

Minutes of the Planning Commission meeting held on Thursday August 21, 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
Tim Taylor
Karen Daniels
Vicki Mackey
Jared Hall, Community and Economic Development Manager
Tim Tingey, Administrative and Development Services Director
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Buck Swaney

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 Division Office.

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

APPROVAL OF MINUTES

Ms. Daniels made a motion to approve the minutes from August 7, 2014 as submitted. 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

Mr. Taylor made a motion to approve the Findings of Fact for Parris RV, Drang Longboards, and Basin Enterprises. Seconded by Mr. Markham.

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

GABRIEL CANDELARIA – 1196 W Kristeldell Court – Project #14-141

Gabriel and Terri Candelaria were the applicants present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for an accessory dwelling unit in a portion of the basement for the property addressed 1196 West Kristeldell Court. Municipal Code Ordinance 17.104 and 17.78 allow accessory dwelling units within the R-1-10 zoning district subject to Conditional Use Permit approval. The main floor area of the house is 1889 sq. ft. The area to be used for the ADU will be approximately 727 square feet which is less than 40% of the main floor area. There will be one kitchen, one bedroom, office, and a large living area as part of the ADU. There will be three other bedrooms, bathrooms and laundry area

remaining rooms in the basement that will not be used as part of the accessory dwelling. The applicant has indicated that these areas will be walled off with no access allowed to those rooms and that those rooms will still be used by the main dwelling owner. 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 their primary residence and will continue 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. According to section 17.78.040 of the zoning ordinance, “two (2) additional off street parking spaces shall be provided” in addition to the required spaces for the primary unit. A minimum of four (4) off street parking spaces shall be provided. All on street parking shall be reserved for visitors only and sufficient off street parking shall be provided for additional occupant vehicles. According to the plans that have been submitted, there will be sufficient parking for the main and accessory dwellings. The plans show a three car garage and driveway area that will allow about 4 additional parking stalls. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Ms. Daniels asked about the access into the accessory dwelling unit. Mr. Christensen responded the access is through the upper main level.

Gabriel Candelaria, 1196 West Kristeldell Court, stated that building accessory walls does not allow access to the other unit and destroys the plans for the home simply because they wish to have a kitchen in the basement.

Terri Candelaria, 1196 West Kristeldell Court, stated that they have gone through the accessory dwelling unit process in order to have a kitchen in the basement. There is no methodology to have a legal kitchen and requires that a home owner must go through this accessory dwelling unit process. She stated they have no intention of ever renting the space for the “accessory dwelling unit”, but they do wish to have a full kitchen in the basement. There is no other method for them to have a second kitchen in their home.

Mr. Taylor clarified that the basement area is too large to accommodate just an accessory dwelling unit and therefore they are required to install extra walls so as not to exceed the 40% or 1,000 maximum square foot area for an accessory dwelling unit. Mr. Hall stated that staff is working on a draft ordinance to allow second kitchens in single family dwellings, but until that ordinance is adopted, this is the only avenue in which to have a legal full kitchen.

Mr. Woodbury explained that the planning staff is working on adopting a second kitchen ordinance, but until such time the accessory dwelling unit approval process is the only process in which to have a legal second kitchen.

Mr. Candelaria stated that they may end up scraping the kitchen just to be able to start construction on basement finish because they wanted it done by November and the kitchen has held up the process for finishing the basement. Mr. Candelaria stated he has reviewed the conditions of approval and will comply with the conditions if they decide to proceed.

The meeting was opened for public comment.

David Vicchilli, 6348 South River Bluffs Road, stated he lives two homes away from the Candelaria's home. He thanked the commission members for notifying the residents of this application proposal. He stated in discussions with his neighbors, they are all in favor of the Candelaria's having an accessory dwelling unit in their home.

The public comment portion for this agenda item was closed.

Mr. Woodbury thanked the Candelaria's for going through this process in making the second kitchen a legal kitchen and that there are many illegal accessory dwelling units throughout the city.

Mr. Markham made a motion to grant Conditional Use Permit approval for the accessory dwelling unit located at 1196 West Kristeldell Court, subject to the following conditions:

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.
6. The applicant shall construct the walls and separations needed for the accessory dwelling unit shown on the plans for compliance to the current ADU regulations.

Seconded by Ms. Daniels.

Call vote recorded by Ray Christensen.

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

Motion passed, 5-0.

