

The Planning Commission met on Thursday, September 17, 2020, at 6:30 p.m. for a meeting held in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020 and Emergency Executive Order 20-02 issued by the Mayor on April 1, 2020. The Chair of the Murray City Planning Commission has determined that due to the continued rise of COVID-19 case counts, meeting with an anchor location presents a substantial risk to the health and safety of those in attendance. No physical meeting location will be available. This meeting can be viewed online at [www.murraycitylive.com](http://www.murraycitylive.com). Public comments can be submitted via email at [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov).

Present: Phil Markham, Chair  
Travis Nay  
Maren Patterson  
Sue Wilson  
Lisa Milkavich  
Jared Hall, Planning Division Manager  
Susan Nixon, Associate Planner  
Zac Smallwood, Associate Planner  
Briant Farnsworth, Deputy City Attorney  
Citizens

Excused: Scot Woodbury, Vice Chair  
Ned Hacker

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording is available at the Murray City Community and Economic Development Department Office.

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

#### APPROVAL OF MINUTES

Travis Nay made a motion to approve the minutes from the August 20, 2020 Planning Commission meeting. Seconded by Maren Patterson. A voice vote was made, motion passed 5-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest.

#### APPROVAL OF FINDINGS OF FACT

Sue Wilson made a motion to approve the Findings of Fact for an ADU for Mike & Wilma Egbert located at 931 West Chesterbrook Cove. Seconded by Lisa Milkavich. A voice vote was made, motion passed 5-0.

ATHAME AESTHETICS – 825 East 4800 South, Suite 230 - Project #20-094

Kori Witmer was present to represent this request. Zac Smallwood reviewed the location and request for a Conditional Use Permit to operate an Aesthetics Business at 825 East 4800 South, Suite 230. The zoning of this property is General Office (G-O) which allows aesthetics with a Conditional Use Permit. The business will also offer massage services; however, massage services are a permitted use in this zone. Therefore, the Conditional Use Permit will only be for aesthetics. Access to the property is provided from 4800 South. The parking requirement is three parking spaces for each booth. The business will have three booths and will be required to have nine parking spaces. There are 153 spaces available in the business park so this business should not have an impact to the available parking on the site. This site meets the landscaping requirements. Staff recommends that the Planning Commission approve a Conditional Use Permit to allow the operation of an aesthetics business on the property addressed 825 East 4800 South, Suite 230.

Mr. Markham said this business is on the second floor of this building, however, he doesn't believe there is an elevator in the building. He asked if there were implications as far as handicap access. Mr. Smallwood replied that elevator access would fall under the building code and go through the Building Division. Mr. Hall said this building might pre-date the current requirements. Modern building requirements require anything with a second story that is over 3,000 square feet to have an elevator for ADA requirements. The building either predates that or doesn't meet the 3,000 square foot requirement.

Kori Witmer, 5625 South 575 East, said she has reviewed the conditions and will be able to comply with them.

The meeting was open for public comment. No comments were given and the public comment portion for this agenda item was closed.

A motion was made by Lisa Milkavich to approve a Conditional Use Permit to allow the operation of an aesthetics business on the property addressed 825 East 4800 South, Suite 230, subject to the following conditions:

1. The applicant shall obtain a fire inspection as part of the Business License application and implement any requirements.
2. The applicant shall obtain a Building Permit for any interior remodeling that is proposed in the suite.
3. The applicant shall obtain a Murray City Business License prior to beginning business operations at this location.

Seconded by Maren Patterson.

Call vote recorded by Mr. Smallwood.

  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson

A   Maren Patterson  
  A   Phil Markham

Motion passed 5-0.

ACE PLUMBING AND DRAIN CLEANING – 5226 South Commerce Drive, #2 – Project #20-098

Jared Hall reviewed the location and request for a Conditional Use Permit for a Plumbing Contractor at 5226 South Commerce Drive, #2. Contractors of any kind are required to get Conditional Use Permits in the Manufacturing (M-G) Zone. There has not been a contractor at this location previously. There are about five parking spaces adjacent to the building, including an ADA parking space. There are 35-40 other parking spaces along the south property line. This building is just over 2,100 square feet and is mostly open shop space. The parking requirement is five parking spaces. The landscaping in the front area has three trees, which meets landscaping requirements. There are no shrubs on the property, so staff is asking for the installation of five 5-gallon shrubs and nine 1-gallon shrubs. There are two dumpsters on the site that need to either be put inside an enclosure or put inside the building. Staff is recommending that the Planning Commission approve a Conditional Use Permit to allow the operation of a plumbing and drain cleaning service business on the property located at 5226 South Commerce Drive #2.

