

Minutes of the Planning Commission meeting held on Thursday, June 20, 2013 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Chair  
Jim Harland  
Phil Markham  
Vicki Mackay  
Maren Patterson  
Tim Tingey, Director, Administrative Development Services  
Ray Christensen, Senior Planner  
Brad McIlrath, Assistant Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Tim Taylor, Vice-Chair  
Scot Woodbury

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 Department.

Karen Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Mr. Markham made a motion to approve the minutes of May 16, 2013. Seconded by Ms. Mackay.

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

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Mr. Harland made a motion to approve the Findings of Fact for Conditional Use Permits for Painting with a Twist, Uptown Cheapskate, Bank of American Fork, Fine Drive Sales.

Seconded by Mr. Markham.

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

#### GO SOLAR GROUP, LLC – 4425 South 500 West #D – Project #13-92

Ralph Andersen was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a contractor office and warehouse for selling and installation of residential solar systems at the property addressed 4425 South 500 West #D. The property is located in the M-G-C zoning district which allows

specialized construction trade services subject to Conditional Use Permit approval. The surrounding properties are all part of the M-G-C zone. The applicant is proposing a 2,515 square foot industrial space with 795 square feet being office space and 1,720 square feet being warehouse space. Mr. McIlrath stated that there should be 5 parking stalls to meet the minimum parking requirements in this zone. The property owner has indicated that a total of five parking spaces are allocated to this unit. Additionally, the property owner has agreed to provide one ADA parking stall as part of the parking and access agreement that exists between the units. The building meets the minimum 20-foot front yard setback required in this zone and the landscaping is in place. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Markham stated that the photographs of the site show that the dumpster is not screened as required. Brad McIlrath stated that one of the conditions of approval is to screen the trash container.

Ralph Andersen, 4425 South 500 West, stated that he has reviewed the conditions outlined in the staff report and confirmed that he will comply with the conditions.

There were no comments from the public related to this item.

Mr. Markham made a motion to approve a Conditional Use Permit for a contractor office and warehouse for selling and installation of residential solar systems, at the property addressed 4425 South 500 West #D, subject to conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. A minimum of one ADA parking stall shall be provided within the development with appropriate signage and painting. At least one ADA stall shall be van accessible.
4. The trash container shall be screened as required by Section 17.76.170.

Seconded by Mr. Harland.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Vicki Mackay

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

HOLIDAY INN EXPRESS – 5429 South Commerce Drive – Project #13-91

Jared Smith was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval for a new 114-room hotel at the property addressed 5429 S. Commerce Drive. Municipal Code Ordinance 17.150.030 allows hotel development within the C-D-C zoning district subject to Conditional Use Permit approval. The project area is located on the east side of I-15 and to the south of 5400 South. Mr. Christensen stated that the code requires a minimum of one parking space for each sleeping unit. Information provided by the applicant indicates that there will be 14,800 net office space, which will require 60 additional parking stalls for a total of 174 required stalls. The plan shows 165 parking stalls provided on the site. A Shared Parking Analysis has been completed by the applicant and demonstrates that, based on peak parking demand for the uses, there are adequate parking spaces available. Mr. Christensen said that the landscape plan will need to be revised to show landscaping in the areas currently labeled as rock in order to comply with landscaping regulations. The proposed building will be four-stories with an overall height of 66.26 feet. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Ms. Daniels asked about the conditions related to a traffic study. She said that condition #7 and condition #16 are the same, and suggested that the Commission change condition #7 to state that prior to building permit, a signed parking agreement needs to be provided to Community Development staff.

Jared Smith, 10542 S. Jordan Gateway, #300, stated that he understands the change made to condition #7, and confirmed that they will comply with the conditions. He shared a rendering of the proposed hotel. He stated that based on the traffic and parking study by Bingham Engineering, there will be more than adequate parking even when the hotel is at full capacity. Mr. Markham confirmed that the need for a shared parking agreement is now part of the conditions of approval. Mr. Smith agreed and stated that the agreement is already signed.

There were no comments from the public related to this item.

Maren Patterson made a motion to approve a Conditional Use Permit for a new 114-room Holiday Inn Express at the property addressed 5429 S. Commerce Drive, subject to conditions. Condition #7 is changed to read that prior to building permit, the applicant shall provide a signed parking agreement to the Community Development staff:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes including fire flow requirements.
3. Provide plans stamped and sealed by appropriate design professionals to include code analysis and egress plan.
4. Provide stamped and sealed soils report from a geo-technical engineer when

submitting for a building permit.

