

Minutes of the Planning Commission meeting held on Thursday, December 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  
Maren Patterson  
Scot Woodbury  
Chad Wilkinson, Community Development Manager  
Brad McIlrath, Assistant Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Phil Markham  
Vicki Mackay

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 from November 21, 2013 as presented. Seconded by Mr. Taylor.

A voice vote was made. Motion passed, 5-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

There were no changes made to the Findings of Fact. Mr. Taylor made a motion to approve the Findings of Fact and Conclusions for New Valley Marble and Granite Conditional Use Permit.

Seconded by Mr. Harland.

A voice vote was made. Motion passed, 5-0.

#### LANA CHRISTIANSEN – 6480 S. Rothmoor Drive – Project #13-186

Lana Christensen was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit approval for an accessory dwelling unit for the property addressed 6480 S. Rothmoor Drive. Municipal Code Ordinance 17.100 and 17.78 allow accessory dwelling units within the

R-1-8 zoning district subject to Conditional Use Permit approval. The applicant is proposing to use a portion of the basement of her home as an Accessory Dwelling Unit. The area to be used for the ADU will be approximately 975 square feet. There will be one kitchen, one bedroom, and a large living area as part of the ADU. There will be four remaining rooms in the basement that will not be used as part of the accessory dwelling. The applicant has indicated that there will be no access allowed to those rooms and that those rooms will still be used as part of the main dwelling. As required by the ADU ordinance, the owner of the property shall live in either the main dwelling or the accessory dwelling as their primary residence. The applicant currently uses the main dwelling as her primary residence and will continue to do so. Evidence of that occupancy shall be submitted and maintained with Murray City. This evidence is required to be submitted to City staff as the Accessory Dwelling Unit – Owner Occupancy Affidavit. The purpose of this provision is to ensure that the subject property is maintained and that potential impacts to neighbors can be quickly addressed by the property owner. The affidavit shall be recorded on this property in order for future property owners to be notified of the status of the unit, and that future property owners are required to reauthorize the unit in order to continue the ADU use. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Lana Christiansen, 6480 Rothmoor Drive. Ms. Christiansen stated that she is living alone and has had an attempted break in and she would like someone to be in the basement. Ms. Christiansen explained that her neighbors to the south previously had an issue with parking, but that there is enough parking in the driveway.

Ms. Daniels asked Ms. Christiansen if there someone that lives in the basement of the home, will they stay within the designated parking. Ms. Christiansen responded in the affirmative. Ms. Daniels asked Ms. Christiansen if she has had an opportunity to read the five conditions of approval and if she can comply with them. Ms. Christiansen responded in the affirmative. Ms. Christiansen stated that she needs to get bids from electricians to do the hardwiring for the smoke detectors.

The meeting was opened for public comment.

Dave Wride, 6492 Rothmoor Drive. Mr. Wride stated he lives next door and is not excited about having renters. He stated that the subdivision is supposed to be a non-renter and to be occupied by family's only, single family dwelling. Mr. Wride feels that Ms. Christiansen lied about what she was doing and snuck this in. Mr. Wride expressed that there are enough renters in the neighborhood and this should not be approved.

Gary Cannon, 6512 Rodeo Lane. Mr. Cannon stated that the property values in this area have been increasing as homes to the east are in the million dollar category. Mr. Cannon stated that he has had multiple requests last week from people wanting to live in his basement. Mr. Cannon stated that with experience, when people move into the basement, the value of the property goes down. Mr. Cannon expressed his concern with renters moving into Ms. Christiansen's basement for property value reason. Mr. Cannon mentioned that he has had family live in their home, which seemed to work out.

The public comment portion of the meeting was closed.

Ms. Christiansen responded to the public comments made. Ms. Christiansen stated that she was not aware that she needed a building permit. When she bought the home in 1987, right on the tax assessment it showed a basement apartment, she again stated that she didn't know she needed a permit to add cabinets and a kitchen in the home. Ms. Christiansen stated that before she received the letter dated July 22<sup>nd</sup>, she had finished the remodel and had renters on July 1<sup>st</sup> and had the renters in before she knew there was a problem.

