

Minutes of the Planning Commission meeting held on Thursday, May 7, 2015, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Chair
Scot Woodbury
Karen Daniels
Gary Dansie
Tim Tingey, Administrative and Development Services Director
Jared Hall, Community and Economic Development Manager
Ray Christensen, Senior Planner
Brad McIlrath, Assistant Planner
Frank Nakamura, City Attorney
Citizens

Excused: Travis Nay
Tim Taylor
Buck Swaney

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.

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

APPROVAL OF MINUTES

Mrs. Daniels made a motion to approve the minutes from March 19, 2015. Seconded by Mr. Woodbury.

A voice vote was made. Motion passed, 4-0

CONFLICT OF INTEREST

Mr. Dansie declared a conflict of interest with Recovery Ways. Mr. Dansie stated that he is an employee of Recovery Ways and will abstain from voting.

APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve the Findings of Fact for Oasis Auto Body & Paint and Wholesale Bulk Lots. Seconded by Mrs. Daniels.

A voice vote was made. Motion passed, 4-0

FOXPAWS – 6312 South Haven Oaks Place – Project #15-35

Tanna Fox was the applicant present to represent this request. Mr. Christensen reviewed the location and request for Planning Commission Approval for a Major Home Occupation business to have three (3) nonresident employees conduct

business at the property addressed 6312 S. Haven Oaks Place. Major Home Occupations are home occupations which either require a client to come to the home or which may result in neighborhood impacts if not properly managed. These uses may be authorized as an accessory use through a major home occupation permit pursuant to the standards specified in Murray Code Section 17.24.030.B. that states that “the home occupation business may be conducted only by persons who are residents of the dwelling unit, except that up to one person not residing in the residence may be engaged, volunteer or be employed by the licensee. The owner of the business must reside in the residence. The planning commission may approve more than one nonresident employee if it finds that the additional employee will not be employed as a driver of a work vehicle kept at the residence, and also finds that the employee’s presence in the premises will not otherwise violate the intent of this chapter. Only one nonresident employee, or such additional nonresident employees as approved by the planning commission through approval of a major home occupation, is allowed per residence, regardless of the number of home occupation licenses held by persons residing in the residence.” Because the applicant is proposing a home occupation business with three (3) nonresident employees as a major home occupation, the applicant has requested that the application be referred to the planning commission for review.

Uses classified as major home occupations must comply with the standards of section 17.24.030 of this chapter, which shall be considered minimum standards. The planning commission may require additional conditions to mitigate impacts of the use on adjacent properties. These conditions may include, but are not limited to:

- Limits on hours of operation;
- Limits on numbers of clients per day/hour;
- Provision of adequate off street parking;
- Other conditions related to mitigating adverse impacts resulting from the use.

Foxpaws is a children’s shoe company that is owned by the applicant, her mother, and her sister. They also have an attorney who owns a small percentage of the business in exchange for legal services. The applicant’s mother runs the day to day business, ships the shoes as the orders come in, and also oversees all of the manufacturing from her computer via emails. The applicant answers phone calls and responds to customer and rep emails from her cell phone and computer at home. They design their own shoes and have them manufactured in Spain, Taiwan, and China. When the shoes arrive in the U.S., they either pick them up or have them delivered to her mother’s place who stores them in her unfinished basement. All sales are generated online through their website or through two (2) reps which they have in Texas and Chicago. Customers will never be coming and going from the applicant’s home. Based on the above information and findings, staff recommends that the Planning Commission approve Foxpaws to conduct business as a major home occupation with three (3) nonresident employees at the property addressed 6312 S. Haven Oaks Place, subject to conditions.

Tanna Fox, 6312 South Haven Oaks Place, stated that the 3 employees she listed on her business license application is herself, her mother and her sister. Everything that

is done for the business is done via email. Ms. Fox indicated that she has reviewed the staff recommendations and will comply.

Mr. Markham stated that his one concern would be deliveries from UPS and if there would be increased traffic. Ms. Fox stated that there is no reason UPS would come to the house. The shoes are shipped to a cargo facility down town and they go right to the warehouse.

Mr. Markham stated for the record the planning commission had received an emailed letter in their packets from Darrin Kinder expressing concern with regards to traffic generation, parking and as a result for the safety of the children in the area..

