

Minutes of the Planning Commission meeting held on Thursday, August 6, 2015, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Chair
Travis Nay
Buck Swaney
Tim Taylor
Karen Daniels
Scot Woodbury
Jared Hall, Community and Economic Development Manager
Brad McIlrath, Assistant Planner
G. L. Critchfield, Deputy City Attorney
Citizens

Excused: Gary Dansie

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.

Phil Markham opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Taylor made a motion to approve the minutes from July 16, 2015. Seconded by Mr. Woodbury

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

CONFLICT OF INTEREST

There were not conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve the Findings of Fact for National Health & Nutrition Examination Survey and Scott & Jeanette Watkins. Seconded by Mrs. Daniels.

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

SILVER SHADOWS SUBDIVISION AMENDMENT – 848 & 864 East Silver Shadows Drive – Project #15-104

Matt Mitchell was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a subdivision amendment for a lot line adjustment to the Silver Shadows Subdivision for the properties addressed 848 and 864 East Silver Shadows Drive. Municipal Code Ordinance Section 16.04.030.C requires that any amendment, vacation, alteration or modification of any prior recorded plat (subdivision) be approved by Murray City Officials. Utah State Code Section 10-9a-608 (2) (a) (iii) allows lot line adjustments of adjoining lots if the owner(s) of each of the adjoining lots join in the petition, regardless of whether the lots are located in the same subdivision. The applicant proposes to combine the west

portion of lot 57a and lot 60 of the Silver Shadows Subdivision by performing a lot line adjustment. The proposed adjustment would create a standard rectangular lot which has previously shared an angled east property line with the west portion of lot 57a. By combining the properties, lot 60 will no longer be an irregularly shaped lot and will be under single ownership of the current property owner and any subsequent property owners. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the lot line adjustment for the properties addressed 848 & 864 East Silver Shadows Drive subject to conditions.

Matt Mitchell, 848 E Silver Shadows Drive, stated the reason that the property is triangular is because the previous owner wanted to keep a pine tree that belonged to the neighbor. Mr. Mitchell stated that the house and side structure was built by Murray City school. Mr. Mitchell stated that he wants to combine the properties so it's one property when he sells it. Mr. Mitchell indicated that he has reviewed the staff recommendations and will comply.

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

Mr. Swaney made a motion to approve the lot line adjustment for the properties addressed 848 and 864 East Silver Shadows Drive, subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the lot line adjustment at the Salt Lake County Recorder's Office. Requirements include, but may not be limited to the following:
 - (a) The project shall comply with Murray City subdivision amendment requirements and standards for lot line adjustments.
 - (b) The applicant shall provide a copy of the final recorded consolidation deed to the Murray City Engineering Division.
2. The side yard accessory structure shall be relocated in order to comply with the minimum setback requirements for side or rear yard accessory structures as outlined in Section 17.100.090 of the Murray Municipal Code.

Seconded by Mrs. Daniels.

Call Vote recorded by Brad McIlrath

A_____Phil Markham
A_____Buck Swaney
A_____Travis Nay
A_____Scot Woodbury
A_____Karen Daniels
A_____Tim Taylor

Motion passed, 6-0.

ALTA COMMERCIAL DEVELOPMENT – 160 West Winchester Street – Project #15-99

Rej Hintze, Tony and Teresa Rackley were the applicants present to represent this request. Brad McIlrath reviewed the location and request for a Murray Zone Map amendment from R-1-8 (Residential Single Family Low Density) to the R-N-B (Residential Neighborhood Business) zone. The properties are currently used for residential purposes and there is an existing older home on the property. The developer plans to construct an office park development on the property similar to the office buildings being constructed to the east. The Murray General Plan shows these properties to be Residential Business on the Future Land Use Map which is consistent with the zone change request for Residential Neighborhood Business. Various permitted uses are allowed within the R-1-8 zoning district such as single-family dwellings and accessory uses, garages, carports, other uses for private recreation and gardening, charter schools, and residential facilities for persons with a disability or elderly persons. Other uses allowed with approval of a Conditional Use Permit include schools, churches, libraries, public parks and facilities, and communication services. The R-1-8 zoning district allows low density single family residential homes on lots with a minimum 8,000 square feet. A variety of permitted uses are allowed in the R-N-B zoning district such as single-family dwellings, two-family dwellings, residential facilities for persons with a disability or facilities for elderly persons, florists, travel agencies, optical goods, physicians' offices, dental offices, legal services, art schools, accounting and other business management services. Other uses allowed with approval of a Conditional Use Permit include bed and breakfast homestay, schools, residential childcare facilities, banking and credit services, antiques, books, hobby supplies, health foods and delicatessen without drive-through access and with limited hours, and other personal services such as tanning and massage salons.

The zoning map amendment request is consistent with the purpose of the R-N-B zoning district as outlined in Section 17.140.010 of the Zoning Ordinance. It states that this zone is intended to provide a transition area between high traffic arterial streets and adjacent residential neighborhoods. The Murray City Master Transportation Plan identifies that most arterial streets have a speed limit of 40 mph or greater. The General Plan considers traffic generation of properties developed within the R-N-B zone, and the impact of the requested zone change is not anticipated to create an additional burden that cannot be addressed by appropriate review and conditions imposed by the City during review of a proposed development. A public notice was sent to adjacent properties July 21, 2015. As of the date of this report staff have not had any public input.