Mr. Harland clarified with Ms. Christiansen that she does not live in an HOA area, but within a subdivision and that a comment was made that there is restriction on renters. Mr. Harland asked if there is a restriction on renting. Ms. Christiansen answered that she was unaware of any restrictions regarding this.

Mr. Woodbury commented that one of the concerns people have about renters, is that the neighborhood and the property values are reduced, and that is a reason why in the city code it requires the homeowner to have the property as the primary residence. This is to help make sure that the quality of the property stays there. Mr. Woodbury expressed that he feels that staff and city in general has done a very good job in trying to accommodate the desires and wishes of citizens in general to be able to have accessory dwelling units and still maintain the integrity of their neighborhoods and property values.

Ms. Patterson made a motion to approve the Conditional Use Permit for an accessory dwelling unit for the property addressed 6480 S. Rothmoor Drive., with conditions 1-5 as recommended:

1. The project shall meet all applicable building code standards. Plans shall be provided for review and all smoke alarms shall be hard wired and interconnected throughout the dwelling to meet the 2012 International Residential Code.
2. The project shall meet all current fire codes.
3. The project shall meet all applicable development standards for accessory dwelling units as found in chapter 17.78 of the Murray City Zoning Ordinance.
4. Separate utility meters shall not be allowed.
5. The applicant shall submit the Accessory Dwelling Unit – Owner Occupancy Affidavit to staff and record the affidavit with the Salt Lake County Recorder's office prior to issuance of a building permit. A copy of the recorded document shall be submitted to the Community and Economic Development Division.

Seconded by Mr. Woodbury.

Call vote recorded by Brad McIlrath.

A \_\_\_\_\_ Maren Patterson

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

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

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

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

Motion passed, 5-0.

APPAREL PLUS SIZE CONSIGNMENT – 4700 S 900 E #12 – PROJECT #13-118

Ricky Wells was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit approval for a retail sales business of new and used clothing which includes consignment sales at the property addressed 4700 S. 900 E. #12. Municipal Code Ordinance 17.160.030 allows retail sales of new and used clothing within the C-D-C zoning district subject to Conditional Use Permit approval. Representatives of Apparel Plus Size Consignment submitted a floor plan and parking information showing that they are going to have approximately 652 square feet of retail space, 116 square feet of storage space, and 61 square feet for restroom facilities as well as a mechanical and electrical room. Section 17.72.070 of the Murray Municipal Code requires 5 parking stalls for every 1,000 square feet of retail space, and 1 stall for every 750 square feet of storage space for a total of 5 required stalls. For building #1 at Ivy Place, there are 8 ADA parking stalls and 141 regular stalls that are shared between the current tenants. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use Permit subject to conditions.

Ricky Wells, 4700 S 900 E #12. Ms. Daniels asked Mr. Wells if he has had an opportunity to read the five conditions of approval and if he can comply with them. Mr. Wells responded in the affirmative.

The meeting was opened for public comment. There were no comments from the public and that portion of the meeting was closed.

Mr. Woodbury made a motion to approve the Conditional Use Permit to conduct a retail sales business of new and used clothing which includes consignment sales at the property addressed 4700 S. 900 E. #12., with conditions 1-5 as recommended:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. Meet all Power Department requirements.
4. Trash containers shall be screened as required by Section 17.76.170 of the Murray Municipal Code.
5. Replace and/or repair concrete parking stall bumpers on the Northwest corner of the property.

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Seconded by Mr. Taylor.

Call vote recorded by Mr. McIlrath.

A \_\_\_\_\_ Maren Patterson

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

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

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

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

Motion passed, 5-0.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 6:51 p.m.

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Chad Wilkinson, Manager  
Community & Economic Development