

Minutes of the Planning Commission meeting held on Thursday, March 6, 2014, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Scot Woodbury, Chair
Phil Markham, Vice-Chair
Maren Patterson
Vicki Mackay
Karen Daniels
Tim Taylor
Buck Swaney
Tim Tingey, Director Administrative & Development Services
Mark Boren, Assistant Planner
Ray Christensen, Senior 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.

Scot Woodbury opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Ms. Patterson made a motion to approve the minutes from February 20, 2014 with a change made to the opening portion on the minutes. Seconded by Mr. Swaney.

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

There were no changes made to the Findings of Fact. Mr. Taylor made a motion to approve the Findings of Fact and Conclusions for the master sign project for directional signage at the property addressed 4901 South State Street.

Seconded by Ms. Daniels.

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

STARCHILD MUSIC PRODUCTIONS, LLC – 6111 South Cedar Street – Project #14-26

Jon Dansie was the applicant present to represent this request. Mark Boren reviewed the location and request for approval for a Major Home Occupation for guitar lessons for the property addressed 6111 S. Cedar Street. Major Home Occupations are home occupations which either requires 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 guitar and music lessons business as a Major Home Occupation, the applicant has requested that the application be referred to the planning commission for review.

Uses classified as major home occupations must comply with the standards of section 17.24.030 of this chapter, which shall be considered minimum standards. The planning commission may require additional conditions to mitigate impacts of the use on adjacent properties. These conditions may include, but are not limited to:

- Limits on hours of operation;
- Limits on numbers of clients per day/hour;
- Provision of adequate off street parking;
- Other conditions related to mitigating adverse impacts resulting from the use.

Starchild Music Productions provides one-on-one instruction of musical instruments, music theory, voice, and song writing. Instruction is provided at thirty (30) minute and sixty (60) minute intervals. The applicant is proposing to use a two hundred and fifty (250) square foot area of the main dwelling for the music instruction. The applicant has indicated that there will be sufficient off street parking for clients with two existing driveways on this property. The applicant has no intention on teaching group instruction, selling music equipment, or providing instrument repair as the business has done at the current location in Sandy. Based on the above information and findings, staff recommends that the Planning Commission approve the Major Home Occupation request subject to conditions.

Jon Dansie, 6111 S Cedar Street, stated that he has lived in Murray for 53 years. He also stated that he formed Starchild Music Productions and is a musician by trade; he also has a band in which they rehearse in the studio in the back of the property. Mr. Dansie stated that he has had sound engineers out to his property to ensure that he meets all the sound requirements. During working hours there will be no sound coming from the walls of the buildings, there is an area inside the home where the teaching portion happens and occasionally in the back studio the students are taught how to perform. Mr. Dansie stated that he has worked with Murray High School and Hillcrest Junior High with not only performances, but how to promote music in today's society. Up until 2006, he had a business license for this same dwelling; he moved the business to Sandy City to a retail space and indicated that he wished he would have maintained the business license in his home in Murray City. Mr. Dansie stated that he likes to do the right thing and one thing he would like to see is Murray come together and support each other. The thing that keeps him in Murray is the people. He

stated that his passion is to teach young men and young women how to perform music, sing, write and make a stand for the right.

Mr. Woodbury asked Mr. Dansie if he has had an opportunity to read the seven conditions of approval and if he can comply with them. Mr. Dansie responded in the affirmative.

The meeting was opened for public comment.

Lola Barrett, 6106 Valley Drive, stated that her home is at the rear of the Dansie's property. Ms. Barrett stated that she is not opposed to the Dansie's giving lessons in their home, but there is concern about the parking and the privacy of the neighbor's. She stated that she would like there to be a condition that it is all onsite parking, when the weather is good, a lot of people walk and jog and when vehicles are on the street there is no sidewalk so people have to walk out in the street.

Elaine Carter, 6121 Cedar Street, indicated she is the adjacent neighbor to the Dansie's property. Ms. Carter stated that she and the neighborhood have been listening to the loud noise for the past two years. Ms. Carter stated that she was lied to when she was asked to sign the neighbor consent form, Jon Dansie's daughter was the one who said she was teaching the lessons and it would only be one person at a time. Ms. Carter stated that she does not want to see her property value lowered because of the home business next door. Ms. Carter stated that Mr. Dansie has a bright light on the side of his home that shines right in her home. Ms. Carter stated that she has been harassed for years from Mr. Dansie and she is tired of it.

Nan Gilhespie, 6101 Cedar Street, stated she is the adjacent neighbor to the north of the Dansie's. Ms. Gilhespie stated that she has no problem with his students parking in her driveway for lessons. She stated that they have always had a good relationship with the Dansie's, and their families have grown up together. Because there are two parking areas, there would have to be a lot of people at the property to not have enough parking. Ms. Gilhespie stated that she understands that this is his livelihood and Mr. Dansie should be allowed to pursue this. Ms. Gilhespie stated that she supports this proposal.

