided. The landscaping standards for the MCCD call for water conserving landscaping design with use of indigenous species of trees and shrubs. The site will need to be upgraded with landscaping/sprinkler system to comply with Municipal Code 17.68 and MCCD code regulations. A landscaping plan has been submitted for the site with the application materials for the site. The information provided indicates that 24% of the site will be landscaped. There will need to be changes to the landscaping plan to comply with code regarding less sod materials. The plans show the drive access to the parking lot is from Hanauer Street. The site plan shows 15 total parking stalls provided including 4 parking stalls at the Hanauer Street frontage. The MCCD zone allows counting on street parking stalls toward meeting minimum requirements. The applicant indicated there will be a total of 9 staff for the preschool business. One parking stall is required for each staff and one parking stall for each 5 children in the nursery and one parking stall per 2 classrooms. The floor plan shows 5 classrooms. A minimum of 14 parking stalls are required. The applicant is planning to attach new light fixtures to the exterior of the building. The building elevations show the proposed lighting fixtures at the exterior of the building. Exterior lighting and parking lot lighting should be shielded and should not spill onto adjacent properties to comply with MCCD regulations. The existing building is legal non-conforming regarding the setback requirement at the 4800 South street frontage in the MCCD zone. Access to the property is from Hanauer Street and 4800 South Street. Based on the information presented in this report, application materials submitted and the site review, staff recommends the planning commission grant approval of the Certificate of Appropriateness and site plan approval for the daycare/preschool business subject to conditions.

Mr. Taylor asked if the building on the west side of the property line is a home or business. Mr. Wilkinson made note that building is a business.

Mr. Markham asked if a soils test is required since it was previously an automotive business. Mr. Wilkinson stated there is nothing required in the MCCD Design Review

Guidelines or City Code, but that issue could be brought up as a concern. Since they do need to get the proper permits from the Department of Health, it is possible that entity would screen for soils testing, but Murray City does not have any requirement for it.

Isabel Lopez, 4790 South Hanauer Street, stated she has reviewed the 12 conditions of approval and will comply. Ms. Lopez stated in order for the SBA to give her a loan, they required a lot of tests to be done and she has complied with all of those tests. Mr. Markham thought that was great and added that it's also good to have for her own protection.

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

Mr. Taylor made a motion to grant approval of the Certificate of Appropriateness and site plan approval for the daycare/preschool business at the property addressed 4790 South Hanauer Street, subject to the following conditions:

1. Exterior lighting and parking lot lighting shall be shielded and shall not spill onto adjacent properties.
2. A formal landscaping/irrigation plan meeting the requirements of Section 17.170.160 and Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City staff and landscaping/irrigation system shall be installed as approved prior to occupancy.
3. The trash enclosures shall be screened in compliance to Section 17.76.170.
4. All fencing on site shall comply with fence code regulations. Fencing at street frontages shall be removed or relocated in back of the required frontage landscaping.
5. Adequate parking stalls shall be paved and striped for the business use to comply with zoning and ADA regulations.
6. The property owner shall combine the two parcels of property into one parcel and provide the City a copy of the recording at Salt Lake County Recorder's office prior to application for a building permit.
7. The project shall meet all applicable building code standards. Provide stamped and sealed plans by appropriate design professionals to include code analysis and egress plan. An architect or engineer to complete change of use per Murray City policy.
8. The project shall meet all current fire codes.
9. Comply with Murray Water & Sewer and Murray Power Department requirements.

10. Replace of any damaged curb, gutter and sidewalk along the 4800 South and Hanauer Street frontages to meet the approval of the city engineer.
11. A drainage plan is required if the parking lot and site modifications alter the site drainage patterns.
12. Comply with Utah State requirements for daycare.

Mr. Markham seconded the motion.

Call vote recorded by Mr. Wilkinson.

A _____ Tim Taylor
A _____ Karen Daniels
A _____ Ray Black
A _____ Phil Markham

Motion passed, 4-0.