The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The Murray City General Plan identifies this location as an area that is appropriate for a transition from single-family residential to residential neighborhood business. The uses allowed in the R-N-B zoning district are lower intensity commercial and residential uses. In addition, the development standards of

the R-N-B zoning district limit the maximum height of buildings to 30 feet, which is lower than the allowed maximum of 35 feet in the R-1-8 zoning district. Other development standards require additional buffering from adjacent residential properties and reduced lighting standards. A specific standard also regulates the hours of operation for proposed businesses. This area is served by existing urban levels of public services and facilities. Some probable effects may include an increase in traffic circulation during hours of operation and an increase demand to public utilities depending on the type of development.

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment from R-1-8 to R-N-B because it is consistent with the General Plan for Residential Business for the properties addressed 160 West Winchester Street.

Rej Hintze, 7612 Cardiff Circle, stated that he is one of the developers of the properties to the east. Mr. Hintze stated his company, Alta Commercial Development, is constructing the buildings and has already leased them. Mr. Hintze stated that it has been a great success and a good location and that is why they have decided to work with Mr. Rackley and do a zone change for the parcel with the intent to develop office buildings.

Mr. Markham asked if Mr. Hintze had any desire to acquire a small triangular piece east of the existing R-N-B property. Mr. Hintze stated that he did have a desire to acquire that piece of property and that he could not track down the owner of the property.

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 forward a recommendation of approval to the City Council for a zone map amendment from R-1-8 (Residential Single Family Low Density) to R-N-B (Residential Neighborhood Business) for the property addressed 160 West Winchester Street.

Seconded by Mr. Woodbury

Call vote recorded by Brad McIlrath

A____ Phil Markham

A____ Buck Swaney

A____ Travis Nay

A____ Scot Woodbury

A____ Karen Daniels

A____ Tim Taylor

Motion passed, 6-0.

LAND USE ORDINANCE TEXT AMENDMENT - HOME OCCUPATION – CHAPTER
17.24.050 – Project #15-107

The Murray City Community and Economic Development Division is proposing that the practice of Reiki and related or similar businesses be included in the list of those activities which are prohibited as home occupation businesses. Jared Hall reviewed the proposal. Reiki is classified by the State of Utah as a “spiritual healing art”. A Reiki practitioner transmits or manipulates healing life energy through the use of their hands. There are differing forms of the practice of Reiki, as well as many other similar arts. For purposes of this text amendment and the Murray City Ordinances, they are collectively categorized simply as “Reiki and associated business uses” (LU #6927). Additionally, it should be understood clearly that when any of these practices involves actual physical contact between the practitioner and the patient, that practice is classified as “Massage Therapy” in accordance with Utah’s state code.

Reiki is an alternative medicine practice which was developed in 1922 in Japan. The practice spread, and in recent years has experienced growing popularity in this region. In November 2010, Murray City adopted a text amendment to include Reiki as Land Use #6927 in the standard land use codes and to allow the use as conditional use in the C-D and M-G zones. This was a response to several applications for licenses and a growing need to distinguish the practice of Reiki from that of Massage Therapy. Prior to 2010, staff had treated Reiki as a form of massage therapy. However, there were concerns from staff and several business owners that Reiki might not be appropriate for all zones, and that the additional scrutiny of the conditional use process would be appropriate for the classification where it was allowed. Minutes from the planning commission meeting in 2010 are attached to this report for reference.

In proposing to prohibit Reiki as a home occupation, staff would echo those concerns from 2010. One of the principal issues is that while Reiki is very similar to massage therapy and other such uses, there is not a level of comparable oversight for its practitioners. For example, massage therapists are required to be certified with State issued licenses based on their training. Reiki carries no requirements for training or for certification from other agencies. Massage therapists undergo background checks associated with the issuance of their required professional licenses as well. Reiki does not require a professional license from the state, and practitioners are not required to have background checks. It is worth noting that the Community Development Division is currently working together in a process of reviewing the possibility of requiring background checks for Reiki practitioners (as well as several others business types) through business licensing regulations.

Ordinance Section 17.24.050 currently lists the uses prohibited as Home Occupation businesses. The opening paragraph and subsequent list read as follows: “The following uses by the nature of the investment or operation have a pronounced tendency, once started, to rapidly increase beyond limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations regardless of their conformance with the other standards of this chapter: dental offices, electronics repair, limousine or taxi service, major appliance repair (washers, dryers, refrigerators, etc.) medical offices, on site carpentry work

including cabinetmaking or other similar uses which generate noise, dust or fumes, painting of vehicles, permanent yard sales, photo developing, photo studios, private schools, sexually oriented businesses, tattooing, trailer or boat repair, upholstering, vehicle repair and vehicle sales.

Because of many of the same concerns that prompted the planning commission and city council to define Reiki and limit such businesses in the city through the conditional use process, staff feels it is appropriate to add "Reiki and associated business uses" to the prohibited list. No other change is being proposed at this time; Reiki businesses will still be allowed with conditional use approval in the C-D and M-G zones, but applicants would be prohibited from seeking home occupation business licenses. Based upon the above findings and conclusion, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning text amendment to Section 17.24.050 adding LU #6927, Reiki and associated business uses to the list of prohibited home occupations.

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

Mr. Swaney made a motion to forward a recommendation of approval to the City Council for proposed zoning text amendment section 17.24.050 adding Land Use #6927 "Reiki and Associated Business Uses" to the prohibited home occupation list.

Seconded by Mrs. Daniels.

Call vote recorded by Brad McIlrath

A____ Phil Markham
A____ Buck Swaney
A____ Travis Nay
A____ Scot Woodbury
A____ Karen Daniels
A____ Tim Taylor

Motion passed, 6-0.

OTHER BUSINESS

Mr. Hall mentioned attendance.

Meeting adjourned at 6:56 p.m.

Jared Hall, Manager
Community and Economic Development