David Bonney, 207 Clay Park Drive, stated that he lives down the street. Mr. Bonney stated the he is one of Mr. Dansie's students and he grew up in a house with music. Mr. Bonney stated that all his life he wanted to play the guitar. Mr. Bonney stated that he feels like Mr. Dansie is trying to do the right thing, so to not grant this is like punishing him for trying to do the right thing and by getting licensed. He expressed that as a student, it is rare to have the opportunity to actually take lessons from a musician that knows music and knows how to teach it. As a student, if this isn't granted its taking it away from all his students.

Rachel Callister, 6300 Mt. Vernon Drive, stated that she has been a student with Starchild for about 4 years. She has enjoyed her lessons with Mr. Dansie very much, and she has always wanted to learn to play the guitar. When she found the Dansie's she was very impressed with them and they have been very professional.

Elaine Carter stated that she would like her name removed from the neighbor consent form.

The public comment portion of the meeting was closed.

Mr. Boren stated that there was a concern expressed about parking and there is a condition that is addressed with condition #2. Mr. Boren stated that it wasn't mentioned but the hours of operation have been limited from 11:00 a.m. to 8:30 p.m. there is a quiet time in the ordinance from 10:00 p.m. to 7:00 a.m. so these hours of operation as well within those limits. There has always been a recommendation that there will be no more than two students at a time or eight per day. Mr. Boren stated that the recommended conditions are appropriate.

Mr. Woodbury stated that the purpose of this Planning and Zoning Commission and the staff report is to be able to take the codes and be able to balance them. Mr. Woodbury stated that he understands the frustration with his own neighbor sometimes, but the purpose of this meeting is to make sure conditions are put on these applications to be in harmony with the ordinances and what the staff recommends. Mr. Woodbury thanked the public for their comments and concerns.

Mr. Markham stated that the concern is for the home occupation and that's all he is directing his comment. He stated that he is not sure what other issues are going on between the neighbors and he personally looks at these businesses closely. Mr. Markham thinks that this business is nothing but an asset to the community.

Ms. Mackay made a motion to approve the Major Home Occupation for guitar lessons for the property addressed 6111 S. Cedar Street subject to conditions 1-7 as proposed:

1. The home shall meet building and fire code standards.
2. Any business related parking other than dropping off or picking up students will be provided on site.
3. Hours of operation shall be limited to between eleven o'clock (11:00) am and eight thirty (8:30) pm.
4. No more than two (2) students may be at the home at any one time with a maximum of eight (8) students per day.
5. The home occupation business shall be conducted entirely within the main dwelling as stated in Section 17.24.030 of the Murray Municipal Code.
6. The home occupation business shall comply with all noise control standards outlined in Section 8.16 of the Murray Municipal Code.
7. The home occupation shall comply with all other standards of the home occupation business license.

Seconded by Ms. Daniels.

Call vote recorded by Ray Christensen.

A _____ Maren Patterson

A _____ Tim Taylor

A _____ Phil Markham

A _____ Karen Daniels

A _____ Vicki Mackay

A _____ Scot Woodbury

A _____ Buck Swaney

Motion passed, 7-0.

MILE HIGH CONTRACTING, INC. – 5568 South 300 West - Project #14-22

Gil Rand was the applicant present to represent this request. Mark Boren reviewed the location and request for a Conditional Use Permit for a contract construction office/warehouse use for the property addressed 5568 South 300 West. Municipal Code Ordinance 17.152 allows contract construction services (LU #6600) within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant is proposing a partial demolition of the existing building and the construction of a new contractor office for Mile High Contracting, Inc. The new two-story building will have 4,700 square feet of floor area between the main and second floor. The new building will include nine (9) offices, with the remaining area to be used for a conference room, a break room, a reception area and some storage. A partial remodel of the existing building will add an office and parts storage area that will be approximately 406 square feet. The remaining areas of the existing building will be used for contractor storage. The applicant has submitted plans that show updates to the parking, landscaping and fencing that will need to meet the standards of the zoning ordinance. The minimum parking standards for the office and warehouse space require a total of twenty seven (27) stalls for this business. The office space, minus the hallways, restrooms, and reception area requires a total of nineteen (19) parking stalls. This is calculated based upon the parking standard of, "4 parking spaces for each 1,000 square feet of net office space." The warehouse space will require a total of eight (8) parking stalls. This calculation is based upon the parking standard that states, "1 parking space for each 750 square feet of net floor area." According to disabled parking and accessibility standards, a total of two (2) disabled parking spaces shall be provided for every twenty-six (26) to fifty (50) parking spaces provided.