TIM VANDERLINDEN – 1765 & 1775 East Vine Street – Project #126 & #127

Tim Vanderlinden was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a General Plan amendment from Single Family Low Density Residential to Multi-Family Low Density Residential and a zone change from R-1-10 to R-M-10. The property has two dwellings addressed 1765 East and 1775 East Vine Street. The property was annexed into Murray from Salt Lake County with the two dwellings. The General Plan has this property designated for residential single family low density, but this property is located adjacent to residential duplex lots. The applicant is proposing a multi-family low density residential zone to make the existing two dwellings on the lot conforming to the R-M-10 zone and has future plans to construct a new residential duplex on the property. Various permitted uses are allowed in the R-1-10 zone such as single family dwellings and accessory uses, garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include churches, schools, public parks, and libraries. Various permitted uses are allowed in the R-M-10 zone such as single family dwellings, duplex dwellings and accessory uses, garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include multi-family dwellings, retirement homes, churches, public parks, libraries and schools. The property contains .25 acres and is located at the north side of Vine Street. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Murray General Plan Amendment and Zone Change.

Mr. Markham asked Mr. Wilkinson if he felt the only suitable size dwelling would be a duplex. Mr. Wilkinson stated if they met the densities, they could possibly do two detached residences or a single family home. Mr. Taylor asked if the standards are the same for the height maximums. Mr. Wilkinson responded in the affirmative.

Mr. Vanderlinden, 2074 Sample Cove, stated he did not have any additional comments.

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 forward a recommendation of approval to the City Council for the requested Murray General Plan Amendment from Single Family Low Density Residential to Multi-Family Low Density Residential and a zone change from R-1-10 to R-M-10 for the properties addressed at 1765 & 1775 East Vine Street.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Wilkinson.

A _____ Tim Taylor

A _____ Karen Daniels

A _____ Ray Black

A _____ Phil Markham

Motion passed, 4-0.

LAND USE ORDINANCE TEXT AMENDMENT - Home Occupation Zoning Text Amendment to Section 17.24 for Construction Businesses – Project # 12-118

Chad Wilkinson reviewed the proposal to amend the Home Occupation standards to remove construction businesses from the list of prohibited uses and to provide additional standards for approval of these types of home based businesses. Mr. Wilkinson reviewed the request for the home occupation zoning text amendment change to Section 17.76 in the Murray City Code. The Murray City zoning ordinance allows for the establishment of home occupations as accessory uses in all residential zones subject to specific standards. Among the standards, certain uses are explicitly prohibited from being established as home occupations. In 2007, the City Council added construction businesses to the list of prohibited uses based on several problems with existing home based construction businesses. Concerns included storage of materials and large equipment on residential properties, mobilization of construction crews in residential neighborhoods, noise, hours of operation and other similar complaints. The City continues to receive requests for home occupation licenses for construction businesses, contractors and “handyman” services. The City Council has received recent requests from residents to allow construction businesses as a home occupation. On August 21, 2012 the City Council directed staff to reconsider the prohibition of construction businesses as home occupations and to analyze whether additional standards could be developed to protect neighboring properties. The purpose of the Home Occupation standards as stated in Chapter 17.24 is to allow for certain income producing accessory uses in residential districts that are compatible with and not detrimental to the neighborhood in which they are located. The Code identifies that certain uses are not appropriate because of their tendency “to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of the residentially zoned area.” In the past, several

home based construction businesses have created neighbor concerns by storing equipment and materials on site and by mobilizing crews from their home early in the morning creating noise and parking concerns from neighbors. The home occupation standards currently limit the size and number of vehicles, number of employees, storage of materials and uses that produce noises or fumes. However, these restrictions have not always prevented violations of the ordinance and have resulted in difficult code enforcement because of the nature of the uses to expand beyond the impacts typically associated with a residential use. If such uses are to be reconsidered for home occupations, additional neighborhood involvement should be considered to address potential impacts to the neighborhood. The proposed ordinance includes a public notice process for uses that have higher potential for neighborhood impact. The text also adds a new category of home occupation termed major home occupation. These major home occupations would include construction businesses and uses that have clients coming to the home. A major home occupation, unlike the typical conditional use, is a business that would be personal to that applicant and would not transfer with the land and would be subject to annual renewal. The proposed language would require signatures from neighboring property owners that are adjacent or abutting, stating that they have no objections to the proposed use. In cases where the neighbors objected to the use, a public meeting could be requested at which the planning commission would consider the request. In the event the applicant is unable to obtain those signatures, they still have an opportunity to request the approval of the use through the Planning Commission. The proposed text provides for this process. The Code states there can be limits on hours of operation, number of clients, provision of adequate off street parking and any other conditions that would deem appropriate in conjunction with the impact of the business on their property. An alternative to including a new process is to simply allow the use under the existing provisions of the Code. This is also a possibility, but would allow for uses to be established without public notice. In addition, the Commission may wish to consider any additional uses that should be specifically prohibited. Staff has proposed additional prohibited uses to address recent requests and to clarify whether some additional uses should be prohibited based on the characteristics of the use. Uses include for consideration include vehicle sales, sexually oriented businesses and limousine/taxi services, on-site carpentry work, tattooing. 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 Chapter 17.24 related to home occupations.