The meeting was open for public comment. No comments were given and the public comment portion for this agenda item was closed.

A motion was made by Maren Patterson to approve a Conditional Use Permit to allow the operation of a plumbing and drain cleaning service business on the property located at 5226 South Commerce Drive #2, subject to the following conditions:

1. The project shall meet all applicable Building and Fire Code requirements.
2. The applicant shall obtain Murray City Building Permits for any construction, including electrical for the installation of equipment.
3. The dumpsters shall be relocated inside the building or shall be placed inside a trash enclosure meeting the requirements of Section 17.76.170 of the Murray City Land Use Ordinance.
4. Additional plant materials shall be installed in the landscaping along Commerce Drive to meet the requirements of Section 17.68 of the Murray Land Use Ordinance, to include a minimum of five 5-gallon shrubs and nine 1-gallon shrubs.
5. The applicant shall obtain a Murray City Business License for operations at this location.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Hall.

  A   Lisa Milkavich  
  A   Travis Nay

A   Sue Wilson

  A   Maren Patterson

  A   Phil Markham

Motion passed 5-0.

AMY NICOL'S AESTHETICS – 6741 South Bonham Lane – Project #20-095

Amy Nicol Green was present to represent this request. Jared Hall reviewed the location and request for a Major Home Occupation at 6741 South Bonham Lane. The City allows home occupations businesses in residential zones. Major home occupation businesses need to be approved by all of the adjacent neighbors or by the Planning Commission. This application is in the Braemar Village Condominiums which are located in the Residential (R-M-15) Zone. Major home occupations are required to meet additional standards than those that are typical home occupations.

This application is for an aesthetics business which is classified as a major home occupation in City Code. The business has to operate in no more than 25% of the dwelling. Based on the square footage numbers that were provided, the business is in less than 25% of the home. The business needs to be conducted entirely within the main dwelling and be operated by residents of the home. In addition to the normal requirements of home occupations, the Planning Commission will consider limits on things that will mitigate any impact a major home occupation will have on the neighborhood that it's in. The applicant has indicated she would like to operate her business Monday through Friday from 10:00 a.m. to 7:00 p.m. and Saturday and Sunday from 11:00 a.m. to 6:00 p.m. Another thing to look at is the number of clients that come in per day or per hour. The applicant has indicated that she sees no more than five clients per day. The conditions of approval should state the applicant can see no more than five clients per day and no more than one client at a time. Staff is also recommending there are no more than three clients per day on the weekends.

The area where this property is located is not well designed for on-street parking because of the number of driveways that come out onto the narrow roads. There is some visitor parking, however, the applicant has indicated her clients will park in her driveway rather than on the street or in the visitor parking. Staff has reviewed the applicant's business plan and narrative of operation and believe the normal requirements for home occupations can be met and the extra considerations for major home occupations can also be met. Staff is recommending that the Planning Commission approve the request for a major home occupation to allow the operation of a skin care and aesthetician services business from the residential property addressed 6741 S. Bonham Lane. The applicant will have to abide by the rules of the Homeowner's Association in Braemar Village. She will have to demonstrate that she has approval from them before a Murray City Business License will be issued.

Amy Nicol Green, 6741 South Bonham Lane, said she is an original property owner who has lived in her home for 17 years. She is asking the Planning Commission for the major home occupation because one of the requirements from her HOA is that in order for her to operate her business from her home, she has to be in full compliance with all applicable zoning and other laws. Her clients will be seen by appointment only and she will ensure they park in her driveway and not on the street. She said she will be able to comply with the conditions of approval.

The meeting was open for public comment. The following comments were read:

Joyce Wall – 6717 South Bonham Lane, Murray City

I wanted to respond to my neighbor getting a business license in her home. Amy Nichol Green.

I have lived here for the entire time that this mostly quiet neighborhood has existed as has Amy, although Amy is loud and can be mean and really mean to some. I am in opposition of this business in a neighborhood. We have a small community with narrow streets and not a lot of parking and she lives at the end of street. I hate to have strangers in our neighborhood for purposes of skin care and whatever else she offers. Seems like that kind of business should not be in these confines but more a strip mall. It's traffic in a private neighborhood for business purposes.

