

Minutes of the Planning Commission meeting held on Thursday, January 5, 2017, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair
Maren Patterson, Vice-Chair
Buck Swaney
Scot Woodbury
Sue Wilson
Phil Markham
Jared Hall, Community & Economic Development Manager
Brad McIlrath, Assistant 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 Division Office.

Travis Nay opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes from December 15, 2016. Seconded by Mr. Swaney.

A voice vote was made, motion passed 6-0

CONFLICT OF INTEREST

There were no conflicts of interests for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for M & M Gutters Inc., Martha Ruth Ramires, Granite Transformations Utah, Whip & Dip Hydrographics, LLC and Skylor Burbank. Mr. Swaney seconded the motion.

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

WINGERS'S USA – 4790 South State Street – Project # 16-159, Public Hearing

Eric Slaymaker, was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Certificate of Appropriateness for an expansion of the Winger's restaurant located at the property addressed 4790 S. State Street. Municipal Code Section 17.170.050 outlines the process for review of applications located within the Murray City Center District (MCCD). New construction or major alterations within the MCCD requires the issuance of a Certificate of Appropriateness by the Planning Commission after the project receives review and recommendation from the Design Review Committee. The applicant proposes to expand the current lobby area and, a new walk-in cooler for the kitchen, and a patio dining area located east of the lobby and in the space of two current parking spaces. The cooler will be 160 square feet, the lobby will increase by 80 square feet and the patio dining area will be 440 square feet.

In order to accommodate the new cooler, the dumpster will be moved from its current location at the northwest end of the building, to the south end of the new cooler expansion. With the addition of the patio dining area and a reconfiguration of the interior dining area, the restaurant will be able to accommodate an additional 43 patrons and will contribute to the pedestrian oriented nature of this district. The existing building location on this property is nonconforming as to the setbacks required in the Murray City Center District. The total number of parking spaces provided and the location of the parking lot area is also nonconforming to the standards of the MCCD. In order to maintain the existing parking lot configuration and building location the applicant requested approval for the expansion of a nonconforming use from the Murray Hearing Officer. Approval was granted on December 21, 2016 with the Hearing Officer's official findings which have allowed to project to move forward to the Planning Commission for review.

A goal of the MCCD zone is to provide pedestrian oriented businesses as demonstrated by a sidewalk at the southeast corner of the property and adjacent to the UTA Bus Stop. The Murray City Center District includes reduced parking standards in order to promote pedestrian activity and the use of alternative modes of transportation such as public transit or by bicycle. The existing windows will be replaced by glass overhead sectional doors that would open up to the patio dining area. The overhead door frames will be made of steel and the doors will be bronze overhead glass doors. The new signage included as part of this remodel would utilize individual letters and will simplify the signage and branding for the restaurant. According to aerial imagery measurements there is one hundred and thirty-three feet (133') of property frontage along State Street and one hundred and thirty-six feet (136') of property frontage along 4800 south. Based upon these linear measurements each front setback landscape area shall include four (4) trees, seven (7) 5-gallon shrubs and thirteen (13) 1-gallon shrubs. Based upon a site visit, there are currently three (3) trees in each front setback area which reduces the amount of new trees required to one (1) for each frontage. The remaining landscape area is planted with lawn and would need to be modified to include the minimum number of 5-gallon and 1-gallon shrubs outlined in the tables of the staff report. The MCCD includes additional requirements for landscaping in order to promote the use of native vegetation and water-wise landscaping. According to Section 17.170.160.E, the new shrubs shall be at a minimum seventy percent (70%) indigenous species with the trees needing to be at a minimum fifty percent (50%) indigenous. Additionally, no more than fifty percent (50%) of the landscaping areas shall be turf. The Murray City Center District includes reduced parking standards in order to promote pedestrian activity and the use of alternative modes of transportation such as public transit or by bicycle. With a total of 36 vehicular parking spaces, a minimum of 2 bicycle spaces are required, Staff determines that sufficient parking is provided for this use. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Certificate of Appropriateness for the restaurant expansion and site modifications for the property addressed 4790 S. State Street subject to conditions.

Eric Slaymaker, President of Winger's Restaurants, stated he has reviewed the staff recommendations and will comply. Mr. Nay commented that the improvements of the elevations on the buildings look nice. Mr. Markham added that he is excited to see changes like these happen.

The hearing was opened for public comment. No comments were made and the public hearing was closed.

Mr. Woodbury made a motion to grant a Certificate of Appropriateness for Winger's USA located at 4790 South State subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicant shall obtain a Murray City building permit prior to the commencement of construction.
2. The project shall meet all current fire codes.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted as part of the building permit application and installed prior to the issuance of a certificate of occupancy. The plan shall include irrigation details and include the following requirements:
 - (a) The front setback landscaping along the State Street and 4800 South frontages shall include and meet the following requirements:
 - (i) 4 trees (1 new tree);
 - (ii) 7, 5-gallon shrubs;
 - (iii) 13, 1-gallon shrubs;
 - (iv) No more than 50% of the landscape area shall be covered in grass with a minimum of 50% ground cover at time of planting.
 - (v) A minimum of 70% of ground cover and shrub plantings shall be indigenous species; &
 - (vi) A minimum of 50% of the trees planted shall native species.
 - (b) Landscaping shall comply with all other standards outlined in Chapters 17.68 and 17.170 of the Murray Municipal Code.
4. The proposed remodel shall provide at a minimum two (2) bicycle parking spaces as required for the Murray City Center District.
5. The project shall comply with the design standards outlined in Chapter 17.170 for the Murray City Center District and the MCCD Design Guidelines.
6. The trash container shall be screened as required by Section 17.76.170.

Seconded by Mr. Swaney.

Call vote recorded by Mr. McIlrath.

 A Scot Woodbury
 A Buck Swaney
 A Phil Markham
 A Sue Wilson
 A Maren Patterson
 A Travis Nay

Motion passed 6-0.

48TH & STATE OFFICE BUILDING – 40 & 48 East 4800 South, 4816 South State Street & 4837 South Poplar Street – Project #16-161, Public Hearing

