

Minutes of the Planning Commission meeting held on Thursday, December 19, 2013 at 6:32 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
Phil Markham
Vicki Mackay
Tim Tingey, Director of Administrative & Development Services
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: 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.

APPROVAL OF MINUTES

Mr. Harland made a motion to approve the minutes from November 5, 2013 as presented. Seconded by Ms. Patterson.

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

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 Lana Christiansen and for Apparel Plus Size Consignment.

Seconded by Mr. Harland.

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

RJA PROPERTY PRESERVATION – 6559 James Pointe #3S – Project #13-195

The applicant was not present to represent this request. Ray Christensen reviewed the location and request for a Major Home Occupation business for the property addressed 6559 S. James Pointe Dr. # 3S. Major Home Occupations are home occupations which either require a client to come to the home or which may result in neighborhood impacts, if not properly managed. These uses may be authorized as an accessory use through a major home occupation permit pursuant to the standards

specified in Murray Code Section 17.24. Because of potential impacts, Major Home Occupations require signatures of approval of all abutting and adjacent property owners indicating that they consent to the use of the property as a major home occupation. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the planning commission to be considered as a major home occupation. If all the required signatures are obtained, the director or designee will approve, approve with conditions, or refer the application to the planning commission to be considered as a major home occupation. Because the applicant was unable to obtain the signatures of all abutting and adjacent property owners to conduct a property preservation and management business as a major home occupation, the applicant has requested that the application be referred to the planning commission for review. Based on the above information and findings, staff recommends that the Planning Commission approve the major home occupation request subject to conditions.

Ms. Daniels asked that since the applicant is not present to ask questions of will staff just make sure that the applicant is in compliance. Mr. Christensen responded in the affirmative. He stated that the applicant will have to apply for a business license and on the application they do have to state how many employees and how many people are involved in the business.

Mr. Markham asked about the hours of operation, what type of noise will be generated from office work. Mr. Markham stated that he is not comfortable approving this without input on those issues. Mr. Christensen stated that a condition could be added to limit the hours of operation if desired.

Ms. Daniels asked if this item could be continued until the next meeting due to the applicant not being present. Mr. Tingey stated that based on what the applicant has communicated on both the application and some discussion with staff, this business will be just office functions, staff is not anticipating that there will be noise issues. Mr. Tingey stated that the item can be tabled, but is not sure if it is necessary.

Mr. Harland expressed concern in a business like this going into an apartment complex. Mr. Harland stated that he is surprised that the apartment managers approved this business use as apartments are so close together.

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

Mr. Taylor made a motion to approve the request for RJA Property Preservation for a Major Home Occupation business at the property addressed 6559 S. James Pointe Dr. # 3S, subject to conditions 1-2:

1. The home shall meet building and fire code standards.
2. In accordance with the home occupation standards of the zoning ordinance, "the business may be conducted only by persons who are residents of the dwelling unit, except that up to one person not residing in the residence may be engaged."

Seconded by Ms. Patterson.

Call vote recorded by Ray Christensen.

A _____ Maren Patterson

A _____ Tim Taylor

N _____ Jim Harland

A _____ Karen Daniels

N _____ Phil Markham

A _____ Vicki Mackay

Motion passed, 4-2.

DAVID AND HEATHER HATCH – 6507 South River Edge Drive – PROJECT #13-196

David and Heather Hatch were the applicants present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit approval for an Accessory Dwelling Unit (ADU) for the property addressed 6507 South River Edge Lane. Municipal Code Ordinance 17.78 allows an accessory dwelling unit within the R-1-10 zoning district subject to Conditional Use Permit approval. The applicant is requesting planning commission approval to use the basement of the home as an ADU. According to Salt Lake County Assessor's Office records, the primary residence floor area is 2,390 sq. ft. The area to be used for the accessory dwelling will be 830 sq. ft., which is less than 40% of the primary residence maximum square footage allowed. There will be one kitchen, two bedrooms, bathroom, and a large living area included within the A.D.U. There is a stairway with an exterior door basement access at the back of the dwelling. As required by the A.D.U. ordinance, the owner of the property shall live in either the main dwelling or the accessory dwelling as their primary residence. The recorded Owner Occupancy Affidavit evidence is required to be submitted to City staff. 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 Conditional Use Permit approval subject to conditions.

David and Heather Hatch, 6507 S River Edge Lane. Ms. Hatch asked a question regarding condition #6 concerning the setback requirements. Ms. Hatch stated that due to the current weather conditions removing the deck and the pergola will be difficult right now, but there would not be a problem removing that when the weather clears up. Ms. Hatch also asked if the removal of these things would hold up the approval of the Conditional Use Permit or if this is something that can be worked out with the City.

Ms. Daniels asked Ms. Hatch if she has had an opportunity to read the seven conditions of approval and if she can comply with them. Ms. Hatch responded in the

affirmative. Ms. Daniels asked staff is the timing of removal of deck and pergola can be worked out. Mr. Christensen stated the applicants could apply for a variance to the Board of Adjustments meeting in January. If no variance applied for or granted, they would need to apply for a building permit to see what it would take to bring them into compliance. It would take some time to go through the building permit process. City staff would need to see that there would be some compliance with permits or variances applied for before granting a time extension.