I appreciate you considering our remarks and I would not want others having a business that brings customers to our private neighborhood.

Carly Corlett – 6731 South Bonham Lane, Murray City

My neighbor shared your email with me to express any concerns I have regarding Amy Green's business license for Amy Nicol Aesthetics. I live two doors down from Amy (6731).

I personally am against this business license for a few reasons. One, with Amy's house being at the end of the street, that means all of her clients would be trafficking through our neighborhood. I myself have a 2.5 year old and don't love the idea of having cars in and out right in front of my house all day.

Second, and most importantly, Amy has harassed and threatened my husband and me multiple times for parking in the spot across from our house. Banging on my door non-stop until someone answered (multiple times so she could get her point across) and took multiple pictures of our car. She claimed those were for guests only and for whatever reason does not allow her clients to use her driveway. Where in fact, our HOA specifically says that owner's guests should first use the owner's driveway and then the overflow parking. I do not want this to continue to happen since it's extremely disruptive and quite shocking a neighbor actually does all of that so she can have her clients park in a spot instead of her driveway.

There are also many times Amy has guests waiting in their cars for either their upcoming appointment or waiting to give the individual who is receiving a service a ride home. I do not like that people sit outside of my house, sometimes it's been for an hour or longer, as they wait for whatever reason.

Our community is small and I personally feel that if someone is going to have that type of business that requires that much traffic, that business should be in a public setting through a booth/room rental. Please feel free to call with any questions.

Julie Moore, Braemar Village HOA President

I am writing this letter in regards to Amy Nicol Green applying for a business license in her home (6741 S Bonham Ln, Murray). I am President of our HOA in Braemar Village where Amy is wanting to license her business.

I am asking for you to deny her a Business license. She has been operating this business in her home for years without approval from the HOA, never obtaining a business license, or inspections

from the Board of Health.

This is a very disrespectful and dishonest person trying to get away with not following the proper protocol and laws from the state/city/HOA in getting the approval/licensing to run her business.

In addition, the Utah Department of Professional Licensing has also sent Amy a cease and desist letter for her to stop practicing as a Master Esthetician in her home.

Our CC&R's states "No industry, business, trade or profession of any kind, whether or not for profit, shall be conducted, maintained or permitted on any part of the Property". The CC&R's alone is a reason to deny her a business license.

We also have a big parking problem in our community where there is not enough parking for the residents let alone parking for a business. Not only that as the HOA president I have gotten many complaints from other residents regarding Amy's business, her business has been a nuisance for our community for a while now. This business is not something that should be part of our residential and quiet community.

#### Natalia Dunyon – Murray City

I live in Braemar Village in Murray. I received a notification in the mail this week regarding a public meeting on Sept 17: Amy Nichol Green is requesting approval of a major occupation to allow the operation of a skin care and aesthetician services business from her home on property addressed 6741 South Bonham Lane.

I bought the town home next to Amy in March of 2019. My address is 6737 South Bonham Lane and I share walls with Amy, my understating is that this house was a vacation home and only used 4 – 5 months out of the year.

When I first moved in I was approached by Amy who then invited me to see the aesthetician business she has been operating in her basement for years and for months would text me soliciting her services.

The business owner is very loud, both inside and outside of her home with her clients. Over the year I started to notice some activity that did not appear to be consistent with an aesthetics business. Amy introduced me to clients out in her back balcony where she would offer them alcohol after a session. One male client talked about how good her service was while drinking wine (I was introduced to him as I was outside my patio grilling dinner which is uncomfortable).

Neighbors have shared stories about Amy harassing them, Amy would take pictures of our cars creating a nuance in order to have open parking spots available for her "guests".

During the pandemic when non-essential businesses were supposed to be closed Amy was advertising her business/services, Amy also sent me text messages promoting her services during this time. This made me contact the health department and our HOA association, who informed me that Amy is not licensed and does not have HOA approval to operate a business out of her home, in our community. I was asked by HOA and a Code Enforcer with Murray police to gather evidence of business activities.

On July 29 Amy called the cops on me after I approached two women who were parked on the street in front of my house for over an hour, the two women were waiting their turn to get facials.

I didn't know that at the time and I just wanted to make sure everything was okay.

Her business has been nothing but a nuisance for me who shares a wall with her and other residents who have been harassed by her because of parking.