Stan Hoffman, J.R. Miller enterprises, was the applicant present to represent this request. Jared Hall reviewed the location and request for a Certificate of Appropriateness to construct a new mixed use office building for the properties addressed 40 & 48 East 4800 South, 4816 S. State Street, and 4837 S. Poplar Street. The proposed building is approximately 125,000 square feet. The ground floor is designed for a bank, restaurant and other retail uses. The remaining four floors are planned for office space. Utah State University intends to occupy one floor with an extension campus. The building is tied to other development projects related to the larger downtown redevelopment plan. Vehicular access to the site is planned directly from 4800 South and from a proposed new alignment of Hanauer Street extending south. An egress only lane is planned out to State Street immediately to the south of the building in order to serve the bank tenant drive-through facility. The proposed building requires improvements to State Street and 4800 South as well as a parking field to the west of the structure. The project includes a 12 foot wide pedestrian zone including eight foot sidewalks and four foot wide “furnishing zones” providing landscaping and benches. Preliminary planting and landscaping plans have been submitted for review. Planting materials must conform to the MCCD standards. The proposed site plan can provide 99 stalls (about 43% of the required parking) on the properties included in the immediate application. The subject property and proposed building is tied to larger plans for the redevelopment of the downtown which include a parking garage that will serve parking needs for the proposed building as well as others. Recognizing that several other projects will impact the ability to appropriately park this facility, the MCCD Design Review Committee recommended approval with the condition that the applicants provide temporary parking plans to be implemented in the event that the building is ready for occupancy before the parking garage is completed. Net usable floor area is 23,000 square feet per floor for a total of 115,000 square feet for a total minimum parking requirement of 230 stalls. Although both schemes do include limited aspects of development which are forthcoming but also not yet completed, the majority of the needed parking could be provided among several properties and lots that would be immediately available without any further development. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Certificate of Appropriateness for the property addressed 40 & 48 East 4800 South, 4816 S. State Street, and 4837 S. Poplar Street subject to conditions.

Mr. Markham asked why showers are located on the main floor. Mr. Swaney added that it is most likely due to this being a transit oriented destination which would expect an increased number of bicycle and pedestrian commuters that might need facilities. Mr. Nay mentioned that the interior bike storage would also support this need.

Mr. Woodbury asked if the twenty-five foot setback along State Street has been updated on the plans in this presentation. Mr. Hall replied that all the changes have been made for this presentation to the Planning Commission.

Mr. Nay asked that the new concept of street dining be elaborated upon. Mr. Hall explained that street dining is allowed in the MCCD zone and is encouraged as long as the 25 foot right away consists of eight feet clear sidewalk and four feet furnishing zone. Mr. Nay asked if fencing of any type is required to be installed to protect the dining area. Mr. Hall said that currently the ordinance does not require any fencing but that it would be a good idea to add it. Mr. Nay asked for clarification about the closure or relocation of the west parking entrance on 4800 South. Mr.

Hall explained that the entrance would be too close to the alignment of Hanauer Street for ease of turning and that the engineer does not have any concern for traffic backing up from the remaining entrance on the north side of the parking lot.

Mr. Swaney pointed out a possible problem with rush hour traffic in areas of high density office buildings. Mr. Hall stated the project requires traffic studies to be conducted which are slow at this time from the large number of requests coming in, but are part of a global traffic analysis of the entire downtown area to satisfy the conditions of approval.

Mr. Nay expressed concern about the State Street frontage parking being metered in any way to decrease the duration of employee parking. Mr. Hall stated that a lot of parking will be provided in the large parking structure and additional south parking areas in the future and that it is a topic that will be addressed with the traffic study.

Ms. Wilson suggested that time limit parking signage be installed on the State Street frontage. Mr. Hall took the suggestion into consideration.

Mr. Swaney asked what the active transportation network is for this area. Mr. Hall explained that the General Plan addresses small areas of planning such as Murray Central Station, which would be a starting point for active transportation with the addition of bike lanes, planning, and as well as addressing it in the approval process. Mr. McIlrath commented that Hanauer Street will be designed in the future as a couplet with a bike lane. Vine Street currently has a bike lane which would lead a commuter to the 4800 South State Street building. Mr. Swaney added that he would like to see the active transportation routes laid out on site plans in the future.

Mr. Nay commented that the banking exit onto State Street has a narrow lane of vision around the building and asked how pedestrian safety would be addressed. Mr. Hall answered that the building setbacks meet the appropriate standards and planning would not approve a building without a clear view and that the city engineer could require pedestrian crosswalks or other suggestions to help with safety.

Stan Hoffman, 299 South Main Street, Salt Lake City, stated he is representing J.R. Miller Company. Mr. Hoffman stated he has reviewed the staff recommendations and will comply. Mr. Hoffman stated he has developed other large buildings with showers and indoor bike storage which has turned into a large pedestrian oriented hub and is very successful and realizes how prominent this type of transit is for the upcoming generation. Mr. Hoffman stated that he is supportive of transit oriented developments and that J. R. Miller does calculate this element into their plans.

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

Mr. Markham stated that Murray City is in need of office space. He asked with the development of this office building what is the type of tenant they are trying to attract. Mr. Hoffman answered that with the amenities provided in the building and the added parking deck it is a class "A" office building.

Mr. Swaney made a motion to approve a request for a Certificate of Appropriateness to construct a new mixed use office building for the properties addressed 40 & 48 East 4800 South, 4816 S. State Street, and 4837 S. Poplar Street subject to the following conditions:

1. The building plans must comply with the sustainability requirements as contained in the MCCD zone.
2. Landscaping plans must adhere to all standards of chapter 17.68 and the MCCD zone requirements.
3. Site and building lighting must conform to standards of the MCCD zone.
4. Building materials, colors and massing must be amended or approved as required by the Design Review Committee.
5. The applicant shall enter into an agreement with Murray City to provide temporary parking to meet requirements until the public parking structure is completed.
6. West parking access on 4800 South needs to be relocated or eliminated.
7. The development must meet city drainage standards including on-site retention or detention.
8. The applicant shall work with the City Engineer to provide the necessary improvements, including the possible widening of the turn lane on 4800 South and increased curb radius at the corner of 4800 south and State Street.
9. The applicant will complete traffic studies as agreed with Murray City to include this project and ensure compliance with appropriate recommended traffic mitigation measures.
10. The applicant shall obtain UDOT access permits for the proposed access onto State Street.
11. The applicant shall comply with all applicable building and fire codes, providing required sprinkler and alarm systems and shall work with the Fire Marshall to provide for the placement of adequate fire hydrants.
12. The applicant shall comply with all Murray City Water and Sewer department requirements.
13. Building encroachments into the public right-of-way must comply with chapter 32 of the International Building Code.

Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

 A Buck Swaney
 A Phil Markham
 A Scot Woodbury
 A Sue Wilson
 A Maren Patterson
 A Travis Nay

Motion passed 6-0.

HORIZON/NIELCO – 312 West Quail Trax Place – Project #17-02

Jay Barlow was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for a cabinet manufacturing and installation use to be located at the property addressed 312 W. Quail Trax Place located in our M-G district which requires a continual use permit. The applicant proposes to operate from this office/warehouse location. According to the submitted plans, the unit has a total square footage of 6,063 square feet with 432 square feet of office and 5,540 square feet of warehouse space. The remaining area is used for a women's restroom and a men's restroom. The warehouse will include equipment used for cabinet manufacturing along with a dust collector and exhaust system. The proposal includes minor flooring and painting remodels of the existing office spaces. The offices will be used for bookkeeping and the occasional (if any) appointments with customers. However, the majority of customer interaction will take place on site and not at this location. Parking for this use is calculated based upon the square footages of the warehouse and office space. Based upon the submitted plans, 7.3 spaces are required for the warehouse and 1.7 for the office, for a total of 9 spaces required for this use and the business will supply a minimum of ten (10) parking and one (1) van accessible ADA parking space is included for this use which meets the standard outlined by ordinance. Sufficient landscaping was previously approved and installed for this development. The landscaping for this development is in good condition and contributes to the value of the community and this industrial business park area. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the proposed cabinet manufacturing and installation use at the property addressed 312 W. Quail Trax Place subject to conditions.