5. The project shall meet all Power Department requirements including clearance requirements.
6. The project shall meet all Water and Sewer division requirements. The applicant shall provide wastewater flow information to be sure that the existing mains can meet flow requirements. Note: One of the mains is a private main that requires permission from the current owners.
7. Prior to building permit, the applicant shall provide a signed parking agreement to the Community Development staff.
8. A land disturbance permit is required prior to construction on site.
9. Submit a drainage plan for review and approval by the City Engineer.
10. Exterior lighting shall be directed down and be shielded on the sides.
11. Signs will require a separate sign permit(s) and shall be subject to code requirements.
12. Repair any damaged curb, gutter and sidewalk along the Commerce Drive frontage.
13. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City and be installed as approved prior to occupancy. Modify landscaping plans on the site where just rock areas are shown to comply with code.
14. Trash containers shall be screened as required by Section 17.76.170.
15. Provide a Traffic Impact Study (UDOT Level 2) and forward a copy to UDOT for their review.
16. The Traffic Impact Study needs to be submitted on or prior to application for a building permit. The developer needs to address or implement any mitigation measures recommended in the study prior to occupancy.

Seconded by Jim Harland.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Vicki Mackay  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

JEREMY CIRCLE CONDOMINIUM – 1853 E. Jeremy Circle – Project #13-110

Michael Brodsky was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval for a two-family dwelling for the property addressed 1853 E. Jeremy Circle. He said that the property is located in the R-2-10 zoning district. Municipal Code Ordinance 17.116.030 allows two family dwellings within this zone subject to Conditional Use Permit approval by the Planning Commission. He said that this zone allows two dwellings on one property with a minimum 10,000 square foot lot area. Mr. Christensen stated that based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Michael Brodsky, 308 East 4500 South, stated that this has been a difficult process to combine lots. He stated that he is involved in developing similar projects in R-2-10 zones in Salt Lake County, and because this parcel was annexed into Murray it has retained that zoning. He said that Murray doesn't typically have this zoning designation.

Ms. Daniels asked Mr. Brodsky if he has reviewed the seven conditions. Mr. Brodsky responded that he is aware of the conditions and he will comply with them. Mr. Brodsky clarified that each home will have enclosed garages for parking.

Ms. Daniels opened the meeting for public comments.

Harold McHenry, 5640 Calann Drive, stated that he has property in the area. He asked which direction the homes will face, and where the sewer and water access will be located.

There were no additional comments from the public.

Michael Brodsky stated that the homes will face west, and that the utilities will be connected on Vine Street.

Jim Harland made a motion to approve the Conditional Use Permit for a two family dwelling for the property addressed 1853 E. Jeremy Circle, subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for recording the plat at the Salt Lake County Recorder's Office.
2. Show utility easements on the property to meet subdivision ordinance regulations.
3. The project shall meet all applicable building code standards.
4. The Murray Fire Department requires compliance with current building and fire

codes.

5. Submit a Subdivision Plat Application and a PDF file of the plat to the Engineering Division for final review and signatures.
6. Provide a utility, grading and drainage plan.
7. Repair any damaged curb, gutter and sidewalk along Jeremy Circle street frontage.

Seconded by Maren Patterson.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Vicki Mackay

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

JEREMY CIRCLE CONDOMINIUM – 1853 East Jeremy Circle – Project #13-90

Michael Brodsky was the applicant present to represent this request. Ray Christensen reviewed the location and request for preliminary/final approval for Jeremy Circle Condominium subdivision for the property addressed 1853 E. Jeremy Circle. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. Section 17.112.030 authorizes the Planning Commission to approve a two-family dwelling with Conditional Use Permit approval. He stated that the two condominium units could potentially be sold to two different owners, which is why this item must go through the subdivision process. He said that the units will share limited common elements. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission send a recommendation for subdivision approval to the Mayor.

