

Minutes of the Planning Commission meeting held on Thursday, June 1, 2023, at 6:32 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

The public was able to view the meeting via the live stream at <http://www.murraycitylive.com> or <https://www.facebook.com/Murraycityutah/>. Individuals wishing to make comments on an agenda item may submit comments via email at planningcommission@murray.utah.gov.

Present: Jake Pehrson, Chair
Lisa Milkavich, Vice-Chair
Ned Hacker
Michael Richards
Jared Hall, CED Director
Susan Nixon, Senior Planner
Zachary Smallwood, Senior Planner
Mustafa Al Janabi, Planner 1

Excused: Travis Nay
Maren Patterson
Jeremy Lowry

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.

APPROVAL OF MINUTES

Mr. Nay moved to approve the minutes from the April 6, 2023 Planning Commission meeting. Seconded by Mr. Hacker. A voice vote was made, motion passed 4-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this meeting.

APPROVAL OF FINDINGS OF FACT

There were no Findings of Fact for this meeting.

LAND USE TEXT AMENDMENT - Sections 17.16.010(A) and (D) - Modifications to the minimum number of Hearing Officers and number of consecutive terms allowed – Project #23-047

Ms. Nixon presented the application for Murray City, Community & Economic Development Department. This proposed modification to section 17.16.010, which references the appeal authority or hearing officer. The city has many boards and commissions appointed by the mayor, one of which are the hearing officers. They are residents of Murray City who volunteer their time. The code has a minimum of three officers. This amendment proposes to have a minimum of two officers. The current maximum number of terms is three, with each term being three years, for a total of nine years. The requested amendment proposes to increase up to five terms, with each term remaining three years, for a total of fifteen years. The hearing officer serves in a quasi-judicial capacity. The requirements for qualifications are geared towards former planning commissioners, attorneys, or someone with some land use background. It is more difficult to fill.

Murray does prefer to have its residents serve in this role. One reason is that they have a more vested interest and the other reason is that they are more familiar with the city. They need enough training and experience to qualify them to conduct administrative or quasi-judicial hearings regarding land use, land development and regulatory codes related to land use. Hearing officers review requests for variances, and expansions for nonconforming uses and structures, as well as being the appeal authority for the planning commission and administrative decisions. Ms. Nixon welcomed questions.

Ms. Milkavich asked what happens if we are out of compliance with the number of officers and what if the number of officers and term length wording is more suggestive rather than mandative. Ms. Nixon said we do need to specify in the code. The Planning Commission would need to at least state that there is no minimum or maximum amount of terms. Ms. Milkavich stated that she supports term limits.

Mr. Hacker asked if decreasing the number of required hearing officers would put the city in a predicament. Ms. Nixon said that it has not been an issue in the past. Mr. Hacker then asked if it precludes the mayor from having more than two. Ms. Nixon stated the request is for a minimum of two officers.

Mr. Pehrson asked how many of these decisions are variance versus appeals. Ms. Nixon stated that appeals are very rare.

Notices were sent to affected entities for this text amendment. As of the date of this report, no public comments have been made. Public comment was open.

Mr. Jim Harland, one of the hearing officers, spoke. He thanked the staff for the great job they do. He stated that the quality of their staff reports makes his job much easier. He said that the job is challenging. He said hearing officers operate in a more refined manner, being careful what they say and how they say it. Decisions are sometimes difficult and sometimes require having to ask residents or contractors to tear down structures. He stated that he is willing to serve as long as he can. Ms. Nixon thanked him for his time and service.

Public comment was closed.

Ms. Milkavich made a motion to forward a recommendation of approval to the city council for the proposed text amendments to section 17.16.010.A & D, as reviewed.

Mr. Richards seconded. Roll Call Vote:

<u> A </u>	Pehrson
<u> A </u>	Hacker
<u> A </u>	Richards
<u> A </u>	Milkavich

Motion passed 4-0.