Jay Barlow, 12345 South 3600 West, stated he has reviewed the conditions of approval and will comply. Mr. Barlow also stated that he manufactures specialty medical and dental cabinets and is a very small scale operation and all the new state of the art dust collection machines have been moved in, but are not to be used until the proper inspections have been passed.

The meeting was opened for public comment. The public comment portion was closed.

Mr. Woodbury made motion to grant Conditional Use Permit approval for a cabinet manufacturing and installation use to be located at the property addressed 312 W. Quail Trax Place subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The proposed use shall comply with all Murray City Water & Sewer Department requirements.
4. The applicant shall obtain a Murray City Business License prior to the commencement of business operations at this location.

Seconded by Ms. Swaney.

Call vote recorded by Mr. McIlrath.

 A Buck Woodbury
 A Buck Swaney
 A Sue Wilson
 A Phil Markham
 A Maren Patterson
 A Travis Nay

Motion passed 6-0.

CAR2SEEK, INC. – 4530 South Commerce Drive – Project #17-03

This application was withdrawn.

BUDGET CAR & TRUCK RENTAL – 5443 South Commerce Drive – Project # 17-09

Jack Lear was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for a car & truck rental business to be located at the property addressed 5443 S. Commerce Drive. This property is located within the C-D Zoning District subject to conditional use permit approval and has previously been used as an auto auction site. The applicant will occupy half of the building for a sales and management office and for vehicle storage and prep area. The site plan shows a future new property line and fence beginning at the south end of the access driveway and continuing in straight line to the east property line. This future division would occur prior to the development of the south portion of the property for a new Extra Space Storage location which was previously approved by the Planning Commission on July 21, 2016. At the time of the subdivision, the parking spaces located along that south property line would no longer be usable because an access aisle would not be provided. Staff has communicated this information to the applicant who understands the issue and is willing to restripe the parking lot area at the time of subdivision. With a square footage of 3,373 square feet for the storage and vehicle prep building, 5 spaces are required. Based upon these calculations, a total of 10 parking spaces shall be provided for this use. The current site plan shows one van accessible parking space located at the south end of the west building. With the future elimination of the south 33 parking spaces, a total of 158 spaces would be provided for this use. In regard to condition number 4 which requires 6 ADA parking spaces, it should be amended to state that the required ADA parking stall should be based only on the number of parking stalls provided for employees and customers, not to include the sales parking stall in the count for ADA stalls. Staff determines that sufficient parking is provided for this use.

The west building will be used for the sales and management office and will include a 348 square foot conference room, three stand-alone offices with a net square footage of 297 square feet, and an open office work area of 329 square feet. This building would also include two restrooms, a break room, some storage and a customer lobby area. The existing site landscaping consists of a front setback landscaped area along Commerce drive that is approximately eighteen feet (18') wide and includes grass. With calculations from a site visit and aerial surveillance, the property frontage along this area that Budget Car & Truck Rental will occupy is 172 linear feet. Based upon this measurement, the front setback landscaping will need to be modified to include five (5) trees, nine (9) 5-gallon shrubs and seventeen (17) 1-gallon shrubs. Additionally, any parking that is located adjacent to a property line must be

buffered with a minimum five foot (5') landscaped area as outlined in Section 17.160.100.D. of the Murray Land Use Ordinance. In order to comply with this standard the parking areas adjacent to existing and future property lines shall have a landscaped area of five feet (5') installed. All landscaping improvements must be installed or have a deferral agreement completed with the City prior to issuance of a business license. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval for auto rental use subject to conditions.

Mr. Nay asked if there is an issue with the south drive entrance and the proximity to the proposed subdivision. Mr. McIlrath stated that issues may arise with drive access points being separated from each other, but not from property lines. Mr. Nay asked once the subdivision was in place and they parked along this south property would it also have to maintain the five foot buffer. Mr. McIlrath stated yes they would have to follow the current requirements for landscaping.

Mr. Markham asked if any specific type of fencing is required to split the two lots. Mr. McIlrath replied that any fencing would be appropriate as long as it complies with the current fencing ordinances.

Mr. Swaney asked if there are any safety or security concerns along the rail track line at the back of the lot. Mr. McIlrath replied there are not any as long as a fence is in place as there is no drive access or pedestrian pathways nearby.

Mr. Nay asked if there are any limitations for light poles. Mr. McIlrath replied the C-D zone does not have many limitations except for those that are in relationship to the power lines that are in the area and any lights on the north property lines should be shielded downward.

Jack Lear, 641 North 3100 West, Salt Lake City, stated he has reviewed the staff recommendations and will comply.

Ms. Wilson asked Mr. Lear if he is understanding of the conditions in which he must comply for washing any vehicles on site. Mr. Lear answered he will work with staff to ensure they are in compliance with the ordinance. Mr. Swaney reminded the applicant that when he stated that he will comply, it includes the amended item 4 for the required amount of ADA stalls.

The meeting was opened for public comment.

Tom Lewis, representing the Holiday Inn Express at 5429 South Commerce Drive, stated that his development was intended to be a part of a potential RDA as an up scaled entrance to the city which he feels was not honored by Murray City, but they developed anyway with the hopes that Murray City would continue with upscale businesses surrounding the hotel. The concern with the proposed development is that it is an industrial use and not in line with their assumed RDA plans and discussions. Mr. Lewis wished to see businesses such as office and retail developments that support the hotel uses and vice-versa. Mr. Lewis pointed out that a theme throughout the night has been excitement about upscale and higher-end facilities to the entrance of Murray City, but does not feel that this use fits the vision of beautification for the city. Mr. Markham commented that this type of business next to the hotel could be a limited time lease and could bear a lot of potential for future conversion into a different type of use. Mr. Lewis stated he is unaware of how long the lease is for but would be interested to know.

The public comment portion was closed for this agenda item.

Ms. Patterson asked with regards to the General Plan, what the location of office rezoning would be to the hotel. Mr. McIlrath stated that the area on both sides of 5300 south are to be converted into a professional office zone, but that has not happened yet as the General Plan has not been adopted. Currently the Commercial Development zone is in place and the Budget rental truck fits that parameter for the ordinance. In the future the rezoning to office space would allow the area to potentially open up to developing more office buildings. Mr. Swaney commented for the benefit of the audience when CUP's are presented before the Planning Commission for approval the commission must approve them if they are allowed by the zoning of the area and can meet the conditions. Mr. Swaney added that Murray City has a lot of commercial property available and not all of it is able to be developed as ultra-class A office space, and he believes that the city is trying to best focus on developing certain areas that will provide the greatest return to the city with the establishment of the MCCD District to create a great city center. The commission is in agreement that the staff and the General Plan does address the development of the city entrance to have a gateway that is more appealing.

