

Minutes of the Planning Commission meeting held on Thursday, December 19, 2019, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

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

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 Division Office.

Ned Hacker opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Scot Woodbury made a motion to approve the minutes from the November 21, 2019 Planning Commission meeting. Seconded by Sue Wilson.

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

#### CONFLICT OF INTEREST

There were no conflicts of interest.

#### APPROVAL OF FINDINGS OF FACT

Phil Markham made a motion to approve the Findings of Fact for Salt Lake Auto Sales and Van Winkle Crossing. Seconded by Scot Woodbury.

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

#### THE SPA LOUNGE – 404 East 4500 South #A-22 - Project #19-167

Diana and Greg Lovato were present to represent this request. Zac Smallwood reviewed the location and request for Conditional Use Permit approval to allow the operation of a new Day Spa with Esthetician Services within the G-O Zone on the property located at 404 East 4500 South # A-22. The subject property is located on the south side of 4500 South between Creek Lane and the Triton Heights Apartments. The applicant proposes to operate a day spa with esthetician services out of Unit # A-22 in an office building located at 404 East 4500 South. There are two buildings that are connected through an outdoor breezeway. Building A fronts 4500 South and Building B is parallel to Creek Lane. The space is located within Building A and is approximately 2,964 square feet and has previously been used as a prenatal massage business. The floorplan submitted shows multiple private massage rooms and office space for administration. There is a single restroom that is used solely for this unit. There are an

additional two (2) shared restroom facilities near this unit. No changes to the existing floor plan are proposed at this time but the applicant is aware that any proposed changes would require building permits. The subject property has three parking areas, each of which has its own access. On Creek Lane there is a parking area that has a twenty-four-foot (24') access on the northwest side of the property and a second parking area that has a twenty-two foot (22') access on the southwest side of the property. There is a parking area that is accessed from 4500 South on the East side of the property with a twenty-four foot (24') access. The Fire Department has reviewed the plan and provided no additional comment regarding the layout of the parking or access. Parking requirements for general office uses are calculated at 4 spaces per 1,000 ft<sup>2</sup> of net usable space. Staff calculated the required parking based on the total net usable area of the combined two buildings on the site totaling approximately 29,440 ft<sup>2</sup>. This results in a required 118 parking spaces for the building. Five (5) of the required parking spaces will need to be ADA van accessible. There are three (3) separate parking areas for this property. Two that are accessed from Creek Lane that include a ten (10) space lot and a forty-nine (49) space lot. There is a second parking area along the West side of the property that has seventy-two (72) spaces. This results in 131 parking stalls provided on site. Staff conducted a site visit and determined that three additional ADA accessible spaces will need to be accommodated and could be accessed via the West parking area. The property owner will need to work with staff to find an appropriate location for the ADA spaces.

The property has frontage along two public streets, Creek Lane and 4500 South. Exclusive of the access driveway, the property has approximately 257 feet of frontage along 4500 South. The west side of the property has approximately 168 feet of frontage on Creek Lane. Section 17.68 of the Murray City Land Use Ordinance requires landscaping in the front setback area for commercial properties. This must include at a minimum: three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs for every one hundred (100) linear feet of property frontage. Based upon this requirement the front setback landscaping for this property must include along the 4500 south frontage the addition of: a minimum of eight (8) trees; fifteen (15) five-gallon shrubs; twenty-six (26) one-gallon shrubs. Along the Creek Lane frontage, the additional is required: 5 trees; eight (8) five-gallon shrubs; seventeen (17) one-gallon shrubs. The subject property is well maintained, staff has allowed for additional 5-gallon plantings to be substituted for 1-gallon requirements which would allow for the 4500 South side of the property to remain as is. However, Creek Lane does not meet the Land Use Ordinance and the property owner will be required to work with City Staff to provide a landscape plan and install the necessary landscape upgrades as a condition of approval. Staff realizes that the timing of such installation is not opportune, and we can work with the property owner to set up an agreement for any new landscaping to be installed in the spring. Based on the information presented in this report, application materials submitted and a site review, staff recommends approval subject to conditions.

Diana and Greg Lovato, 4903 West River Chase Road, South Jordan, stated they are the owners of the business and indicated they reviewed the staff recommended conditions of approval and will comply.

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

Phil Markham asked staff if the property owner is aware of the requirement for enclosing the dumpster and additional landscaping requirements. Mr. Smallwood responded that he has not spoken with the property owner, but a copy of the staff recommendation was given to them by

way of email and postal mail.

Shawn Freeman, property owner, indicated he was aware of the conditions of approval.

A motion was made by Scot Woodbury to approve the Conditional Use Permit for a day spa and esthetic services at 404 East 4500 South #A-22, subject to the following conditions:

1. The applicant shall ensure that any manicure and/or pedicure stations that are installed be provided with a source capture system capable of exhausting not less than 50 cfm per station, in accordance with IMC 403.3.1.1.
2. The project shall comply with all applicable building and fire code standards.
3. The applicant shall obtain a building permit for any proposed remodeling or construction on the site.
4. The property owner shall comply with landscaping standards outlined in Chapter 17.68 of the Murray City Land Use Ordinance. The property owner shall work with Planning Division Staff to implement an appropriate Landscape Plan for the frontage along Creek Lane.
5. The applicant and/or property owner shall work with Planning Division staff to provide an additional three (3) ADA van accessible parking spaces.
6. The property owner shall work with Planning Division Staff to construct an enclosure for the dumpster that is located on the site that meets the requirements of Section 17.76.170.
7. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
8. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Hall.

  A   Scot Woodbury  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Maren Patterson  
  A   Phil Markham  
  A   Ned Hacker

Motion passed 7-0

#### OTHER BUSINESS

Phil Markham made a motion to adjourn. Seconded by Sue Wilson.

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

The meeting was adjourned at 6:39 p.m.

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Jared Hall, Planning Division Manager