

Minutes of the Planning Commission meeting held on Thursday, September 5, 2013 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Chair
Tim Taylor, Vice-Chair
Jim Harland
Vicki Mackay
Phil Markham
Scot Woodbury
Maren Patterson
Chad Wilkinson, Community Development Manager
Brad McIlrath, 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.

Karen Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes of July 18, 2013 and August 1, 2013 as corrected. Seconded by Mr. Markham

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

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 Conditional Use Permits for Classic Jewelers, Mactraders LLC, eco-ATM, Central Village and Allsop Athletics. Seconded by Mr. Harland.

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

BLU, LLC – 5282 South 320 West #D232 – Project #13-140

Majesta Herrera was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Reiki Business for the property addressed 5282 S. Commerce Drive #D-232. Municipal Code Ordinance 17.160 allows a Reiki Business (LU #6297) within the C-D-C zoning district subject to Conditional Use Permit approval. The application is for a Reiki business to be located in a 1,488 square foot office space. This office space will be 1,488 square feet and will consist of five client rooms equaling a total of 522 square. The remaining 966 square feet will

be used for a waiting room, an employee break room, and storage. This business will occupy unit D-232 of the office building. The minimum parking requirements for this type of business are based upon the requirements for beauty and barber shops. Like beauty and barber shops, this type of business also has individual work stations. This business will have a total of 5 work stations and there should be a total of 15 parking stalls provided for this business. This calculation is based upon the parking requirement for this use which states, "3 spaces for each chair." The applicant has indicated that there is a shared parking agreement for all tenants and that there will be sufficient parking provided for this business. Striped parking stalls are faded and no longer visible in the northwest area of the paved parking lot. All parking stalls shall be striped or re-striped in order to meet the minimum requirements for off street parking. The office building for this business and use meets the minimum setback requirements for the C-D-C zoning district. As part of the permit process, landscaping on a property must meet the current requirements of the landscape ordinance and be approved by planning staff in order for a Conditional Use Permit to be issued. Landscaping is required along the frontage and within the interior of properties. The frontage of this property, not including the drive access, is 120 linear feet. According to the landscape ordinance there shall be, "three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs per one hundred linear feet of frontage." For the frontage of this property there shall be four (4) trees, six (6) 5-gallon shrubs, and twelve (12) 1-gallon shrubs planted or in place. All landscaping must meet a minimum 50% of landscape bed coverage at time of planting. Current landscaping along the frontage area includes two trees, grass and the sufficient amount required 1-gallon shrubs. In order to meet the requirements of the landscape ordinance, two (2) trees and six (6) 5-gallon shrubs will need to be installed. All other current landscaping for this property is sufficient to meet the requirements of the land use code. Access for this property is directly off of Commerce Drive and is a shared access for all of the businesses in this building. The Murray City Police Department has concerns with regulating this type of business due to illegal activities found in other Reiki businesses within Murray and neighboring cities. The police department would like to review the business license application in detail before a business license is issued. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Markham asked staff if making improvements with the re-striping of the parking lot is the responsibility of the applicant or of the property owner. Mr. McIlrath replied that it is the responsibility of the property owner. In addition to the re-striping, the property owner is also responsible for the landscaping improvements.

Mr. Harland asked staff if it is still required to have a property owner sign an affidavit. Mr. McIlrath confirmed that this is still required it just wasn't included in the packet.

Majesta Herrera, 2380 Big Oak Court, SLC. Ms. Daniels asked Ms. Herrera if she has read the six conditions of approval and if she can comply with them. Ms. Herrera responded in the affirmative. Ms. Herrera stated she had a concern regarding the hours of operation. Mr. McIlrath clarified that hours of operation will be allowed between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. Ms. Herrera provided a letter from the property owner stating the parking lot striping and the landscaping will be finished.

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 a Reiki Business for the property addressed at 5282 S. Commerce Drive # D-232, 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. A business license shall be obtained prior to any business operations for BLU, LLC.
4. All parking areas for the property shall be re-striped prior to the issuance of a business license.
5. Landscaping shall be installed meeting the requirements of Chapter 17.68 of the Murray Municipal Code prior to the issuance of a business license. The landscaping shall address the landscape improvements required for the property frontage.
6. Due to the nature of the business, hours of operation shall be limited to between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

Seconded by Mr. Markham.

Call vote recorded by Chad Wilkinson.

A _____ Scot Woodbury
A _____ Maren Patterson
A _____ Phil Markham
A _____ Karen Daniels
A _____ Vicki Mackay
A _____ Tim Taylor
A _____ Jim Harland

Motion passed, 7-0.

REVERE COURT SUBDIVISION – 999 East 5600 South – Project #130-142

Jared Ford was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for preliminary/final subdivision approval and Conditional Use Permit for a four lot infill subdivision at the properties addressed 999 East 5600 South. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the planning commission. Municipal Code Chapter 17.58 authorizes the planning commission to approve Conditional Use Permit for residential infill subdivisions.

The applicant is requesting preliminary/final subdivision approval for a four lot infill subdivision. The proposed four lot infill subdivision requires Conditional Use Permit approval by the Murray Planning Commission. All of the lots exceed the 8,000 sq. ft. minimum area and comply with the minimum lot width and frontage requirements. All dwellings shall comply with the zoning code setback requirements. The minimum front and rear yard setback depth for single family residential infill development shall be 20 feet. The lots are required to be landscaped in compliance with zoning regulations. Access into the property is from 5600 South and Revere Circle. Murray City Code Title 16 outlines the requirements for subdivision review. The Murray Planning Commission is required by State Code(10-9a-207) to conduct a public hearing and review all subdivisions of property within the City. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the City. The Planning Commission acts as an advisory body to the Mayor and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Commission's review and recommendation of a subdivision application, it will be forwarded to the Mayor for final approval. The plat is then forwarded to the Salt Lake County Recorder's office for review and recording.