Ms. Wilson stated she has seen car rental developments in other areas that are very appealing and believes this type of business is very beneficial to an adjacent hotel, if the facility is developed properly. Mr. Nay commented that it is a duty of the city to ensure the property is developed with landscaping standards that meet ordinance and beautify the city.

Mr. Swaney made a motion to grant approval for a Conditional Use permit for a car & truck rental business to be located at the property addressed 5443 S. Commerce Drive subject to the following conditions with the amendment to condition number four:

1. The project shall meet all applicable building code standards. The applicant shall obtain a Murray City Building Permit for any significant building remodels as determined by the building division.
2. The project shall meet all current fire codes and provide a sufficient number of fire hydrants as determined by the Murray Fire Department.
3. The project shall comply with all Murray City Water and Sewer Department requirements. The applicant shall clear any washing or repair of vehicles with that department to ensure compliance with department requirements.
4. The parking lot shall be modified to meet ADA standards as outlined by ordinance.
5. The property landscaping shall be modified to include the following improvements:
 - (a) The front setback landscaping along Commerce Drive shall include five (5) trees, nine (9) 5-gallon shrubs and seventeen (17) 1-gallon shrubs.
 - (b) A five foot buffer landscape area shall be added adjacent to any parking that abuts a current or future property line.
 - (c) All landscaping shall have a minimum ground cover of fifty percent (50%) at time of planting.
 - (d) All landscaping improvements shall be installed or deferred with the completion of

a deferral agreement with the Community Development Division prior to the issuance of a business license.

6. Any trash container shall be screened as required by Section 17.76.170.
7. The applicant shall obtain a Murray City Business License prior to the commencement of business operations at this location.

Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

 A Buck Swaney
 A Phil Markham
 A Sue Wilson
 A Scot Woodbury
 A Maren Patterson
 A Travis Nay

Motion passed 6-0.

MASTER SCRAPPER – 4107 South 420 West #B – Project #17-11

Kelsey Raddon was the applicant present to represent this request. Jared Hall reviewed the location and request a Conditional Use Permit to allow a wood floor scraping business on a portion of the property located at 4107 South 420 West Unit #B. Municipal Code Ordinance 17.152 allows millwork and similar type manufacturing (LU #2430) within the M-G Zoning District subject to conditional use permit approval. The wood floor scraping business would lease an 800 square foot work space within a 16,000 square foot industrial building currently used by another contractor within the M-G zone. No changes to the existing open floor plan are proposed, the applicant will simply work in their portion of the building. This facility meets the standards for the required amount of restrooms. Access for this unit is provided from 500 West by way of shared drives. Parking is shared between several buildings on this property, all with similar parking needs and requirements. The proposed wood scraping operation will not impact existing parking. Customers are not anticipated on-site, it is a service only operation at this location. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the wood scraping business at the property addressed 4107 South 420 West #B, subject to conditions.

Kelsey Raddon, 188 E Clear Creek Drive Sandy, stated he has reviewed the conditions and will be able to comply.

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

Ms. Patterson made motion to grant a Conditional Use permit approval for a wood floor scraping business on a portion of the property located at 4107 South 420 West #B subject to the following conditions:

1. The project shall meet all applicable building code standards and have access to on-site

restroom facilities.

2. The project shall meet all current international fire codes.
3. The applicant shall comply with all Jordan Valley Water and Cottonwood Sewer District standards.
4. The applicant shall obtain a Murray City Business License prior to the commencement of operations on site.

Seconded by Mr. Swaney.

Call vote recorded by Mr. McIlrath.

 A Maren Patterson
 A Buck Swaney
 A Phil Markham
 A Scot Woodbury
 A Sue Wilson
 A Travis Nay

Motion passed 6-0.

WOODWARD INDUSTRIAL PARK – 197, 207 & 213 West 4860 South – Project #17-07

Jim Peterson was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a subdivision amendment to the Woodward Industrial Park, for consolidation of lots #15, #16, and #17 into one new lot #15 A, at the properties addressed 197, 207, and 213 West 4860 South in a platted subdivision in the M-U zone. After the lot consolidation is approved and recorded, the applicant plans to make a separate application to Murray City for site plan approval to construct a new building for office/shop or warehouse spaces for lease. Based on the information presented in this report, application materials submitted and the site review staff recommends a positive recommendation of preliminary and final approval be forwarded to the Mayor for the proposed subdivision subject to conditions.

Jim Peterson, 6609 Old Mill Circle, Salt Lake City, stated he has reviewed the conditions and will be able to comply. Mr. Peterson stated he will build an office/warehouse on this property once this consolidation is approved.

The meeting was opened for public comment.

Scott Harrilson, 4135 Morris Street, asked if this consolidation of the subdivision is a residentially zoned area. Mr. Nay replied it is not residentially zoned. Mr. Harrilson stated that the area of 4800 South and 300 West has a new complex that has parking over flowing on to 4800 south and wondered if overcrowded parking is being addressed with the new developments.

The public comment portion was closed.

Mr. McIlrath stated the building in question is a multi- family home development of Inverness

Square and was allowed to be built in the Manufacturing General Zone for only a short period of time, the parking arrangements were not reduced to account for transit oriented commuters and it has been a parking issue that the city has been addressing over a period of time. The Woodward project is not a residential subdivision and should not have the same parking issues. Mr. Nay added that when the Woodward subdivision is presented to staff it will be reviewed to ensure parking standards are met.

Mr. Woodbury made a motion to forward a recommendation of approval to the Mayor for the proposed subdivision amendment located at the property addressed 197, 207, and 213 West 4860 South, subject to the following conditions:

1. The applicant shall meet the requirements of the Murray City Engineer for the recording of the subdivision amendment, for consolidation of the three parcels, at the Salt Lake County Recorder's office.
2. The applicant shall comply with Murray Building and Fire Department requirements.
3. The applicant shall comply with Murray Water and Sewer and Power Department requirements.

Seconded by Ms. Wilson.

Call vote recorded by Mr. McIlrath.

 A Scot Woodbury
 A Sue Wilson
 A Phil Markham
 A Buck Swaney
 A Maren Patterson
 A Travis Nay

Motion passed 6-0.