Ms. Daniels asked if signatures are obtained, is there any way to have those signatures verified. Mr. Wilkinson noted the signatures would be checked against the Salt Lake County Assessor's ownership roles.

Mr. Markham asked Mr. Wilkinson if private schools are differentiated in the Code from Pre-schools as a home occupation. Mr. Wilkinson responded in the affirmative. Mr. Markham asked Mr. Wilkinson if he feels there are a lot of construction businesses operating outside of the Code. Mr. Wilkinson responded in the affirmative. Mr. Markham asked if the City has done anything to regulate that. Mr. Wilkinson stated that due to limited staff, enforcement is based on a complaint basis and/or through businesses registering with the State.

Mr. Black stated that construction subcontractors have always been known in the past to work under the radar either out of their home or their car. Mr. Wilkinson stated that there are quite a few people that would like to establish contracting or handyman businesses legally. Larger companies are now hiring their installers as independent contractors. Those installers need to have a business license in order to be covered under that company's workman's compensation plans.

Mr. Taylor questioned several uses that would be allowed; one being home medical services/offices (i.e. prosthesis fitting, wheelchair sales). Mr. Wilkinson stated that it would depend on if those types of businesses have people coming to them for services or if they went out to the client. Mr. Wilkinson stated that this change to the Code would not prohibit looking at businesses on a case by case basis. Mr. Taylor stated he likes the fact that staff has made a provision within the application where signatures must be obtained from abutting and adjacent property owners. Mr. Taylor questioned what happens with non-owner occupied properties when the neighboring properties disapprove. Mr. Wilkinson stated that not being able to obtain signatures from abutting/adjacent property owners would not be a dead end for the business owner, but instead the issue would come to the Planning Commission.

Ms. Daniels stated that she would rather have it state in the Code that the applicant must try to obtain signatures. Mr. Wilkinson responded by saying that the City would try to give the applicant some financial motivation in situations like that. For instance, if signatures were obtained they would be charged the regular business license fee, if they were not obtained or the abutting/adjacent property owners disapproved, there would be a fee required for the administration process.

Mr. Markham clarified that changing this text ordinance would not just be for the construction business, but for a larger scope of businesses within this ordinance. Mr. Wilkinson responded in the affirmative.

Mr. Black commented that he likes the idea that the use and/or business have to be renewed and reviewed every year.

Mr. Markham expressed concern about the burden that will be placed on city staff with no additional monies or new hires. The other commission members agreed with that concern. Mr. Markham stated that this issue is big enough that he would like to have more discussion and input by including the members of the Commission that are absent from this meeting.

Mr. Taylor questioned massage uses, and how that fits in as a home based occupation. Mr. Wilkinson stated that legitimate massage, which requires a state license, would not be that big of a concern. Mr. Beach commented that Murray City Business Licensing requires those businesses to get a background check as well as getting licensed from the state. Mr. Wilkinson stated currently there are a few home occupation massage therapists operating in Murray, but there haven't been any reported problems.

Mr. Taylor asked about possible options for these proposed ordinance amendment. One would be to leave the Code the way it is, which at the moment does not allow

construction uses, or we can allow those uses, but under the existing Code which would only have to be handled administratively. Mr. Wilkinson responded in the affirmative. Mr. Taylor stated that another option would be to require a whole new application process.

Mr. Markham stated they could adopt the proposed language and deal with the construction issue separately, by either voting it to be allowed or prohibited. Mr. Taylor commented that since the economic conditions have changed in recent years, it is probable that more people have moved back into their homes to run a business. Mr. Wilkinson stated there have been a lot of requests in the business licensing department for these types of uses.