I had no way of knowing that there was a business next door. Had I you known that, I would have asked more questions and weighed all options before deciding where to live. I am also very concerned with the fact that if I were to sell my house having a business next door it would devalue my property and affect any buyer's decision.

Amy is not in compliance with the community CC&Rs and my understanding is that she was recently fined by our HOA attorney for conducting business in our community.

We have young kids playing around, dogs and I don't believe this is a community that should have such business with additional traffic coming in and out.

Natalia Dunyon – Murray City (2<sup>nd</sup> Email)

I tried calling you earlier. I am not sure if the planning commission still planning on voting or making a decision regarding Amy Nichol Green's business tonight or not but if you are, I would like my email to be considered.

I would like to reiterate my concern with the fact that if I were to sell my house having an aesthetician salon/business next door it would devalue my property and affect any buyer's decision. As the person who shares walls with this property, I strongly oppose this business.

The public comment portion was closed for this agenda item.

Ms. Green said there are 42 townhomes in her community. Her business will not be an impact with traffic because she doesn't do a high volume of business. Because her home is at the end of a cul-de-sac people are already using her driveway. She has not been operating her business from her home and she has never received a cease and desist letter. She also stated her business is quiet, it is a spa atmosphere. Her clients come see her to relax.

Ms. Milkavich asked about the evidence the applicant had supporting her claim that she has not been operating. Mr. Hall replied, in his opinion, that is irrelevant. It is outside of the realm of the Planning Commission and has to do with the applicant and her HOA. Mr. Markham added the Planning Commission can only be concerned with the application as it is presented to them.

Ms. Patterson clarified that an aesthetician business is a major home occupation that anyone in Murray City could have in their homes with conditions that mitigate the impacts to neighbors. Mr. Hall replied an aesthetician is an allowable major home occupation in any residential zone in the city and these are the same kinds of considerations that any application would receive.

Ms. Milkavich noted that if the conditions are not being met, the neighbors will let the City know. Mr. Hall replied that is correct. The City receives complaints about the operation of different businesses. The same logic applies to anything that is on the agenda tonight.

Mr. Hall said the Planning Commission is approving a zoning entitlement which is the zoning approval for someone to seek a business license. They are not approving the applicant's business license. A business license will not be issued until the applicant has met all of the conditions.

A motion was made by Travis Nay to approve the request for a major home occupation to allow the operation of a skin care and aesthetician services business from the residential property addressed 6741 S. Bonham Lane, subject to the following conditions:

1. Hours of operation are limited to between 10:00 a.m. and 7:00 p.m. Monday through Friday, and 11:00 a.m. and 6:00 p.m. Saturday and Sunday.
2. The applicant shall see no more than five (5) clients on any weekday (Monday through Friday) and no more than three (3) clients on any weekend (Saturday and Sunday). No more than one (1) client shall be seen at a time.
3. The applicant shall require all clients to park in the driveway of the home at 6741 South Bonham Lane. No parking on the street or in visitor parking for the larger neighborhood by clients shall be permitted.
4. The applicant shall comply with all requirements of Fire and Building Codes, and all State and County Health Department requirements for the operation of a skin care and aesthetician services business.
5. The business shall at all times be conducted in accordance with all applicable requirements of Section 17.24 of the Murray City Land Use Ordinance for Major Home Occupation businesses.
6. The applicant shall demonstrate an approval to operate from the Braemar Village Home Owner's Association before a Murray City Business License can be issued.

Seconded by Sue Wilson.

Call vote recorded by Mr. Hall.

  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Maren Patterson  
  A   Phil Markham

Motion passed 5-0.

JAMESTOWN #6 AND JAMESTOWN #8 SUBDIVISION AMENDMENT – 6330 South Colleton Circle & 6351 & 6353 South Lorreen Place – Project #20-083

Tyler Call and David Pratt were present to represent this request. Susan Nixon reviewed the location and request for a subdivision amendment and lot line adjustments for three properties; 6330 South Colleton Circle and 6351 & 6353 South Lorreen Place. All three properties are located in the Residential (R-1-10) Zone. The properties were developed when they were under the jurisdiction of Salt Lake County and they were annexed into Murray City. Jamestown Subdivision #6 has lot 608 which is owned by Sam Palazzolo and lot 609 which is owned by Tyler and Michelle Call. Jamestown Subdivision #8 has lot 802 which is owned by David and Karla Pratt.