MURRAY COVE SUBDIVISION PHASE 2 – 1181 & 1187 West Bullion Street – Project # 17-08

Nick Mingo was the applicant present to represent this request. Jared Hall reviewed the location and request of Ivory Development for a preliminary subdivision approval for a single family residential development with eighty-three lots located within the R-1-8 and R-1-10 zones located at 1181 & 1187 West Bullion Street. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials. The subdivision plans show the development will be done in three phases. There are 21 lots located in the R-1-10 zone to the west side of the property and 62 lots located in the R-1-8 zone located to the east area of property. The residential lot sizes range from 8,000 sq. ft. to 17,707 sq. ft. per lot. The two radio towers currently located on the property will be demolished. The subdivision lots are accessed from Bullion Street to Pitchfork Road and from Murray Hollow Lane into the new development. The south area of the property has a stub road connection to the vacant Murray City owned property in order to continue the road south when the vacant property is developed. The plans show the Jordan River at the east boundary area of the property and a 35 ft. wide maintenance easement at the west side of the Jordan River and will be recorded as a conservation easement. This project will include site drainage, water detention and meander corridor

conditions as part of the approval process. Sidewalks will be located on both sides of the street. The City Engineer has received a traffic study prepared for this development. The summary/conclusion of the traffic study indicates the proposed residential development will not have significant impact on traffic operations in this area. The subdivision will be recorded in three different phases. Tonight presentation will be for a preliminary subdivision approval. The final phases will be recorded and approved individually. The applicant will need to apply for final subdivision approval to the Planning Commission and Mayor before the subdivision plat will be recorded. The Murray City Building Division received a copy of a geotechnical study for the subdivision review of this property. Based on the information presented in this report, application materials submitted and the site review, staff recommends preliminary subdivision approval for Murray Cove Phase 2 at the properties addressed 1181 & 1187 West Bullion Street.

Mr. Nay asked for more clarification about the secondary culinary water and how it will flow across the Jordan River. Mr. Hall replied that the water comes in from two different places and the water department wants a second connection to improve flow which would be required to come in beneath the river and nothing would go over the river.

Mr. Markham expressed concern with the pedestrian traffic and the trail crossing nearby as well as the awkward access off of 1300 West onto the bridge on Bullion Street and wondered if they were addressed in the traffic study and if not could we ask for an expansion of the traffic study. Mr. Markham asked for more detailed information on the traffic study. Mr. Hall replied that the city engineer did ask for the traffic study and he reviewed it but we could ask for an expansion of that study.

Mr. Woodbury stated he lives in the area and is also concerned with the traffic flow from 1300 west getting backed up which could possibly cause traffic to cut through Walden Glen. Mr. Markham suggested that the traffic study should address this issue if it has not already and asked to see a copy of the traffic study. Mr. Hall said he would provide the requests regarding the traffic study. Mr. Markham stated that Bullion Street is not a fully improved Street and lacks curb and gutter on both sides which raised questions about the traffic study. Mr. Nay asked if the development of the phases includes streets. Mr. Hall stated the infrastructure will be installed in phases as well and that the need for temporary turn arounds and other traffic issues will be addressed in phases by the city engineer, Trae Stokes and himself. Mr. Woodbury asked that as traffic concerns are addressed in phases they also be addressed as a whole to allow for any possible future development.

Ms. Wilson asked about the large bird nest that is in one of the towers located on the property and would eventually be demolished and what would be the steps involved to ensure a possible Golden Eagle or Hawk nest not be destroyed. Mr. Swaney commented that a Federal Bald and Golden Eagle protection act does exist that has specific requirements of how to handle this situation if it does fit into that classification. Mr. Hall replied that this is the first time he has been made aware of this possible situation and he will have this looked into immediately as the towers are required to come down before any land disturbance is allowed per condition number fifteen. The commission expressed hesitation to approve this request until further information is supplied about the traffic study and tower demolition, but wanted to have more input from the applicant and public.

Nick Mingo, representing Ivory Development, 978 East Wood Oak Lane, stated he has reviewed

the staff recommendations and will comply. Mr. Mingo stated that Hales Engineering completed the traffic study and they did look at the intersections at Bullion and 1300 West as well as Bullion and Murray Parkway Avenue and both intersections were recommended as no mitigations on the traffic study. Mr. Mingo addressed the pedestrian trail crossing and suggested that he would have a letter included in the traffic study and present it in the next meeting. Mr. Mingo stated that he would have a wild life biologist look at the birds nest, as well as state and federal agencies reviewing the project as part of the Jordan River.

Ms. Wilson suggested the DWR to be a reviewing agency. Mr. Mingo confirmed they are already scheduled to be involved. Mr. Mingo added that the bike trail from Bingham Junction is a two mile ride on the Parkway trail and Central Station is three miles on 5100 south and the Parkway trail. Mr. Swaney commented on the ease of connections for pedestrian traffic.

Mr. Woodbury asked if the traffic study recommended any improvements to Bullion Street. Mr. Mingo answered that no changes whatsoever were recommended in the traffic study and that Bullion is fully improved in front of this project. Mr. Woodbury stated that further down Bullion Street toward 1300 West the street is not fully improved and would like some of the traffic flow and flooding issues addressed. Mr. Woodbury asked that if an approval were to be granted tonight he would like an additional condition or amendment to a condition to provide a more detailed explanation of the traffic study that was conducted such as a letter from the city engineer or his appearance at a planning meeting. Mr. Swaney commented to add a condition that specifies further analyzation requirements are necessary to address the possible bird nest habitat.

An audience member asked if the lots are single family lots. Mr. Hall replied that this is a single family subdivision.

The meeting was opened for public comment.

Kenny Smelling, 5826 Treasure Farm Circle, stated his concern with traffic accidents that have come off of Walden Glen Drive. He also stated that the school bus route has been discontinued in the area and is concerned for the safety of the children on the streets as traffic will increase. Mr. Smelling suggested additional traffic studies be conducted as well as the School District become involved to address the school bus route. Mr. Nay suggested that Mr. Smelling contact the School District and his city council member.

Wayne Bahr, 1243 Pitchfork Road, stated the he lives in a sewer pump zone and asked with this subdivision and any potential future development is the current pump system adequate under all different conditions. Mr. Bahr also asked if this proposal is approved will Bullion Street have improvements to the road near the canal where a sharp turn is needed to navigate from Bullion onto 1300 West and asked that the dangerous 1300 West turn be taken into account on the traffic study as well.

Rebecca Sanborn, 1245 West Bullion Street, stated that her father was the previous owner of the pitch fork property and is concerned with the large amount of fast moving traffic generated by 83 lots. Ms. Sanborn added that traffic is getting backed up to her home from 1300 west currently and increased use of Bullion street as a through way to avoid 5300 south is becoming more problematic.

Ms. Wilson commented on the traffic flow through Walden Glen being used as a cut through to 5300 South when the bridge located at Bullion and 1300 west does get backed up creates traffic issues for that subdivision in the future.

Wayne Bahr, 1243 Pitchfork Road, stated that out of Walden Drive a left hand turn is no longer possible.

Bret Stanger, 5852 Treasure Farm Circle, stated that he has grown up in the area and he feels that the intersection of Bullion and the Murray Parkway should be included in the traffic study as it is used as a through way for traffic to and from the west area. Mr. Stanger stated he has witnessed several traffic accidents in the immediate area.

The public comment portion was closed.