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

Mr. Woodbury made a motion to approve a Major Home Occupation for Foxpaws, to conduct a Home Occupation for three (3) nonresident employees located at 6312 South Haven Oaks Place, subject to the following conditions:

1. The home shall meet building and fire code standards. Plans should show details of how an accessible entrance will be provided.
2. No deliveries of inventory and/or storage of inventory will be permitted at this location.
3. No customers will be allowed to come and go from the home.
4. All parking for the home occupation shall be provided off-street and within the access driveway area.
5. The home occupation shall comply with all the standards for Home Occupations as outlined in Chapter 17.24 of the Murray Municipal Code.
6. The applicant shall obtain a Murray City Business License and comply with all applicable licensing requirements prior to the commencement of business operations.

Seconded by Mrs. Daniels.

Call vote recorded by Mr. Hall

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Gary Dansie

Motion passed, 4-0.

BOSEN BEAUTY – 5603 South Allendale Drive – Project #15-37

Rachel Bosen was the applicant present to represent this request. Brad McIlrath reviewed the location and request for Planning Commission approval for a Major Home Occupation to conduct an esthetician/in-home spa business at the property addressed 5603 S. Allendale Drive. Major Home Occupations are home occupations which either require a client to come to the home or which may result in neighborhood impacts if not properly managed. These uses may be authorized as an accessory use through a major home occupation permit pursuant to the standards specified in Murray Code Section 17.24. Because of potential impacts, Major Home Occupations require signatures of approval of all abutting and adjacent property owners indicating that they consent to the use of the property as a major home occupation. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the planning commission to be considered as a major home occupation. If all the required signatures are obtained, the director or designee will approve, approve with conditions, or refer the application to the planning commission to be considered as a major home occupation. Because the applicant was unable to obtain the signatures of all abutting and adjacent property owners to conduct an esthetician business as a major home occupation, the applicant has requested that the application be referred to the planning commission for review. Uses classified as major home occupations must comply with the standards of Municipal Code Section 17.24.030. The planning commission may require additional conditions to mitigate impacts of the use on adjacent properties. These conditions may include, but are not limited to:

- Limits on hours of operation;
- Limits on numbers of clients per day/hour;
- Provision of adequate off street parking;
- Other conditions related to mitigating adverse impacts resulting from the use.

The applicant proposes to conduct an in-home spa business with no more than one (1) client per hour and a maximum of three (3) clients per day. The offered services include facials, waxing, lash extensions, manicures and other esthetician services. The applicant has indicated that she would be the only person performing the services and that the business would be operated within a 115 square foot room. The submitted site plan indicates that parking will be provided in front of the residence along Allendale Drive and with the residential driveway. According to Section 17.24.030.L parking for the business must be provided off-street and the parking shown along Allendale Drive may not be used for client parking, therefore, all parking must be provided within the access driveway. Based upon a site visit and the submitted site plan, sufficient parking is available within the driveway for this home occupation. Staff has included recommended conditions of approval for the consideration of the planning commission. Based on the above information and findings, staff recommends approval of the esthetician/in-home spa major home occupation to be conducted at the property addressed 5603 S. Allendale Drive, subject to conditions.

Mr. Woodbury asked if there is a limit to the amount of clients allowed for a home salon. Mr. McIlrath replied that there is a limit to the amount of students for a

preschool or daycare but there is not a limit for a home salon except as required by the Planning Commission. Mr. McIlrath explained that because the applicant indicated that she would have no more than 3 customers a day, staff is recommending that the total amount of clients allowed per day be limited to that amount proposed by the applicant. Mr. Woodbury asked about the literal enforcement of this requirement and Mr. McIlrath replied that the city would enforce the standard with a business license and upon receiving complaints from adjoining property owners.

Rachel Bosen, 5603 South Allendale Drive, stated that she will not have any employees and she intends to do this only part-time. Ms. Bosen indicated that she has reviewed the staff recommendations and will comply.

Mr. Markham asked that staff address any changes in the conditions. Mr. Tingey stated that the code has indicated that the planning commission can set the number of clients that come to a site for a major home occupation. The application is for three (3) clients per day. If there were an increase in that, they would have to modify their application at another time.

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

Mr. Woodbury made a motion to approve Bosen Beauty, an esthetician/in-home spa Major Home Occupation located at 5603 South Allendale Drive, subject to the following conditions:

1. The home shall meet building and fire code standards.
2. The business shall be limited to one (1) client per hour and a maximum of three (3) clients per day.
3. All parking for the home occupation shall be provided off-street and within the access driveway area.
4. The home occupation shall comply with all the standards for Home Occupations as outlined in Chapter 17.24 of the Murray Municipal Code.
5. The applicant shall obtain a Murray City Business License and comply with all applicable licensing requirements prior to the commencement of business operations.