Mr. Taylor stated that it would be interesting to hear from an administrative perspective of things what would change as far as forms, processes, etc. Mr. Wilkinson stated there would be an increased administrative work load; however the hope is the applicants would go out, obtain the signatures and do the footwork themselves. Mr. Markham asked if this issue were to be postponed to another date, what is a reasonable amount of time to look it over. Ms. Daniels stated that if the issue gets continued, they have enough commission members in attendance at the next meeting to come to a decision. Mr. Wilkinson noted as far as staff is concerned, they are ready anytime. Ms. Daniels stated that it might be more consistent if all "major" home occupations had to go through the same process. Mr. Wilkinson suggested that if the issue were to be postponed, he would urge the commission to move forward sooner than later as the City Council is expecting to hear on this issue. If there are commission members that will not be present at the next meeting, staff could put in a request for those members to review the issue and send in a written input for consideration.

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 negative recommendation to the City Council with regard to approval for the home occupation zoning text amendment change to Section 17.76 in the Murray City Code.

Mr. Black seconded the motion.

Mr. Taylor asked if that motion is due to the added burden this will put on the city administration. Mr. Markham responded in the affirmative. Mr. Markham stated that he has concerns about the home construction trade being in a neighborhood as well. Mr. Black feels the same about the burden being put on city administration and the construction trade being in a neighborhood. Mr. Taylor cited that the terms positive and negative were used in the motion, but the wording that should be used is, recommendation of approval or recommendation of denial.

Mr. Markham restated the motion to say, that a recommendation of denial be forwarded to the City Council for home occupation zoning text amendment change to Section 17.76 in the Murray City Code. Mr. Black seconded the motion.

Call vote recorded by Mr. Wilkinson.

N _____ Tim Taylor
N _____ Karen Daniels
A _____ Ray Black
A _____ Phil Markham

Motion fails for lack of majority.

Mr. Taylor stated he would like to have further discussion between commission members and staff. Mr. Markham reiterated that their decision is merely a recommendation to City Council and not a final decision. Mr. Wilkinson made note that the City Council takes the Planning Commission's recommendations very seriously. Mr. Black commented that construction contractors go through stages. In the beginning they may not have any equipment or only enough to fit into their personal vehicle. From there they move up to storing things at a commercial storage location and so on as they become more successful. Mr. Wilkinson made note that the only way to have a construction business in Murray at this time is to have a commercial location. He also admits there are some offenders out there that are operating illegally, but it is hard to enforce.

Mr. Taylor made a motion to continue this item until the next scheduled meeting to facilitate more discussion, for the purpose of receiving input from the members of the Planning Commission that are not in attendance at this meeting.

Mr. Markham seconded the motion.

Call vote recorded by Mr. Wilkinson.

A _____ Tim Taylor
A _____ Karen Daniels
A _____ Ray Black
A _____ Phil Markham

Motion passed, 4-0.

SWIMMING POOL GATE TEXT AMENDMENT – Swimming Pool Second Gate Text Amendment to section 17.76.160 – Project # 12-119

Chad Wilkinson reviewed the proposal for a Land Use Ordinance text amendment regarding swimming pool second access gate approval requirements in Section 17.76.160. The proposal amends the requirement for a Conditional Use Permit approval, by the Murray Planning Commission, for a second gate for swimming pools in commercial, multi-family residential, agriculture and single family residential developments. The allowance for more than one gate changes to City staff approval. The purpose for the text amendment for commercial, residential and agricultural zones is to bring the Land Use Code into compliance with International Building Code requirements for gates and exit codes. The Murray City Building Department has recently required developers of projects in the Transit Oriented Development to install

two gates based on the requirements of occupant exit codes and numbers of occupants using the swimming pools. 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 Municipal Code 17.76.160 for swimming pools.

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

Mr. Taylor made a motion to forward a recommendation of approval to the City Council for the requested amendment to the Municipal Code 17.76.160 for swimming pools.

Mr. Markham seconded the motion.

Call vote recorded by Mr. Wilkinson.

A ___ Tim Taylor
A ___ Karen Daniels
A ___ Ray Black
A ___ Phil Markham

Motion passed, 4-0.

OTHER BUSINESS:

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development