Ms. Daniels asked about the common areas mentioned in the staff report and how that will be addressed if there are two different condominium owners. Mr. Christensen stated that there will be some CC&R's to identify common areas and maintenance

Michael Brodsky, 308 East 4500 South, stated that the condominium association documents were difficult to compile because associations generally have more than two units and often have a Board of Directors with multiple members. He said that in this situation, each condominium owner will be fully responsible for their side of the unit, and the only common area is considered the firewall that separates the units. He stated that there will be a management company that will be responsible to ensure that the documents are maintained and the insurance is paid.

Mr. Markham asked what would happen if one person purchased both units. Mr. Brodsky replied that it wouldn't make a difference in the CC&R's.

Ms. Daniels opened the public hearing portion of the meeting for this item. There were no comments from the public. The public hearing was closed for this item.

Karen Daniels asked Mr. Brodsky if he has reviewed the conditions recommended by staff. He confirmed that he has reviewed the conditions and will comply.

Mr. Markham made a motion that the Planning Commission send a recommendation for preliminary and final subdivision approval to the Mayor, for the property addressed 1853 E. Jeremy Circle, subject to conditions:

1. Meet the requirements of the Murray City Engineer for recording the plat at the Salt Lake County Recorder's Office.
2. Show utility easements on the property to meet subdivision ordinance regulations.
3. The project shall meet all applicable building code standards.
4. The Murray Fire Department requires compliance with current building and fire codes.
5. Provide a condominium plat to comply with Murray City subdivision plat requirements.
6. Submit a Subdivision Plat Application and a PDF file of the plat to the Engineering Division for final review and signatures.
7. Provide a utility, grading and drainage plan.
8. Repair any damaged curb, gutter and sidewalk along Jeremy Circle street frontage.

Seconded by Vicki Mackay.

Call vote recorded by Ray Christensen.

  A   Maren Patterson

  A   Vicki Mackay

  A   Jim Harland

  A   Phil Markham

  A   Karen Daniels

Motion passed, 5-0.

BIRKHILL APARTMENTS – 27 and 59 East Gilbride Ave. – Project #13-95

Hooper Knowlton was the applicant present to represent this request. Ray Christensen reviewed this request for subdivision plat approval for Birkhill Apartments Phase 2, and a subdivision plat amendment for Birkhill Apartments Phase 1. The subject property is located at 27 and 59 East Gilbride Avenue. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. The proposed plat includes creation of Lot 201 as part of Phase 2 of the Birkhill Apartments development. The proposal also includes an adjustment of property lines for Lot 101 in order to meet the building code standards for the proposed Phase 2 building. The plat will also dedicate right-of-way for the proposed Jummer Way along with additional right-of-way on Main Street and Fireclay Avenue. Mr. Christensen said that the City Engineer has indicated that improved plans will be required for Jummer Way, Fireclay Avenue and Main Street. The road improvements shall be completed prior to certificate of occupancy for Phase 2. He stated that 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 approval to the Mayor for the proposed subdivision plat amendment subject to conditions.

Hooper Knowlton from Parley's Partners, 1338 South Foothill Drive #305, stated that he has reviewed the conditions of approval. He confirmed that he will comply with the conditions.

Ms. Daniels opened the meeting for public comments related to this item. There were no comments from the public. The public hearing was closed for this item.

Mr. Harland made a motion that the Planning Commission send a recommendation of approval to the Mayor for the subdivision plat for Birkhill Apartments Phase 2, and also a subdivision plat amendment for Birkhill Apartments Phase 1, located at the property addressed 27 and 59 East Gilbride Avenue, subject to conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office.
2. Show utility easements on all of the lots to meet the subdivision ordinance regulations.
3. The project shall meet all applicable building code standards.
4. They project shall meet all current fire codes.
5. Meet all Murray Power Department requirements.
6. Meet all Murray City Water and Sewer Division requirements.
7. Meet City subdivision plat requirements.
8. Provide improvement plans for Jummer Way, Fireclay Avenue and Main

Street.

9. Provide an escrow bond for planned road improvements.
10. Complete the road improvements prior to occupancy of the Phase 2 apartments.