Mr. Nay asked that the pump zone and sewer issues be addressed. Mr. Hall explained that Danny Astill with the Water and Sewer Department is looking into these types of potential issues and would provide an analysis during final approval. Mr. Nay commented that the City is ultimately responsible to address the traffic issues in the area and encouraged the audience to make the City Council aware so they can make the Mayor aware of these types of issues.

Mr. Woodbury asked if the commission were to approve this application tonight would these items present themselves before us again with detailed information and answers to some of the questions. Mr. Hall replied they would be addressed during the final approval to the Planning Commission. Mr. Swaney commented that the traffic reports currently submitted do not contain enough information to analyze and understand what work has been done.

Mr. Swaney stated some of the data he would like to see when a transportation report comes forward are what the current level of service on the roads is nearby; how have they documented and counted the traffic flow; and at what times of the day are they being conducted, accident data that is investigated by the city for Bullion Street, Treasure Farm, Walden Lane, 1300 West and the Parkway; indicate what the new traffic condition would be like with the addition of 83 lots to include daily trip counts, and indicate what parts of this area will continue to contribute to increased traffic flow from future development of the area.

Mr. Nay stated his concern that it is not the responsibility of the developer to understand what potential build out may happen over a long and undetermined amount time, when a development commissions a traffic study there is only so much they can be responsible for asking as well as only a certain distance should be included. Mr. Woodbury commented that a developer should be responsible for their development and the City should be responsible for looking at the data to protect the neighborhoods currently and into the future. Mr. Hall clarified that the traffic study does not indicate that there is no impact on the area only that there is no impact that requires change to the existing area. Mr. Woodbury commented that he is surprised that the traffic study does not ask for any changes as 83 homes with multiple vehicle families would not impact the traffic. Ms. Patterson stated that the City Council should be more involved with the responsibility to improve the streets as they ultimately have the power to change the large scale concerns of Bullion Street which are in existence even before the proposed Ivory Development.

Mr. Mingo stated that the traffic concerns are all included in the traffic report and wished it was present but that a copy can be supplied before the final of phase one is presented and will ask the traffic engineer to have a closer look at the interaction with the trails specifically.

Ms. Wilson asks that the bird issue be addressed in the final Subdivision approval.

Mr. Markham made a motion to grant preliminary subdivision approval for Murray Cove Phase 2 at the properties addressed 1181 & 1187 West Bullion Street subject to the following conditions with an emphasis to number 6:

1. The project shall comply with Murray subdivision requirements. Based on the current phasing plan, temporary turn-a-rounds will be required.
2. Comply with City storm drain requirements.
3. Provide landscaping for proposed detention pond.
4. Meet City utility requirements and provide standard PUE's on all lots. Structures shall avoid encroachment into PUE's.
5. Provide a site soils study from a geo-technical engineer, and meet all recommendations.
6. Provide a site traffic study.
7. Obtain all required County and State permits related to the Jordan River meander corridor, storm water discharge and water connection to Murray Park Avenue.
8. Provide a conservation dedication/SL County maintenance easement along the Jordan River.
9. Maintain a 75 foot setback from the Jordan River floodway for homes adjacent or backing the river. Show the setback line on the plat.
10. Provide a rear yard fence for homes backing on the Jordan River.
11. Provide highway noise abatement measures as designated by City Code Chapter 8.17. Obtain required UDOT permits for noise wall installation.
12. Obtain irrigation company approval and pipe all active irrigation ditches.
13. Provide a stub street into the vacant property south of the subdivision. If the stub road is used for lot access, the length cannot exceed 100 feet.
14. Develop a site SWPPP and obtain a City LDP prior to beginning any site work.
15. The existing radio towers must be removed prior to beginning any site construction work.
16. The project shall comply with Murray Power Department requirements.
17. The project shall comply with fire department requirements including to provide adequate numbers and placement of fire hydrants and meet the required fire flows.
18. The building division requires compliance to building/fire code requirements and a soils report is required from a geo-technical engineer.
19. The project shall comply with the Murray Water and Sewer department requirements. There are special requirements regarding a second source of water to be looped into the new subdivision from the east side of the Jordan River.
20. Subject to adjustment of lot sizes or zoning to assure compliance.
21. An analysis of any requirements related to the relocation of protected bird wildlife present on the radio towers will be performed prior to final subdivision approvals.
22. Final subdivision approval is required for the development to be recorded at Salt Lake County.

Seconded by Ms. Patterson.

Call vote recorded by Mr. McIlrath

A Phil Markham
 A Maren Patterson
 A Sue Wilson
 A Scot Woodbury
 A Buck Swaney
 A Travis Nay

Motion passed 6-0.

MATRIX CAPITAL ADVISORS – 6444 South Rodeo Lane – Project #17-10

Chris Clifford was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a preliminary and final approval for a flag lot subdivision at the property addressed 6444 S. Rodeo Lane. The applicant proposes to create two lots with approval of a flag lot subdivision at this property location. Flag lot subdivisions are permitted within any single family zoning district subject to specific development standards outlined in Section 17.76.140 of the Murray Municipal Code. The minimum lot area required in the R-1-8 Zone is 8,000 square feet which would require the minimum area of the flag lot to be at least 10,000 square feet. With a proposed lot area of 16,988.4 square feet, the flag lot in this subdivision complies with this standard. The preliminary plan that the applicant has submitted shows a home on the front lot and back lots. The existing property size is 0.66 acres or 28,749.6 square feet. The proposed subdivision would create lot 1 with a lot area of 0.27 acres or 11,761.2 square feet and lot 2 with a lot area of 0.39 acres or 16,988.4 square feet. The main body of the flag lot (lot 2) must be 1.25 times the minimum lot area required for a regular lot in the same zoning district as well as the access strip portion of the flag lot must have a minimum width of twenty-eight feet (28') with four feet (4') of landscaping on each side of a twenty foot (20') wide paved access driveway. The submitted plans shows that both of these standards are met with this proposed application. The sit visit shows an existing home that is centrally located on the lot with drive access is located at the north end of the property to Rodeo Lane and would be the future access for the new dwelling on lot 1 of the proposed subdivision with the access for lot 2 provided by the access strip of the flag lot at the south end of lot 1. Based on the information presented in this report, application materials submitted and the site review staff recommends that the Planning Commission forward a recommendation of preliminary and final flag lot subdivision approval to the Mayor for the property addressed 6444 S. Rodeo Lane subject to conditions.

Mr. Markham asked if the proposed footprint of the house shown on the application is just a shape and could this differ from the actual placement of the houses. Mr. McIlrath stated the houses shown on the application are just examples of houses and do not actually represent the houses that would be built on the property and the actual houses would be required to comply with all the ordinance setbacks. Mr. Markham asked what the maximum height allowance is in the residential zone. Mr. McIlrath answered thirty-five feet measured to the peak roof line as is the standard for all residential zones. Mr. Nay asked if this area is a historical district. Mr. McIlrath answered this is not a historical district and if it were the building division would notify the historic preservation specialist and be required to submit pictures for any buildings over fifty years old.