LAND USE TEXT AMENDMENT - 17.72.070 - Modifications to beauty and barber shop parking standards and renaming office and service uses - Off-Street Parking - Project #23-051

Mr. Smallwood presented Greg Griffin's request to amend the land use ordinance for parking regulations at hair and beauty salons. The applicant's proposed changes would amend the current parking requirements based on the number of parking spaces per salon chair to the type of business operating in the suite or studio. If the primary tenants engage in retail sales, the proposal suggested one parking space per 200 square feet, and if they do not engage in retail sales, the requirement would be one parking space per 250 square feet of total space; however, staff found this approach to be a bit complicated and cumbersome to monitor. To address the matter, the Planning Division looked into what other cities in the county and nearby regions had implemented. Most cities had a general parking standard of one space for approximately every 244 square feet. Only South Jordan City stood out with a different standard, requiring three spaces per chair.

After analyzing the data, Planning Division staff recommended a streamlined approach for parking regulations, treating hair and beauty salons more like other office or professional uses. The proposal involved striking the specific beauty and barbershop standard and retitling the category as "offices and/or professional service uses," except for medical and dental businesses that may require more parking due to their higher impact. The new recommendation was to have four parking spaces for every 1000 square feet of net floor area.

Mr. Smallwood provided an example to illustrate the application of the original and new parking standards for a day spa with multiple uses. Under the existing regulations, 30 parking spaces were required for ten chairs, one office space, and a reception area with retail display. This calculation was based on excluding certain areas like restrooms and hallways not primarily used for working. However, the revised proposal would require ten parking spaces based on the one space per 250 square feet calculation, or approximately twelve to thirteen spaces based on the one space per 200 net square feet calculation.

Ms. Milkavich stated that she conducted extensive research, and visited multiple salons to look at how they operate. Initially, she felt that the three spaces per chair was not necessary, but getting into the specifics of layouts of salons she felt it deserved a more robust conversation.

Mr. Smallwood stated that for example a 3,000 square foot salon, would require 12-13 parking spaces using a standard of 1 per 200 sq ft. He noted he could also provide the numbers for a 1 per 150 sq ft standard, which would equate to around 17 spaces.

Mr. Richards asked about the math because using 1 per 200 sq ft for the 3600 sq ft spa should result in 16 spaces. Mr. Smallwood explained they use the net usable square footage, not the total gross square footage, to calculate parking requirements. They typically reduce the gross square footage by 15-20% to account for spaces like hallways that don't require parking. The net usable square footage is lower than the gross. Mr. Pehrson pointed out that using the gross square footage of 3600 sq ft and 1 per 200 sq ft would result in 16 required spaces, quite different from the 12-13 spaces using the net square footage. Mr. Smallwood agreed it was a significant difference of 3 parking spaces between calculations based on net versus gross square footage for this example salon. Going from net to gross increased the required parking by around 20%. Mr. Pehrson did a quick math check and stated that for the 3600 sq ft salon, using 1 per 200 sq ft of the gross square footage would equate to 16 spaces. He asked if other cities use gross or net square footage for their parking calculations. Mr. Smallwood responded

that it's a mix - some cities use gross, some use net. Mr. Pehrson concluded that if other cities are using gross square footage, then their requirements would tend to be closer to 1 per 200 sq ft rather than 1 per 250 sq ft. Mr. Smallwood confirmed it's reasonable to assume other cities calculating based on gross square footage would end up with parking requirements closer to 1 per 200 sq ft once you account for that 15-20% difference between gross and net. Mr. Pehrson reiterated that the choice of using gross vs. net square footage makes a big difference in the required number of parking stalls, as illustrated in their example salon. Mr. Smallwood agreed there was a significant difference of 3 parking spaces between net and gross calculations for their sample salon - about a 20% increase going from net to gross. Mr. Pehrson asked whether the parking space numbers Mr. Smallwood compiled from other cities were specifically requirements for professional service and office uses, or if any were designated specifically for salons. Mr. Smallwood said no other city had special parking standards for salons except South Jordan. For the other cities, he used whichever was greater between their retail and office parking requirements.