WINCHESTER OVERLOOK P.U.D. – 6682 South Tripp View Lane – Project #14-122

Keith Tripp was present to represent this request. Ray Christensen reviewed the location and request for an amendment to the Winchester Overlook Planned Unit Development with regards to the open space amenity. This item was continued from the July 17, 2014 Planning Commission meeting. Mr. Tripp has provided a new plan for a roof structure to cover the mail boxes, which will be relocated a little further off the road. A table and benches will be placed inside the structure. The road area will be repaved to take care of the water problem. Winchester Overlook Planned Unit Development was originally approved in Taylorsville in 2006 and was annexed into Murray City in 2007. The project consists of townhouse units and was approved at the same time as the Winchester Townhomes project to the west. At the time of approval, Taylorsville required as a condition of approval, the developer to provide an amenity, which was a gazebo structure was shown on the plans to be constructed on the site. The developer, Keith Tripp, provided site plans to construct a gazebo for the amenity in this development. Murray City Code Section 17.56.060 outlines the following standards for review for conditional uses. The amenity will contribute to the wellbeing of the Winchester Overlook community. The property is located within the R-M-15 zoning district. The applicant is requesting an amendment to the approved design of the Planned Unit Development with changes to the gazebo structure. No change in the use of the property is proposed at this time. The minutes of the original meetings indicate that the gazebo was part of the amenities plans required as part of the Planned Unit Development approval. Approval of Planned Unit Developments (PUDs) typically includes a modification of standards based on a high quality cohesive development including amenities for the residents of the development and/or the public in general or a preservation of open space, habitat, or sensitive lands, such as steep slopes, or areas prone to flooding as a benefit to the public. Applicants are able to vary from standards in exchange for an integrated development with high quality construction that also contains open space and other amenities that provide a public benefit sufficient to justify the waiver of standards. Although the development was approved in Taylorsville, Murray Zoning standards related to PUD approvals are similar. The original approval in Taylorsville required open space and amenities, and this proposed amendment is in keeping with standards and in harmony with the area. Keith Tripp, 879 Southfork Drive, Draper, stated it was never his intention to do away with the gazebo until he was approached by the homeowners association to see if the gazebo could be eliminated. He stated he removed one of the units in the development in order to accommodate the gazebo. Mr. Tripp stated he has visited the site and has tried several options to deal with the water and drainage issue. He

has proposed an eight sided gazebo to be the best possibility and would then not be necessary to install a retaining wall and not impede the water flow into the storm drain. He stated since the last meeting in July he has completely finished the road and curbing that were causing drainage and water issues in this area of the development. He stated that he spoke with the postal service in regards to where he could install the mail boxes. Mr. Tripp stated that he will install something similar to the concrete table as proposed and it has been difficult to find a company who manufactures them other than a company from California.

Mr. Taylor asked if there will be a concrete pad for the table. Mr. Tripp responded in the affirmative.

Mr. Markham asked who decides if a retaining wall is necessary for this area of the development. Mr. Christensen responded this will need to go through the building permit process at which time it will be determined if a retaining wall will be necessary.

Mr. Taylor asked Mr. Tripp about consistency within the P.U.D. and the amenity be consistent with the other amenity and if this proposal will meet the desires of the residents. Mr. Tripp responded the gazebo would be vinyl and will therefore not require maintenance. He stated the other gazebo is much larger and is wood. He stated the residents he has spoken to with regards to this vinyl gazebo are fine with this proposal, but has not surveyed the homeowners on this issue. He stated the home owners association, or the president elect, never did talk to the rest of the homeowners regarding elimination of the gazebo.

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

Mr. Markham stated that an amenity is required as part of the conditions of the development and if the commission so deems this proposal to be appropriate, it will satisfy that requirement.

Mr. Taylor made a motion to grant approval for the proposed amendment to the amenity plan for the Winchester Overlook P.U.D. for this site subject to compliance to building codes and permit requirements. Seconded by Ms. Daniels.

Mr. Tripp commented that the original plans for the P.U.D. had an eight sided gazebo as he has now proposed.

Call vote recorded by Ray Christensen.

 Vicki Mackay

 Karen Daniels

 Tim Taylor

 Phil Markham

 Scot Woodbury

Motion passed, 5-0.

OTHER BUSINESS

Mr. Hall reminded the commission members of the training dinner on Wednesday, September 10th at 6:00 p.m.

He stated that Maren Patterson's position has not been filled and there is currently a vacancy from district #3 for the planning commission. If there are any commission members needing to be excused from the meeting, please contact staff in advance so as to ensure there will be a quorum for the meetings. .

Mr. Tingey commented that there are certain policies in place related to a variety of different issues. He stated the zoning ordinance currently allows for only one kitchen per single family dwelling and there are options for residents and staff tries to provide options. For this reason, staff reviews possible code modifications as deemed necessary.

Meeting adjourned at 6:59 p.m.

Jared Hall, Manager
Community and Economic Development