Seconded by Mrs. Daniels

Call vote recorded by Mr. Hall

A _____ Phil Markham

A _____ Karen Daniels

A _____ Scot Woodbury

A _____ Gary Dansie

Motion passed, 4-0.

SECURITY NATIONAL CORPORATE PARK – 5300 South Green Street/5278 South Pinemont Drive – Project #15-33

Bryce Baker was the applicant present to represent this request. Mr. Christensen reviewed the location and request for a Conditional Use Permit for a new six-story office/retail building and new four-story parking structure at the properties addressed 5300 South Green Street and 5278 South Pinemont Drive. This property is currently located in two zoning districts, the G-O and C-D-C. Municipal Code Ordinance 17.144.040 requires Conditional Use Permit approval for new office/retail buildings in the General Office zone. Municipal Code 17.144.030 also requires Planning Commission approval for a Conditional Use Permit for restaurant use in the G-O zone. Representatives of Security National are planning a large multi-phase development for office, commercial buildings and including parking structures, for multiple parcels of property that may take many years in the construction process. The applicants are requesting a Conditional Use Permit for the first phase of development for a new six story office/retail building and parking structure. The information provided by the applicant indicates the proposed office/retail building will contain 198,586 gross sq. ft. The floor plans show retail businesses will be located on the first floor and office space to be located in the upper floor levels. A new parking structure will be constructed concurrently with the new office/retail building. The office building will be 86 ft. high and the parking structure will be 44 ft. high. The applicants are working with U.D.O.T. regarding the surplus or vacating a portion of the existing Green Street right-of-way to allow for the buildings to be constructed. The applicant will need to prepare plans and submit application for a subdivision plat approval for the overall development that defines the planned lots, dedicated roadways and sidewalk/parking easements. The site plan shows a parking structure to be constructed at the north side of the office/retail building. The information provided by the applicant indicates there is 198,586 total gross sq. ft. in the building with approximately 185,926 sq. ft. in office space. The plan show about 12,660 sq. ft. in retail uses which will require about 60 parking stalls. The exact number of parking stalls required for the office uses depends if it is for general office or medical office which will require about 632 parking stalls. The gross area plans provided by the applicant indicates there will be 908 parking stalls in the parking structure which is adequate for the first phase. There will be a temporary surface parking lot constructed at the east side of the parking structure with about 42 parking stalls. Disabled parking stalls will need to be provided to comply with ADA regulations. The required minimum setback for buildings in the C-D-C and G-O zones is a 20 ft. minimum setback from the property line. The plans submitted by the applicant will need to comply with frontage and interior landscaping regulations as defined in Municipal Code 17.68. The City Code requires 10 ft. depth of frontage landscaping behind the right-of way line. The applicant has provided a preliminary landscape plan showing areas of vegetation, lawn, trees, and shrubs. The final landscaping /irrigation plans will need to be submitted for approval by City officials to comply with landscaping regulations with the building permit application. The applicant shall develop and execute an agreement for maintenance of the landscaped islands in the roadway. Access to the property is from College Drive, 5300 South and Pinemont Drive. Based on the information presented in this report, application materials

submitted and the site review, staff recommends that the conditional use permit for the first phase of the office/retail development located at 5300 South Green Street and 5278 South Pinemont Drive be approved subject to conditions.