The applicant is proposing to provide a total of twenty-nine (29) parking stalls with two (2) of those stalls being reserved as disabled parking. The proposed parking plan meets the minimum standards for the location and shall meet all standards of Chapter 17.72 of the Murray Municipal Code prior to issuance of a building permit. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Gil Rand, 1991 S State Road, Springville, stated that he is the architect on the project and representing Mile High Contracting. Mr. Rand stated that it has been a pleasure

working for Mile High; they want to do more than what is required for the City requirements.

Mr. Woodbury asked Mr. Rand if he has had an opportunity to read the eight conditions of approval and if he can comply with them. Mr. Rand responded in the affirmative and that he has even discussed these conditions with the owners and they have no problems with any of them. They had questions regarding one condition but they will discuss this with city staff.

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

Ms. Mackay asked that since this is an existing company, will this be a second location for this business. Mr. Rand stated that there are currently three locations for this company, and they are consolidating everything to this location.

Mr. Markham made a motion to approve a Conditional Use Permit for Mile High Contracting for a contract construction office/warehouse for the property addressed 5568 South 300 West subject to conditions 1-8 as listed:

1. The project shall meet all applicable building code standards. Shall provide plans stamped and sealed by appropriate design professionals. Shall include code analysis, egress plan, and a geotechnical report.
2. A building permit shall be obtained for the proposed tenant improvements, the demolition and construction of the new building.
3. The project shall meet all current fire codes.
4. The project shall meet all Murray City Engineering requirements including the following:
 - (a) Install curb and gutter along the south side of Anderson Avenue.
 - (b) Replace any damaged curb, gutter and sidewalk along 300 West frontages.
 - (c) Provide a site drainage plan.
5. The project shall meet all Murray Water and Sewer Department requirements.
6. The project shall meet all Murray City Power Department requirements.
7. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by Community Development Staff and installed as approved prior to occupancy. The plan shall show landscaping area of five (5') feet surrounding the parking lot and landscaping shall be installed in the park strip meeting the requirements of the landscape ordinance.

- (1) Landscaping along 300 West frontage shall include the following minimum standards:
 - (a) Four (4) trees.
 - (b) Seven (7) 5-gallon shrubs.
 - (c) Fourteen (14) 1-gallon shrubs.
 - (d) Ground cover is required to provide fifty percent (50%) bed coverage at time of planting.

- (2) Landscaping along the entire Anderson Avenue frontage shall include the following minimum standards:
 - (a) Eleven (11) trees.
 - (b) Nineteen (19) 5-gallon shrubs.
 - (c) Thirty-seven (37) 1-gallon shrubs.
 - (d) Ground cover is required to provide fifty percent (50%) bed coverage at time of planting.

8. The trash container shall be screened as required by Section 17.76.170.

Seconded by Mr. Taylor.

Call vote recorded by Ray Christensen.

A _____ Maren Patterson
A _____ Tim Taylor
A _____ Phil Markham
A _____ Karen Daniels
A _____ Vicki Mackay
A _____ Scot Woodbury
A _____ Buck Swaney

Motion passed, 7-0.

MILLER FAMILY REAL ESTATE, LLC – 125 East 5770 South – Project #14-23

Jesse Hulse was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for an auto dealership parking lot at the property addressed 125 East 5770 South Street. Municipal Code Ordinance 17.60.030 allows an auto dealership parking lot within the C-D-C zoning district subject to Conditional Use Permit approval. The existing Entrans Transmission building located on this property will be demolished. The site will need to comply with Murray zoning regulations for parking stalls size and aisle width. The plans show there will be 40 total parking stalls provided on this site. The site will need to comply with the landscaping code requirements for the commercial zone in Municipal Code Chapter 17.68, which will require changes to the current landscaping plan to comply with code. There is one driveway access shown off of 5770 South Street. Based on the information presented in this report, application materials submitted and site review, staff recommends Conditional Use Permit approval subject to conditions.

Jesse Hulse, 175 W 900 S., stated that they are anxious to develop this parking lot which will provide good, safe off street parking for the dealerships employee parking.

Mr. Woodbury asked Mr. Hulse if he has had an opportunity to read the eight conditions of approval and if he can comply with them. Mr. Hulse responded in the affirmative.

Mr. Swaney asked the height of the three light poles on the property. Mr. Hulse responded that they are actually looking to use light poles that are provided by Murray City and they haven't received the exact specifications for those yet. Mr. Swaney asked since those poles are potentially going to be in sight of a residential area, is there any plan to have the lights turned on or off at a certain time? Mr. Hulse stated that they would like the lights to be on during all the periods of darkness for the safety of those cars but they plan to use whatever lights will be the least impactful on the residences.

The meeting was opened for public comment.