Based on the information presented in this report, application materials submitted and the site review, staff recommends the commission approve the Conditional Use Permit and send a recommendation to the Murray City Mayor for final approval of the infill subdivision subject to conditions.

Jared Ford, 12773 S. Ann Christine Court, Riverton, with Ensign Engineering indicated that he was representing the applicant. Ms. Daniels asked Mr. Ford if he has read the six conditions for approval and if he can comply with them. Mr. Ford responded in the affirmative. He expressed concern with condition #12 regarding the 6' sidewalk due to there being a power pole in one location that would restrict a portion of the width. Mr. Wilkinson stated that this condition was recommended by the City Engineer and the planning staff is not prepared to make changes to this condition.

Mr. Markham stated that there can be reasonable accommodations that can be made if there is a power pole in the way.

The meeting was opened for public comment.

Max Reese, 977 East 5600 South, stated that he is the representative of this property as it belongs to his parents. Mr. Reese stated that this development would be an improvement on this property and a great addition to Murray.

The public comment portion of the meeting was closed.

Mr. Harland made a motion to approve a Conditional Use Permit for Revere Court, for the property addressed at 999 East 5600 South, 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. The project shall meet all applicable building code standards. Provide soils report from geo-technical engineer at time of submittal for building permits.
3. The project shall comply with current fire codes.
4. All fencing shall comply with applicable zoning ordinance standards.
5. Meet City subdivision and plat requirements, including showing utility easements to comply with code.
6. Meet City drainage requirements.
7. Obtain irrigation company approval and pipe the irrigation system.
8. Obtain all utility company approvals needed to serve the subdivision.
9. Obtain a Land Disturbance Permit prior to beginning site construction work.
10. Provide an escrow security bond for subdivision improvements.
11. Dedicate a 36' width on 5600 South frontage to match the established right-of-way west of site.
12. Install curb and gutter and 6' wide sidewalk along 5600 South frontage.
13. Install sidewalk access ramp at corner of 5600 South and Revere Circle.
14. Repair or replace any damaged sidewalk or curb and gutter along Revere Circle frontage.

Seconded by Mr. Markham.

Call vote recorded by Chad Wilkinson.

A Scot Woodbury
A Maren Patterson
A Phil Markham
A Karen Daniels
A Vicki Mackay
A Tim Taylor
A Jim Harland

Motion passed, 7-0.

LAND USE ORDINANCE TEXT AMENDMENT – Fence Height Ordinance Section 17.64 – Project #13-141

Chad Wilkinson reviewed this proposal for an ordinance text amendment. The recently adopted 2012 Building Code included changes to the regulation of fences. Prior Codes had required a building permit for any fence exceeding six feet in height. The 2012 Code increases the height of non-regulated fences to seven feet.

Current zoning ordinance standards limit the height of fences in residential and nonresidential zones to six feet. The Building Official has recommended that the maximum fence height standards of the Zoning ordinance be increased to seven feet in order to be consistent with the adopted building code standards. However, staff has concerns that the increase in height may not be appropriate in all situations, especially in small lot single family residential subdivisions, where fence height could impact adjoining property owners. Potential impacts could include shading of adjoining properties, obstruction of view, and other aesthetic impacts. There may be situations where a seven-foot fence could be appropriate, such as:

- Zone buffer fences/walls between commercial and residential properties; (Note: The current ordinance allows for additional height in this situation subject to Planning Commission approval).
- Areas along high capacity roadways such as arterial and collector streets;
- Fencing surrounding large agricultural properties;
- Fencing surrounding industrial or commercial properties;

Because of the potential impacts of an increase in height, staff is seeking input from the Planning Commission on this issue, which will be followed up by a recommendation at a subsequent meeting. A copy of the current ordinance with the applicable standards was attached for the planning commission to review.

Mr. Markham asked that all the circumstances mentioned above could still be petitioned and a higher than 6 foot fence could be put in under the present code. Mr. Wilkinson replied that a property owner could apply for a variance to increase the height.

Ms. Daniels clarified that the building code has changed to a seven foot fence, but the zoning ordinance can be kept at six feet. A discussion was held concerning the change; if the ordinance is changed to seven feet, it raises concern the people will want to go slightly over seven feet just as they are going over six feet.

Mr. Wilkinson stated that staff is not necessarily opposed to this ordinance change however, there are concerns. Mr. Harland asked staff if the ordinance could be modified so that in certain places the standard height is seven foot. Mr. Wilkinson replied in the affirmative.

Ms. Mackay had concern about the zoning code being read when applying for a building permit. Mr. Wilkinson was asked if staff was interested in considering this building code in some instances. There was discussion on which circumstances the seven foot fence should be allowed. Mr. Harland asked if there were landscaping height restrictions. Mr. Wilkinson clarified and stated there are restrictions to hedge height. Mr. Wilkinson indicated that staff will draft an ordinance for the commission to

consider and will schedule it as an agenda item.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 7:19 p.m.

Chad Wilkinson, Manager
Community & Economic Development