Bryce Baker, 5300 South 360 West, stated that he is representing Security National who is the owner of the property and the developer of the project. In attendance with Mr. Baker was Joe Geroux from IBI, who is the project architect and Scott Johnsen from Hales Engineering. Mr. Baker stated that they have reviewed the report, and asked if staff could clarify condition number eight (8), subsection i. Mr. Baker stated that there were some renaming of the roads and they want to make sure that this is a clarification on the conditional use. Mr. Baker quoted subsection i and indicated that there is an issue on the site where there are two main roads that run north/south. There is Pinemont Drive and Green Street. Mr. Baker stated that when they put together the first site plan they called the road that runs from the east of the property to College Drive, as Pinemont, which was an extension of an existing road. Mr. Baker stated that he hasn't named that road and will do so when they submit for a subdivision plat. He asked for clarification that it is the realignment of that road that will contain all the utilities and not the realignment of the road going north, which will also happen as future development comes in. He wanted to make sure that there is a clarification on the utilities to realign within public rights-of-ways that is within each phase. Mr. Baker stated that he believes that is consistent with what has been talked about. Mr. Baker stated that he wanted to make the clarification as a change to the conditions of approval. Mr. Baker stated that the concept that he is working with; Green Street is now a UDOT road, and they are exchanging right-of-way with UDOT to widen 5300 South. On the south property border when they record a subdivision plat they would dedicate that property to a full lane width extension of 5300 South Street, which helps with the ongoing traffic concern in future phases. The traffic impact study has phased reports. In the first phase, they are taking down about 50,000 sq ft of existing office space and adding about 200,000 square feet. It's a net gain of 150,000 sq ft for this project. The phasing plan that was given in the first traffic impact study had 360,000 sq. ft. being added in phase one (1). Mr. Baker stated that one of the conditions is an updated traffic study, he agrees with that and he will update to represent what we expect would happen in the first phase, and then it goes on to 2040 which is full build out of this project. This is a long term project. Mr. Baker stated that they have buildings ranging from 4 to 12 stories, all of those fit within the existing height constraints on the site for the G-O zone. He stated they are consistent with current zoning, consistent with market forces, and they will continue to build through as they are able and attract future tenants to Murray. Mr. Baker indicated that he has reviewed the staff recommendations and will comply.

Mr. Markham asked Mr. Baker with regard to phasing of the project and the timeline. Mr. Baker stated that he would anticipate the next phase to be in about 6 months. Based on current market forces it would be on the heels of phase one (1). Phase one (1) building allows them to move their existing building which is on-site. They would relocate temporarily into phase one (1) building so they can demolish the existing building that they have and go to phase two (2).

Mr. Markham stated that it is his understanding that the intent at this point for the office space, or at least a majority of it, to be considered Class A, office space. Mr.

Markham ask for a definition of Class A office space. Mr. Baker stated that Class A meets the needs of the top-tier of market and office users. It has finishes and commands top of the market rents. It is an office product that meets the top-tier of those who desire to be there. Mr. Markham stated that it is his understanding that presently Murray City does not have any Class A office space.

Mr. Markham asked for Scott Johnsen, the traffic engineer to come forward and if there is any information that he would like to add that may, or may not, have been mentioned or just touched upon tonight. Mr. Markham stated that this is going to be the major impact, the major concern.

Scott Johnsen, 1220 North 500 West, representing Hales Engineering, Mr. Johnson stated that he did not have anything specific but that the traffic study is an involved report and if anyone has any questions he would be happy to address them. Mr. Johnsen stated that 5300 South is a very busy road and it is projected to stay a busy road in the future. UDOT has plans to make operational improvements to 5300 South. The last plan was by 2020 and that will help improve conditions. He stated that they have made recommendations in the traffic study to help mitigate some of those problems, but busy streets tend to be busy during peak hours and that is usually expected.

Mr. Markham asked Mr. Johnsen about the impact on West Vine Street coming in from the north and asked if there would be significant increases in traffic in that area. Mr. Johnson stated that during p.m. peak hour conditions they project the intersections on Vine Street to still continue to operate at an exceptional level of service.

Mr. Woodbury stated that condition 8.c would need to be updated because phase one is in 2014 and phase three is going to be 2040, and we cannot predict traffic in 2040. Mr. Johnsen stated that he uses projections published by the Wasatch Front Regional Council which were just updated. He stated the full build out would remain the same but there would be less traffic in the initial phases so they anticipate any impacts to be less than what was originally reported.

Mr. Woodbury stated that phase one and phase two are the ones they are concerned about and they want to ensure it would be good in the long term.

Mr. Markham asked if the architect for the project would comment on the project and indicate if the commission has the correct facts thus far.

Joseph Geroux, with IBI Group, 10 Exchange Place. Mr. Geroux replied that the information given is correct and as everyone is aware, there is quite a bit of existing warehouse product on this development, and the road network is broken. He stated they have taken the approach from the stand point with this development trying to fix the road network creating a high value office park that will create a lot of value for Murray.

The meeting was opened for public comment.