Chris Clifford, 2715 East Swasout Way, Holladay, stated he has reviewed the conditions and will be able to comply. Mr. Clifford stated he has lived in this home for twenty-five years and is interested in downsizing to a smaller house and that his son-in-law is interested in upgrading to

a larger home and it made sense that they could purchase this lot and split the lot between them both and build homes that would suit each better. The original home currently on the lot was built in 1972 by the Kazerian family. Mr. Clifford asked why geology on condition number four is a concern as listed for a plat, but rather for a building permit and asked if the condition could be removed from his requirements. Mr. Nay asked if condition number four were to remain would Mr. Clifford be able to comply with all conditions. Mr. Clifford replied that he would have a geology report for building, and his concern is providing it in this sequential order and other than that he would be able to comply with all the other conditions. Mr. Clifford stated the property is already set up for this type of subdivision as the south end of the property already has a drive way on it and the trees would not need to be removed and would to retain the trees. Mr. Nay commented to Mr. Clifford that it is within his legal right to remove the trees if he wishes. Mr. Clifford stated that some of the trees would need to be removed because they are dead.

The meeting was opened for public comment.

Vince Fishbaugh, 1530 East 6400 South, stated he had emailed Brad McIlrath and expressed his concern about keeping the geological survey as a condition and that there is an artesian well is on the property and was worried if the well would be capped off when the house is built.

George Morgenegg, 6439 Rodeo Lane, stated he is against more than one home being built on a lot and is concerned for overcrowding and traffic issues as well as when expensive homes are built in the surrounding area it drives the property tax up of his house. Mr. Morgenegg stated a home was built on the property behind him and it blocks his view.

George Katz, 6150 Steeple Chase Lane, expressed concern with flag lots and recited Murray City code 16.16.090, all lots or parcels created by subdivision of land for single or two family dwellings shall abut a public street and 16.16.140 a minimum size area of all lots shall conform to the requirements of title 17 of this code for the district in which the subdivision in which it is located. In calculating the lot area for properties for purposes of this chapter and of chapter 17 of this code the square footage of any street public or private shall not be included. Mr. Katz, commented that the 20-28 foot drive that comes up the side of the property should not be included in the 10,000 ft. calculation of the property based off his rough calculations. Mr. Katz recites letter D, flag lots are not permitted unless the planning commission finds that due to unusual shape, location or other unusual conditions. Mr. Katz does not feel this lot should be recommended for a flag lot as it is a standard size lot and he does not like the idea of flag lots because he cannot see the house behind to know what's going on at that property. Mr. Katz is concerned about fire safety for the back house as a fire truck can access the driveway but would not be able to turn around, as well as the run off during heavy rain drains into Tanner Ditch which floods the houses on Steeple Chase Lane as well as his property which may increase due to more concrete added in the flag lot area.

David Solis, 6205 Marine Drive, stated his concern is on Highland Drive when an entire lane was backed up with traffic from a fire truck trying to access a flag lot as the driveways are very limiting for emergency vehicles.

The public comment portion was closed.

Mr. McIlrath addressed condition number four, requiring a soils report. He stated this condition was recommended by the Building Division and stated the Planning Commission could remove

the condition if they deem it necessary but the condition would need to meet for the building permit. Mr. McIlrath addressed the flag lot ordinance in regard to the driveway not able to be counted as part of the rear lot area which staff interprets this as the main body must be one and quarter times greater than what is allowed in that zone. Mr. McIlrath stated properties that abut a public street are governed by specific standards for flag lots which allows them to be considered as abutting a public street because it is a part of the front lot which abuts a public street. Mr. McIlrath addressed lot width as the lot size must be the same as what is allowing in the existing zone and irregularity of flag lots may be approved if the lot would not be able to be developed in any other manner allowed by city ordinances. Mr. McIlrath stated that this application does meet and exceed all the requirements for a flag lot and staff recommends approval. Mr. Mcilrath stated if the home owner wished to cap the artesian well it would need to be in such a way that would preserve water quality. Mr. Nay added that a geotechnical report would outline the proper way to cap the well if needed.

Ms. Wilson asked if the well is owned by other residents of the neighborhood. Mr. McIlrath answered this well is owned solely by the property owner but other residents do have access to the well on Mr. Clifford's property but may have access to a well on their own property and the capping of the well would not limit access for anybody else with their own well.

Chris Clifford, 2715 East Swasout Way, stated the well is not an artesian well as it does not rise naturally to the surface, instead it uses a pump system that is bored to 145 feet with a seven inch casing. Mr. Clifford stated he intends to sell his water shares to the Jordan Water Conservancy District. Mr. Clifford stated he will build his proposed house where the well is currently, and plans to dig down fifteen feet and cap the well which would be approximately six feet below the basement foundation.

Mr. Swaney stated that he would vote against this flag lot if a rezone were involved.

Mr. Woodbury made a motion to forward a recommendation for preliminary and final flag lot subdivision approval to the Mayor for the property addressed 6444 S. Rodeo Lane, subject to the following conditions:

1. The project shall comply with the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office. Prior to recordation of a final plat, the applicant shall provide a pdf copy of a plat to the Engineering Division for review and approval.
2. The final subdivision plat shall show utility easements on all of the lots to meet the subdivision ordinance regulations and the appropriate signature blocks for this area.
3. The proposed flag lot subdivision shall comply with all development standards for properties in the R-1-8 Zone and flag lot development standards outlined in the Murray Land Use Ordinance.
4. The project shall meet all applicable building code standards. The applicant shall submit building plans and a soils report for the application of a building permit prior to construction of new buildings.
5. The applicant shall obtain a demolition permit for the demolition of the existing dwelling on

this property.

6. The project shall meet all current fire codes.

Seconded by Mr. Swaney.

Call vote recorded by Mr. McIlrath.

 A Scot Woodbury
 A Buck Swaney
 A Sue Wilson
 A Phil Markham
 A Maren Patterson
 A Travis Nay

Motion passed 6-0.

CIVIC & COMMERCIAL STREET BANNERS – Project #16-171 – Land Use Ordinance amendment to section 17.48.400

Jared Hall stated that he has received some more concerns from Mr. Critchfield on this topic. Staff drafted the language for this proposal under direction from other departments. At this time staff feels the most appropriate action is with draw the application. Mr. Hall stated if this application is brought forward in the future it will be with a new application written with new language and assistance from the attorney office.

The application was withdrawn.

CHILDCARE IN RESIDENTIAL ZONES – Project #16-171 – Text amendment to Increase the number of children allowed in a residential daycare from 8 to 12

Jared Hall presented the application request for an Ordinance Text Amendment to the zoning ordinance standards related to in-home daycare facilities in residential zones. The request is specifically to raise the limits on numbers from the currently allowed 8 children, to 12 children. Mr. Hall stated the emails that were received were added to the Planning Commission reports as well as the applicant's documents. In 2004 the number of children allowed in an in home day care was raised from six to eight in response to the state code changes. Mr. Hall stated that this application is in response to the state code changing from eight to twelve children allowed in an in home day care. This increase would not violate state limitations nor increase the number of employees needed to increase from eight to twelve children but would increase the amount of traffic generated in the neighborhood. Mr. Hall stated that in home day care is categorized under business licensing as an in home occupation, with initial input from the business license specialist and staff the response was in favor of denial due to the negative impact on the neighborhood with increased traffic it would not clearly keep the primary use of the home as a home and should instead clearly keep the business aspect as a secondary use therefore staff recommends denial to the City Council for the requested Ordinance Text Amendment increasing the numbers of children allowed for in-home child care in residential zones from 8 to 12.