Seconded by Mr. Markham.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Vicki Mackay

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

CLARUS VISION – 6358 South 900 East – Project #13-89 (Public Hearing)

Kyle Miller was the applicant present to represent this request. Tim Tingey reviewed the location and request from representatives of Clarus Vision for a Zone Map Amendment from A-1 (agricultural) to R-N-B (residential neighborhood business) for the eastern portion of the property and to R-1-8 (residential single family low density) for the west portion of the property. He indicated the distance for the R-1-8 property is 24,000 sq. ft. and distance is approximately 125 feet west to east. The R-N-B portion of the property is approximately 43,000 sq. ft. and is approximately 226 feet beginning at the R-1-8 boundary eastward. This proposal is consistent with the general plan. There was a recent request of Clarus Vision for the entire property to be zoned R-N-B, but was ultimately denied by the City Council. The applicants are requesting the zone change on the eastern portion of the property to Residential Business use in order to construct a new medical office building use on this property. The request for R-1-8 zone property to the west will be developed for residential single family dwellings. The property is approximately 1.54 acres. The A-1 agricultural zone allows agricultural uses, parks, open spaces, and residential single family dwellings. Other compatible uses require a Conditional Use Permit to include schools, churches, public parks. A variety of permitted uses are allowed in the R-N-B zone such as single family and two family dwellings, office uses, florists, and photography studio. Other uses allowed by Conditional Use Permit include bed and breakfast home-stay, delicatessen & lunch facilities, gift shop, books art & hobby supplies, banking services, churches and school. Various permitted uses are allowed in the R-1-8 zone such as dwellings and accessory uses, garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include uses such as churches, schools, public parks, and libraries. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map amendments.

Kyle Miller, Miller & Company Real Estate Services, indicated he is representing the applicant.

The public hearing was opened for public comment.

David Kirk, 825 Southwood Drive, complimented the commission members for their service. He stated that he hopes that a good relationship between the developer and the residents may continue with a good and equitable feeling in the neighborhood.

Lynn Bringhurst, 6399 Glenoaks Street, stated the irrigation ditches that run through the property have been nothing but a problem to the area. He stated where Dr. Allred currently has his offices, the commission approved an elevation change on the property which created a dam and the irrigation ditch sits both behind his home which flooded over this year onto his property. He stated if this property is developed, it may also create another damn if it too is to be enclosed.

The public comment portion was closed.

Mr. Harland made a motion to send a recommendation of approval to the city council for a zone map amendment for the property addressed 6358 South 900 East, from A-1 (Agricultural) to R-N-B (Residential Neighborhood Business) for the eastern portion of the property; and R-1-8 (Residential Single Family Low Density) for the western portion of the property. Seconded by Mr. Markham.

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Karen Daniels

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Vicki Mackay

Motion passed, 5-0.

The public hearing portion of the meeting was closed.

### OTHER BUSINESS

Mr. Tingey stated at the city council meeting last night, the city council passed a temporary land use ordinance, or a moratorium on electronic cigarettes, "e cigarettes", retail and wholesale type facilities. This came up on as a discussion on June 4 with the city council. There have been a lot of these types of requests from retailers to locate into the city. There are currently no regulations related to these types of businesses. The "e cigarettes" don't fall unto the tobacco retailer ordinance. Last night the city council approved a 6 month moratorium that began on June 5<sup>th</sup> which allows time to study the issue. This land use proposal does not have to go before the planning commission per state law and is allowed to go straight before the city council because of time issues, especially related to regulating these types of businesses.

Mr. Tingey stated part of the issue is to understand how "e cigarettes" impact minors. He stated that the selling of tobacco products has stipulations related to distance from

places such as schools, playgrounds, etc. He stated that there may need to be similar regulations, but that there needs to be further study conducted during the 6 months moratorium time.

Ms. Daniels stated there are a few shops in Murray who sell tobacco products and if those types of businesses are allowed to sell the “e cigarettes”. Mr. Tingey responded that currently the moratorium prohibits new establishments to open beginning on June 5<sup>th</sup>. He stated the moratorium applies for new “e cigarette” retail businesses.

Mr. Tingey stated that there was one application for the “e cigarettes” prior to the June 5<sup>th</sup> date, and that business has 90 days in which to get established.

Mr. Tingey stated the city council also discussed the issue of chickens and bees on June 4<sup>th</sup>. He stated that a few months ago, the city had some open houses for chickens and bees to receive comments from the public. He stated that staff will compile the information received from those open houses and will then hold another meeting to allow the public to hear the information that resulted from the compiled information

Mr. Tingey stated that the Boards & Commissions banquet is forthcoming, but was uncertain of the date.

Meeting adjourned.

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Chad Wilkinson, Manager  
Community & Economic Development