Joshua Irvine, attorney representing The Hotel Ownership Group, 195 25th St. #305, Ogden, stated that they are really concerned with the development for a number of reasons, most importantly the traffic impact on the hotel that requires easy and accessible traffic. Mr. Irvine stated that anytime a hotel is reviewed the things that are the biggest deterrent to return customers are the ease in which they can find it, and then use the services there. Mr. Irvine stated they are very concerned with the impact it will have on the hotel being an adjacent business to the property. Another concern is there hasn't been an economic study impact done and what could happen to the adjacent businesses. Mr. Irvine stated that he wasn't sure if it was a misstatement from the city planner when he was explaining the project, Mr. Christensen mentioned there might be a hotel development on the property and if that is correct, then it is even more important to understand what type of impact it would have on them. Mr. Irvine stated that The Client Group came to Murray about a year ago and bought the hotel located to the west and they have turned it around, making it a very profitable hotel. The hotel has several dozen employees that involve several dozen families, if this becomes a problem and they are not able to support this growing endeavor then that could lead to unemployment, it could lead to them having to sell and leave Murray all together and that is not something they would like to do.

Tom Uriona, 36 South State Street, stated he is representing Intermountain Health Care (IHC). Mr. Uriona stated that Intermountain Health Care is a significant property owner in Murray, and that IHC has property directly adjacent to the property. Mr. Uriona stated that they are interested to see how the development will occur and he is not here to say whether it will be successful or not, but that the market will determine that over time. Mr. Uriona's stated his major concern is traffic. He stated that he didn't think the first phase is really going to be the driver of impact, but the later phase of the development could challenge traffic and access. Mr. Uriona stated that he hopes the commission pays particular attention to that issue as time goes on. Mr. Uriona asked if the conditional use is just for the first phase.

No other comments were made and the public comment portion of the meeting was closed.

Mr. Markham asked for Mr. Baker to come up and address the concerns that were expressed by Mr. Irvine and Mr. Uriona. Mr. Baker stated that he has met with both groups prior to the planning commission meeting and they share the same concern with traffic. He stated a development of this size with Class A office space is detrimental by lack of access. He stated in the traffic study summary that was provided in the packets reviewing the background conditions and background plus project. The plus project is what is already going on and they have been working with UDOT and with the city to look at the existing challenges that exist so that the "do no harm" method works at mitigating what impact they do in the future to the site. Dedicating the property of the south for widening of 5300 south comes as part of the future phases of traffic mitigation. It is not until the third phase that those improvements would be required. He stated they are widening roads within the development park to get to a three (3) lane profile to help with circulation. The future aspects of a five lane profile at College and 5300 South Street and a capture lane at 5300 South Street going westbound. He stated they are trying to resolve the traffic issues so the project can be successful. There is a coordination effort that needs to go

on off-site so that the neighbors will also benefit from additional access. He stated that they are carrying their load, and are asking others in the future to do their part as well. He stated they are trying to mitigate as much as they can with what they have control over. He stated the traffic study identifies those areas of concern.

The question was asked about north bound traffic and the traffic impact study models less than 10% of the traffic goes north, but traffic wants to go south, and the closest access is 5300 South and I-15 which is the proximity of where people want to be. Mr. Baker responded that they have modeled all directions, such as Murray Blvd., 500 West and Vine Street. He stated they are constrained across to the east because of the freeway, in front of the project on Commerce and 5300 South is at failure level currently, and those issues have been identified in the report. He stated as they talk to UDOT, they are using this as a tool to enhance that conversation and try to set a sense of urgency for improving 5300 South which is a UDOT road. The city does not have control over that either. They are looking to the future and do not want traffic to be a problem. As they look at the grandiose scale and set the vision of what the city would like to see happen in Murray over the next 20 years and that's really what is being looked at with this site and its close proximity to 5300 south and I-15. This is an area where it's going to be redeveloped and they are coming in and fixing some of the existing infrastructure. This doesn't involve everything above ground but it is below ground as well, and creating the ability to do something further in the future and will occur in incremental steps. He stated there isn't a lot of this competitive product in the market and they are trying to develop a Class A office space in the middle of the valley. Mr. Baker stated that Security National is celebrating their 50th year in business. It was started here in Utah and they are continuing to grow and that means impacts from employment and from watching the valley grow and this is one thing they think can impact in a positive way. He stated that they have been meeting with the neighbors and have been working towards what it will look like in 2040. There is long range planning going on and not just the dialog of what they want to do today.