The applicant, Mr. Griffin, provided some background information to explain their executive suite business model renting individual spaces to independent stylists, doctors, coaches, etc. He said they are never 100% occupied since operators set their own hours. He supported simplifying to professional office standards since the uses are similar, but based on gross square footage. Mr. Richards asked about the parking math for their building. Mr. Griffin said the gross square footage should equate to 40 spaces at 1/200 sq ft which they have currently. Ms. Milkavich tried to clarify that if they have 120 sq ft suites, an operator and client would need 2 parking spots, so she still didn't understand the argument for reducing to 1/250 sq ft. Mr. Griffin explained it's never fully occupied like law firms and they merely rent space. Even busy salons have downtime now and then. The uses are essentially professional services. Ms. Milkavich said she agreed that 3 stalls per chair was excessive but are just determining what's reasonably not under-parked. She asked what the prior use of their building was. Mr. Griffin said the mortgage office suites had similar parking as their current stylist suites at 4/1000 sq ft. Their focus is providing adequate parking for their tenants. Ms. Milkavich reiterated they don't oppose change but want to find the right balance. Mr. Griffin said the industry trend is toward 1/200 or 1/250 sq ft for professional services. He suggested reverting to that if they remove the salon-specific code so it's the same as other offices. Mr. Nay said he viewed it as simply getting to an average occupancy number. Mr. Griffin confirmed they average around 40% occupied. Mr. Pehrson said his concern is setting a global standard not just based on their unique model, since it would also apply to denser salon layouts. Mr. Griffin acknowledged that's tricky but said they'd self-regulate to not abuse parking allotments since it hurts their business if insufficient for clients. The developers establishing standards already studied appropriate ratios for these mixed uses. Mr. Griffin agreed and said if they replaced all the salons with lawyers, it would be the same office use, density, and parking needs. That's why reverting to a professional services standard seemed reasonable. Mr. Nay added the proposal aligns with averages for cities across the county.

Mr. Griffin reiterated in final comments that since most salons locate in retail zones with higher parking requirements anyway, 1/200 sq ft would provide enough parking for their building and be comparable to retail rather than office ratios. Mr. Richards suggested keeping the 3/chair standard but modifying it to 1/200 sq ft. He also supported keeping the separate professional services standard of 1/250 sq ft. Ms. Milkavich said that approach would be okay, but asked for

clarification on the math. Mr. Richards clarified he preferred simplifying the barber/salon standard to 1 per 250 sq ft rather than the 4 per 1000 sq ft. Ms. Milkavich pointed out the wiggle room with calculations using the 4 per 1000 standard. Mr. Smallwood asked for an example of how that could be manipulated or miscalculated. Commissioner Jake Pearson shared a hypothetical scenario from another city's codes where a slightly smaller building size, like 1001 sq ft, would change the parking requirements significantly because of the rounding thresholds in the 4 per 1000 math. Mr. Smallwood said their code rounds down fractional requirements and offered to demonstrate how that avoids the issue raised. Mr. Richards stated the 1 per 250 sq ft calculation is clearer and simpler. Ms. Milkavich agreed and asked Mr. Smallwood to restate the recommendation for consistency. Mr. Smallwood recommended adding "per 200 sq ft of net usable area" to the standards for consistency with their typical code language. The commissioners agreed this provides clarity. Mr. Pehrson felt it was a good compromise providing sufficient parking and flexibility for applicants. Mr. Smallwood said it still accomplishes streamlining the requirements even if not combined into one standard.

Mr. Hacker made a motion that the planning commission forward a recommendation of approval to the city council for the proposed text amendment to section 17.72.070 with the following changes, being to keep the Beauty and Barber Shop use, change the required parking spaces from three spaces per chair to one space per 200 square feet of net usable, and to maintain the current language for business offices or professional offices and change the parking space requirements from four spaces per 1,000 to one space for 250 square feet of net usable.

Seconded by Mr. Richards

<u>A</u>	Hacker
<u>A</u>	Richards
<u>A</u>	Milkavich
<u>A</u>	Pehrson

Motion passes 4-0

ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Thursday, June 15, 2023, at 6:30 p.m. in the new Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

Mr. Smallwood said there is ULI training on June 23rd from 8 a.m. to 1 p.m. at the Hunt Electric Building. This will fulfill the planning commissioner training requirement. Commissioners can reach out to Ms. Nixon to get registered.

ADJOURNMENT

Ms. Milkavich moved to adjourn tonight's meeting at 7:38 p.m. Seconded by Mr. Hacker. A voice vote was made, motion passed 4-0.

A handwritten signature in black ink, reading "Philip J. Markham", with a long horizontal flourish extending to the right.

Philip J. Markham, Director
Community & Economic Development Department