

Minutes of the Planning Commission meeting held on Thursday, December 6, 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  
Scot Woodbury  
Vicki Mackay  
Tim Taylor  
Chad Wilkinson, Division Manager  
Mark Boren, Assistant Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

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. Mr. Harland announced that agenda items #6, Blade Finish Carpentry has been withdrawn from the agenda. He reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

There were no minutes to approve.

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Mr. Taylor made a motion to approve the Findings of Fact for Murray School District, Christensen Imports and The Tutoring Center on November 15, 2012. Seconded by Ms. Daniels.

A voice vote was made. Motion passed 7-0.

#### ALTA AUCTIONS – 4290 South State Street – Project # 12-140

Gerdt Pohlsander of Alta Auctions was the applicant present to represent this request. Mark Boren reviewed the location and request for a Conditional Use Permit for a consignment auction house and retail sales business in an existing 27,280 sq. ft. building. Municipal Code Ordinance 17.160.030 allows auction houses and retail sales within the C-D-C (Commercial Development Conditional) zoning district subject to Conditional Use Permit approval. The site plan shows 71 total parking spaces on site for the proposed business. The 9,865 sq. ft. retail section of the business will require 50 parking stalls based on Murray City code which requires 1 space for every 200 sq. ft. of retail space; the 15,893 sq. ft. warehouse section of the building will require 21 parking stalls based on Murray City code which requires 1 space for every

750 sq. ft. of warehouse space. The total number of required parking stalls is 71 with three required handicap stalls. The building complies with the setback requirements for the C-D-C zone. The landscaping on site hasn't been maintained since the last tenant vacated the premises, and needs to be upgraded to meet the current city code. Murray City code requires that landscaping in the front setback areas be covered with grass over between forty (40) and fifty percent (50%) and with ground cover and shrubbery over between fifty (50) and sixty percent (60%). In addition, the landscaping adjacent to the building needs to be upgraded to meet city code and be maintained. Because one additional parking stall is being added to the northeast corner of the property, a section of landscaping will be required in that area. There are two driveway accesses to the property from State Street and two driveway accesses from Fireclay Avenue. Mr. Boren stated there were originally 7 conditions of approval on the staff report, but condition #7 has been removed. Condition #7 was: Complete work required to narrow the northeast driveway as shown on the submitted plan. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Gerdt Pohlsander, 2447 Robidoux Road, the applicant thanked Mr. Wilkinson, Mr. Boren and Mr. Christensen for helping him understand everything the business needed to do. He is excited to be in Murray and hopes for a successful business that will strengthen the community and help the area grow.

Mr. Harland asked Mr. Pohlsander if he has had the chance to review the conditions of approval and if will be able to comply. Mr. Pohlsander responded in the affirmative. Mr. Harland asked Mr. Pohlsander what type of auctioning will be done. Mr. Pohlsander stated it is an inside auction consisting of consignment items held on week nights and Saturdays.

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

Mr. Black made a motion to approve Conditional Use Permit for Alta Auctions, a consignment auction house and retail sales business for the property addressed 4290 South State Street, subject to the following conditions:

1. The project shall meet all applicable building code standards, including submittal of stamped and sealed plans by an appropriate design professional to include code analysis and egress plan and compliance with IBC Section 3408.1.
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 lot shall be patched, resurfaced or sealed, and reconfigured on site as shown on the site plan. Stalls shall be restriped and directional signage provided both on the pavement and with signs. All off street parking shall comply with Section 17.72 of the Murray City code.

5. A "deferral agreement" and cash deposit or letter of credit in the amount of 125% of the cost of the improvements will be required for any required parking lot or landscaping improvements that can't be completed due to weather or other circumstances. This agreement must be in place before a business license will be approved.
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.

Ms. Daniels seconded the motion.

Call vote recorded by Chad Wilkinson.

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

Motion passed, 7-0.

CAROL MERWORTH 5485 Walden Meadows Drive – Project # 12-143

Carol Merworth was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for an attached accessory dwelling unit in a converted garage located at the property addressed 5485 Walden Meadows Drive. Municipal Code Ordinance 17.78.030 allows an accessory dwelling unit within the R-1-8 (Low Density Single-Family Residential) zoning district subject to Conditional Use Permit approval. The ADU ordinance allows for the approval of an attached accessory dwelling unit in a single family residential zone providing the owner resides at the property as their principle residence and meets several design standards. The ordinance limits the size of accessory dwelling units to 1,000 sq. ft. or 40 percent of the square footage of the primary structure whichever is less. The applicant is proposing an 840 sq. ft. accessory dwelling unit which is 29% of the total house area with the addition. The proposed dwelling unit includes one bedroom. There are two entrances to the unit, one in the front and one on the side of the home. The ADU ordinance explicitly prohibits entrances in the front yard (Section 17.78.040). The applicant has applied for a building permit to remove the entrance in the front yard. The same ordinance also prohibits the installation of separate utility meters for accessory dwelling units. The standards for accessory dwelling units require two additional off-street parking spaces besides those required for the principal unit and in no case less than 4 spaces. The submitted plan shows adequate space available for off-street parking for four parking stalls. The buildings comply with the required setbacks for the R-1-8 zone district and accessory dwelling unit setback requirements. Access to the property is from Walden Meadows Drive. Based on the

information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Carol Merworth, 5485 Walden Meadows Drive, stated she did not have anything to add to the presentation. Mr. Harland asked if Ms. Merworth has had the opportunity to review the 5 conditions of approval and if so, is she able to comply. Ms. Merworth responded in the affirmative.

Richard Welch, 932 Walden Meadows Drive, stated he is a builder and will be completing this project for Ms. Merworth. He stated that Mr. Wilkinson has worked with them to understand the conditions so that they can be met. He stated that this accessory dwelling will be a benefit to the neighborhood and the applicant. They will be installing what is requested by the city to meet code. There will be no occupancy until the dwelling is in full compliance. Mr. Welch commented that Ms. Merworth asked about carbon monoxide alarms. Mr. Markham stated that is part of the fire code. Mr. Wilkinson also commented that will be regulated through the building and fire safety codes and they will need to work with the building official on that matter.

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

Mr. Woodbury made a motion to approve a Conditional Use Permit for an attached accessory dwelling at the property addressed 5485 Walden Meadows Drive, 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 units will be required to have hard wired interconnected smoke detectors and carbon monoxide alarms per R314.3 and R315.1
4. Comply with all Murray Water and Sewer Department and Power Department requirements.
5. The applicant shall submit evidence that the property is their principal residence and shall submit an affidavit stating that they are the owner of the property and that they will live in either the primary or accessory unit as their principal residence. Once the affidavit has been approved by City staff, it shall be recorded against the property. A copy of the recorded affidavit shall be provided to Community and Economic Development staff.

Mr. Markham seconded the motion.

Call vote recorded by Chad Wilkinson.

    A \_\_\_\_\_ Jim Harland

    A \_\_\_\_\_ Karen Daniels

    A \_\_\_\_\_ Phil Markham

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

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

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

A \_\_\_\_\_ Tim Taylor

Motion passed, 7-0.

OTHER BUSINESS

There was no other business to discuss.

Meeting adjourned.

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Chad Wilkinson, Manager  
Community & Economic Development