Mr. Nay asked for a home occupation how many employees are allowed to work there who do

not reside in the residence. Mr. Hall replied only one employee would be allowed to work in addition to the home owner and would not need to increase with the addition of four more children as is regulated by state law. Mr. Swaney asked if at home day care is allowed by right and not by a Conditional Use Permit (CUP). Mr. Hall replied yes, it is allowed by right and no CUP is needed. Ms. Patterson asked if an in home preschool is categorized the same as an in home daycare. Mr. Hall responded that the state has different regulations for child care in regard to the ages of children allowed in the home which counts against the number of allowed total children allowed.

Mr. McIlrath stated that group instruction is considered as seven but not more than twelve.

Mr. Markham stated he has concerns about the city being able to monitor the at home occupation businesses as the city is understaffed to do so.

Amy Blackwell of Miss Amy's Daycare, 940 West Walden Meadow Drive, stated she has been in the daycare business for fourteen years in this home and is at the child capacity with some of her clientele who have been with her and their families have been growing in size and she is unable to take the additional siblings so she would ask some families to leave or separate the children. Ms. Blackwell stated she has had to turn away current clients forcing parents to find new daycare. Ms. Blackwell stated when some of the older children go to school the daycare is empty and she can't take any more children due to the other school aged children returning to her home and she is not able to charge full price due to the children being in the daycare only half the time.

Mr. Nay commented that he appreciates Ms. Blackwell obeying the law and asking the city for the change of ordinance, but the concern lies with the residents who are doing this illegally. Ms. Blackwell stated that some residents do conduct illegal daycare which gives all daycare a bad name and the City should consider the fact that more daycares are needed in Murray for its growing residents and not force them to leave Murray to find it. Mr. Nay asked why Ms. Blackwell has not opened a daycare in a commercial location. Ms. Blackwell answered that it is very expensive and she is a single person with her own children and is not financially able to do so and feels that many parents prefer the in-home daycare feel as opposed to the business daycare feel with unhealthy turn around in staffing and inconsistent development styles.

Ms. Wilson stated she has traffic concerns and asked Ms. Blackwell typically how many different families are served at a time, for example if she did have twelve children how many separate parents would be picking up and dropping off in a day. Ms. Blackwell answered that she could have anywhere from six to twelve parents picking up and dropping off depending on if she had only one child or more from a family. Mr. Swaney wanted to clarify that this is not generating extra trips for parents as they are already on their way to a work site. Mr. Nay asked how many clients live within a quarter mile of her house. Ms. Blackwell stated around three or four clients.

The meeting was opened for public comment.

Melanie Sessions, 6229 South Fashion Blvd., stated that she is a daycare provider which subjects her to a very strict set of regulations which are monitored by visits from the state to make sure the children are safe. Ms. Sessions stated she likes to stay at home with her children and be able to bring income into her home so she brought in a helper to help with the extra children which she needs to pay and it makes it difficult to make ends meet. Ms. Session

stated that she is currently licensed with the state to care for sixteen children as her home meets the requirements, but is limited to six which includes her own two children by Murray City. Ms. Sessions stated she has two families that drop off children to her, so she does not have a lot of traffic.

Katherine Reynolds, 4716 South Hanauer Street, stated she conducts in-home daycare. She stated she has a friend who is a lawyer who helped her to understand the laws regarding the Murray City ordinance for in-home day care which states residential home daycare in Murray can have up to eight children not including those that live in the residence. Ms. Reynolds feels the ordinance is discriminative against smaller families as it requires her to have extra helpers. Ms. Reynolds stated that in-home daycare is appealing because it gives children consistent primary care.

Lisa Wilson, 8645 South 910 East, Sandy, stated she is the President of the Family Child Care Association of Utah, a board member of the Department of Health Child Care Licensing, as well as a child care provider who stated that a lot of families want to keep children together in a daycare setting which put two to three children in one care and would possibly limit the amount of traffic in a neighborhood.

Nancy Young, 5374 South Alpine Drive, stated she is licensed for in-home daycare and is in support of raising the limit to twelve children and she is limited to the amount of children she can care for as she has four children of her own under the age of four and is maxed out for how many children she can care for. Ms. Young stated that the limit in other nearby cities is sixteen and the Murray residents are only asking for twelve.

The public comment portion was closed.

Mr. Markham stated that the city has a hard time enforcing child care, dance classes and other types of home businesses. He stated if there were any home occupation businesses that he is in favor of increasing it would be childcare as opposed to some of the other because they provide a valuable service. Mr. Markham added that he does not have a problem with traffic and daycares as the pickup and drop off times are staggered as opposed to dance classes which start and end at the same time and do create a traffic problem.

Mr. Swaney stated that the cars that come into the neighborhood to drop off for day care are balanced out by the cars leaving the neighborhood going to offsite jobs and the city did not get any complains when we increased from six to eight children in home daycares. Mr. Swaney also commented that the increase would not require an extra helper to be involved as twelve children fit within the same guidelines and that this request for change would not have any amount of negative impact on the neighborhoods in any way, and instead would help people to have more solvent and ease to run businesses.

Ms. Wilson stated she agrees and is in support of keeping daycare families together as opposed to finding new daycare because one is full. Ms. Patterson stated she feels comfortable with the proposed change and it increases neighborhood and has a far greater positive impact than a negative impact. Mr. Hall stated that State code regulates the amount of children under four living in the home and not Murray City itself, and if the motion by the Planning Commission is for approval then the commission make its own two findings that would contradict the staff findings such as no detrimental effects would be realized and that the effects might actually be

stabilizing to the neighborhood. Mr. Woodbury wanted to comment on the manner in which the daycare support group has presented their case and it has had a positive impact on the way he will vote in favor of the change.

Mr. Swaney made a motion to forward a recommendation of approval to the City Council for the requested Text Ordinance Amendment increasing the numbers of children allowed for in-home childcare in residential zones from 8 to 12 with the adjusted finding and conclusion to indicate that the proposed text amendment is consistent with the purpose with the home occupation standards and to find that the additional children to the allowance of in-home child care would not have detrimental effects on the residential character of the neighborhoods where the business are located.

Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

 A Buck Swaney
 A Scot Woodbury
 A Phil Markham
 A Sue Wilson
 A Maren Patterson
 A Travis Nay

Motion passed 6-0.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 10:00 p.m.

Jared Hall, Manager
Community and Economic Development