The proposal is to amend the property line between lots 608 and 609. Currently there is a wall between those lots which was not constructed on the property line. This proposal will make the property coincide with the existing fence. Mr. Pratt, who owns lot 802 would like to acquire approximately 3,000 square feet from Mr. Palazzolo. State Law as well as the Murray City Code require the Land Use Authority to approve subdivision amendments. The lots are contiguous to each other and they all currently meet the zoning regulations of the R-1-10 Zone. This proposal will increase the size of lot 802 by 2,390 square feet, decreases the square footage of lot 608 by 3,252 square feet, and will increase the size of lot 609 by 857 square feet. When this is done, the property at 6330 South Colleton Circle will have 15,111 square feet, 6353 South Lorreen Place will have 11,231 square feet, and the property at 6351 South Lorreen Place will have 15,505 square feet.

If the Planning Commission approves this subdivision/lot line adjustment, the plat will need to be recorded. After that is done, the deeds will need to be recorded which is how the property will be transferred from one owner to the other. Staff is recommending that the Planning Commission grant approval for an Amended Subdivision to the Jamestown #6 Subdivision and Jamestown #8 Subdivision, on the properties addressed 6330 South Colleton Circle, 6351 & 6353 South Lorreen Place.

Tyler Call, 6351 South Lorreen Place, said he and Mr. Pratt will be able to comply with the conditions of approval.

The meeting was open for public comment. No comments were given and the public comment for this agenda item was closed.

A motion was made by Sue Wilson to approve an Amended Subdivision to the Jamestown #6 Subdivision and Jamestown #8 Subdivision, on the properties addressed 6330 South Colleton Circle, 6351 & 6353 South Lorreen Place, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
  - a. Meet City subdivision requirements.
  - b. Provide standard PUE's on Lots.
  - c. Provide conveyance deeds to record after the plat has been recorded.
2. The existing public utility easements (PUE's) will need to remain in place or be relocated.
3. The project shall meet all current fire codes.
4. The project shall meet all requirements of the Water & Sewer Division.
5. The project shall meet all applicable Building and Fire Codes.
6. The property owners will be required to record separate deeds in conjunction with recording the amended plat.

Seconded by Travis Nay.

Call vote recorded by Ms. Nixon.

A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Maren Patterson  
  A   Phil Markham

Motion passed 5-0.

WINCHESTER CORNER – 20 East Winchester Street – Project #20-096

Kenneth Bell was present to represent this request. Zac Smallwood reviewed the location and request for a two-lot subdivision located at 20 East Winchester Street. This is technically a commercial subdivision because the property is located in the G-O Zone. The City does not typically allow single-family homes in the G-O Zone. The property currently consists of a single-family home with a cell tower on the west of the property. The property is .42 acres and the proposal is to split the property into two parcels. Access to the properties will be provided from Winchester Street. The existing shed on the property will need to be removed because the City does not allow accessory structures to be on a lot without a main structure. Once the parcel is split, all that will be left on the lot is the cell tower. Staff is recommending that the Planning Commission approve the requested Winchester Corner Subdivision for the property addressed 20 East Winchester Street.

Kenneth Bell, 2893 East County Road, said when he purchased the property it was in the residential zone and they changed the zoning on the property several years ago. He would like to divide the property so that sometime in the future they can use the space where the home is for something else and keep the cell tower as it is. He will be able to comply with the conditions of approval.

The meeting was open for public comment. No comments were given and the public comment portion for this agenda item was closed.

A motion was made by Sue Wilson to approve the requested Winchester Corner Subdivision for the property addressed 20 East Winchester Street, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
  - a. Meet City subdivision requirements.
  - b. Provide standard Public Utility Easements (PUEs) on all lots.
2. The applicant shall remove the “Existing Shed” from proposed Lot 2.
3. The applicant shall adjust the property line between Lot 1 and Lot 2 to conform with the lot width requirements of Section 17.144.090.
4. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.

5. The applicant shall meet all applicable regulations of Title 17, Murray Land Use Ordinance.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Hall.

  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Maren Patterson  
  A   Phil Markham

Motion passed 5-0.

OTHER BUSINESS

Sue Wilson made a motion to adjourn. Seconded by Lisa Milkavich.

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

The meeting was adjourned at 7:55 p.m.

  
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Jared Hall, Planning Division Manager