Ms. Daniels clarified with Mr. Christensen that if the applicant applies for a variance, they would still need approval from the Board of Adjustment before the Conditional Use Permit could be approved. Mr. Christensen responded in the affirmative. Tim Tingey stated that the applicant would need to be in compliance prior to the issuance of the Conditional Use Permit. He stated that the city staff is willing to work with the applicants but that Conditional Use Permit won't be approved based on this being in compliance, and the only opportunity we have to do that is prior to final approval to the Conditional Use Permit.

Mr. Harland clarified that the Conditional Use Permit is for the property as a whole not just the home. Mr. Tingey responded in the affirmative. Mr. Taylor asked a question regarding the process of informing the property owner they were out of compliance. Mr. Tingey stated that the process would be code enforcement, the site would have been inspected and if found that the site was out of compliance, code enforcement would be conducted and the property owner would be given a certain amount of time to get the site to be in compliance.

Mr. Taylor stated that code enforcement could be done on the deck independent of the Accessory Dwelling Unit requirement. Mr. Tingey stated that it could but that where we have the ADU issue, and it is the Conditional Use Permit for the site it is staffs preference to get it resolved prior so that it is done.

Ms. Daniels asked the time frame for a decision on a variance. Mr. Tingey stated that the Board of Adjustment meeting will be the second meeting in January and the due date for the application is December 23, 2013. Mr. Hatch stated that in the application it only states bringing the ADU into compliance; it doesn't say anything about bringing the rest of the property into compliance. Mr. Hatch expressed that they only found out about this setback requirement a few days ago. Ms. Hatch stated that the home was purchased a year ago and the deck and pergola were already in place.

Ms. Daniels expressed to the applicants that they need to work with the City. She stated that if the applicants choose to apply for a variance, the next deadline is Monday, December 23. Ms. Daniels stated that they do need to be in compliance with staff to move forward.

Ms. Hatch asked a question regarding timeframe on the Conditional Use Permit, and if it gets approved, how long will it be valid. Mr. Tingey answered stating that if the Conditional Use Permit is approved and all conditions are met, the permit continues; the business license will need to be obtained and renewed each year, once the building permit is obtained to do the work inside for smoke alarms, there is a timeline on that. But once all the conditions are met, the applicants will not need to come back.

Ms. Patterson asked the applicant if the Accessory Dwelling Unit is already built, are there renters living there. Ms. Hatch stated that they have people living there, however; they wanted to be in compliance with everything so the renters will no longer be there after the end of the month. Ms. Daniels explained what the homeowner will need to do with condition #4.

The meeting was opened for public comment.

Wendell Coombs, 6577 River Edge Lane, stated he is a neighbor of the Hatch's. Mr. Coombs explained that as the homeowner had mentioned they purchased the home a year ago and the deck and pergola were previously there and there were renters there before. Mr. Coombs congratulated Mr. and Ms. Hatch on going through the process for the Conditional Use Permit. Mr. Coombs expressed that he would like the Planning Commission to grant this Conditional Use Permit, as he feels that these homeowners are taking the proper steps and are willing to do whatever they need to be in compliance.

The public comment portion of this meeting was closed.

Mr. Harland asked Mr. Tingey since the homeowners are agreeing to remove the pergola is it procedurally correct to get an affidavit of some sort from them stating that they will remove it by a certain date. Mr. Tingey stated that removing the pergola is not going to address the setback issue, and that it is the deck that is the problem.

Mr. Harland asked if they could get a promise letter from the homeowners and if that would suffice. Mr. Tingey stated that he would rather that not happen because it is still an enforcement issue, we have to have a way of ensuring that this gets done rather than go through the enforcement process.

Mr. Markham stated that the applicants indicated that they aren't optimistic about getting a variance for this, he asked Mr. Tingey to explain what the applicants would need to go through. Mr. Tingey explained what the applicants would need to go through.

There was discussion among the Planning Commission.

Mr. Markham made a motion to approve the Conditional Use Permit for an Accessory Dwelling Unit for the property addressed 6507 South River Edge Lane., with conditions 1-7 as recommended:

1. The project shall meet all applicable building code standards. Smoke and carbon monoxide alarms shall be hard wired and interconnected throughout the dwelling per 2012 I.R.C: Sections R-314.2, R 314.3, and R 314.5, etc.
2. The project shall meet all applicable development standards for accessory dwelling units as found in chapter 17.78 of the Murray City Zoning Ordinance.

3. Separate utility meters shall not be allowed.
4. 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.
5. Comply with Murray Water and Sewer, Fire, and Power Department requirements.
6. Prior to issuance of the Conditional Use Permit, the applicant shall comply with the setback requirements for the R-1-10 zone for accessory buildings & structures.
7. Rental of the A.D.U. will require a Murray Business License.

Seconded by Mr. Harland.

Call vote recorded by Ray Christensen

A _____ Maren Patterson

A _____ Tim Taylor

A _____ Jim Harland

A _____ Karen Daniels

A _____ Phil Markham

A _____ Vicki Mackay

Motion passed, 6-0.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 7:10 p.m.

Chad Wilkinson, Manager
Community & Economic Development