Maxwell Kirk, 5768 South Lindon Street, stated that his property is adjacent to the property in question. Mr. Kirk expressed his concern regarding a chain link fence that he put up years ago and he doesn't want it taken down. He does not want a brick fence. Mr. Kirk also expressed concern about cars being parked there and being transported from this parking lot over to the dealership.

Jim Towers, 5757 South State Street, stated that he owns the property to the north. Mr. Towers stated that he is excited about this development. Mr. Towers stated that when he acquired this property, it was done with a handshake with Larry Miller about 26 years ago. The water for his building is in the parking lot for the Entrans building and he thinks there is an easement for the utilities, and that is the only concern that Mr. Towers has is that they maintain that easement and the right to the water main. Mr. Towers also wanted to know if there will be an alarm system on this property and if this property will be gated or open to the public.

Mr. Hulse stated that there will be a solid masonry wall put up on the east side of the property. Mr. Hulse stated that there isn't a plan for an alarm system; but they may put a gate up so that the parking lot is not used in the off hours. Mr. Hulse stated that the primary use of this parking lot is for the use of employees of the used car supermarket. There is no anticipation of big trucks loading and unloading cars. Mr. Hulse stated that they will be working with the City for the lighting and regarding the water main. The applicant will need to work with the Murray Water Department.

Mr. Christensen stated that the zoning ordinance requires a 6 foot high solid masonry wall where it abuts the residential zoning, which is to the east. The north side is a commercial zone so the masonry wall is only required on the east side of the property.

The public comment portion of the meeting was closed.

Mr. Markham stated that the issue with the water meter can easily be resolved by working with the water department staff, they have to sign off on all of this development.

Ms. Mackay pointed out that Mr. Kirk has lived in this home for a long time and Ms. Mackay encourages the architect and the Larry Miller Family to consider his feelings on what is going on here and be considerate of him.

Ms. Patterson made a motion to approve a Conditional Use Permit for Miller Family Real Estate for an auto dealership parking lot at the property addressed 125 East 5770 South Street subject conditions 1-9 as listed:

1. The project shall meet all applicable land use code standards.
2. The project shall meet current fire codes.
3. Formal landscaping/irrigation plans meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be provided for approval by City staff prior to site construction and landscaping/irrigation shall be installed prior to occupancy. The plans need to be revised to show a full 5 ft. and 10 ft. depth of landscaping required on site excluding the curb and fences with plan submittal.
4. Any trash containers on the site shall be screened as required by Section 17.76.170 of the city code.
5. The parking stalls and aisles shall comply with Municipal Code Section 17.72.
6. Meet all Murray Power Department requirements and Murray Building Division permits and requirements.
7. Comply with City storm drainage requirements.
8. Replace curb, gutter and sidewalk along the 5770 South street frontage.
9. A solid six foot high masonry buffer wall shall be installed at the east boundary as required in Section 17.160.110. A permit is required by the Murray Building Division.

Seconded by Ms. Daniels.

Call vote recorded by Ray Christensen.

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

A _____ Buck Swaney

Motion passed, 7-0.

S L C GUITAR – 4700 South 900 East #41C – Project #14-24

Preston Howard was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for education use located at the property addressed 4700 South 900 East #41C. Municipal Code Ordinance 17.160.030 allows education use within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant is requesting a Conditional Use Permit for an education use which will entail teaching guitar lessons in the Ivy Place shopping center. The applicant indicated he is the instructor and will usually have only one student at a time with about five students a day. The hours of operation are between 11 a.m. to 8 p.m. Monday to Saturday. The site has adequate parking for the proposed business use in this shopping center. There are approximately 200 parking stalls in the shopping center. The shopping center has open parking that is shared with various business uses on site. The applicant will need only about two parking stalls at one time. Based on the information presented in this report, application materials submitted and the site review, staff recommends Conditional Use Permit approval subject to conditions.

Mr. Howard, 4403 S Inverrary Drive, stated that he did not have anything to add to Mr. Christensen's presentation. Mr. Woodbury asked Mr. Howard if he has had an opportunity to read the eight conditions of approval and if he can comply with them. Mr. Howard responded in the affirmative.

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

Mr. Taylor made a motion to approve a Conditional Use Permit for education use located at the property addressed 4700 South 900 East #41C subject conditions 1-3 as listed:

1. The use shall meet all applicable building code standards and including a permit for any remodeling.
2. The use shall comply with current fire codes.
3. The applicant shall comply with business license requirements.

Seconded by Ms. Daniels.

Call vote recorded by Ray Christensen.

A _____ Maren Patterson

A _____ Tim Taylor

A _____ Phil Markham

A _____ Karen Daniels

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A _____ Vicki Mackay

A _____ Scot Woodbury

A _____ Buck Swaney

Motion passed, 7-0.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 7:37 p.m.

Chad Wilkinson, Manager
Community & Economic Development