Mrs. Daniels asked about an additional hotel within the business park. Mr. Baker stated that it is a speculative use but a year ago they applied for a zone change to a C-D-C on a portion of the property that was to allow for flexibility. Included in that zone change was the intention of having retail use and restaurants on the ground floor of the office buildings and a potential hotel. Mr. Baker stated that they do not have any plans for a hotel right now but an office park of this size typically has one or two. For example Cottonwood Corp. recently constructed a Hyatt Hotel. He stated that at the time that they originally did the zone change the ownership group for the adjacent hotel wasn't there and they hadn't rebranded that hotel. He stated they are applauding that effort because they see it more vibrant now than it was 12 months ago. He stated they are looking at a hotel use, but it has not been programed yet.

Mr. Woodbury made a motion to grant Conditional Use Permit approval for the first phase of the office retail development addressed 5300 South Green Street and 5278 South Pinemont Drive., subject to the following conditions:

1. The project shall meet all applicable building and fire code requirements. The applicant shall provide stamped and sealed soils report from geo-technical engineer at time of submittal for a building permit. The applicant shall provide

plans stamped and sealed by appropriate design professionals to include code analysis and egress plan.

2. The project shall comply with current fire codes. Provide fire hydrants as required by fire code.
3. Formal landscaping and irrigation plans meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted for approval by Murray City officials and shall be installed as approved prior to occupancy. The general office zone requires landscaping on 15% of the site. The applicant shall provide details and calculations showing compliance to the 15% requirement.
4. The trash containers shall be screened as required by Section 17.76.170.
5. Comply with Murray Power Department requirements including easements.
6. Adequate parking stalls shall be paved and striped, including disabled stalls, to comply with ADA and ordinance requirements.
7. Comply with all Murray Water & Sewer Department requirements including utility easements.
8. The Murray City Engineer stated the traffic impacts for the full Security National Park development area project build out could be significant if improvements on both 5300 South and College Drive are not implemented. The City Engineer noted the following requirements for this project
 - a. The applicant shall develop a subdivision plat for the overall development that defines the planned lots, dedicated roadways and sidewalk/parking easements. The plan shall comply with City subdivision requirements.
 - b. U.D.O.T. will need to surplus or vacate a portion of the existing Green Street right-of-way to allow for the building to be constructed.
 - c. Update the site Transportation Impact Study (TIS) to be consistent with the current phasing plan. Implement any phase 1 TIS recommendations. Future or phased roadway improvements will be required as per the approved TIS.
 - d. Adjust the width and length of the proposed landscaped island in the roadway to meet Fire Department requirements.
 - e. The roadway will need to be constructed to City standards. The plans will need to show a 12 ft. minimum lane width as measured from lip of curb to face of curb (B5 Type Curb). The landscaped island should be 11 ft. wide including the curb to make the road width consistent with a 60 ft. right-of-way road width.

- f. The applicant shall develop and execute an agreement for maintenance of the landscaped islands in the roadway.
- g. The plans shall be revised to eliminate/adjust crosswalk locations at the south east corner of the proposed building. The sidewalks and crosswalk locations need to be based on an overall site pedestrian access and circulation plan. Sidewalks will need to be provided as per this plan.
- h. The development shall meet City storm drainage requirements. On site detention is required and an overall water quality treatment plan should be implemented.
- i. All utilities in and alongside the existing streets will need to be relocated to the proposed roadway or approved easements.

Seconded by Mrs. Daniels.

Call vote recorded by Mr. Hall

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Gary Dansie

Motion passed, 4-0.

SPECTRUM WIRELESS SOLUTIONS – 79 West 4500 South #4 – Project #15-36

Emily Kellogg was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for a telecommunications contractor use for the property addressed 79 West 4500 South #4. Municipal Code Ordinance 17.152 allows contract construction services (LU #6600) within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant proposes to operate a telecommunications contractor business for the construction and maintenance of communication towers and equipment at this location. The location includes a 3,120 square foot warehouse space and 1,280 square feet of office space. The applicant has indicated that construction vehicles and equipment will not be stored within the exterior parking area and that only work trucks will be parked on site. All other building materials and equipment will be stored inside the warehouse space or at the construction site. Parking for this type of business use is calculated at the rate of one (1) space for each seven hundred and fifty (750) square feet of net warehouse floor area and four (4) spaces for each one thousand (1,000) square feet of net office space. With 3,120 square feet of warehouse space and 1,280 square feet of office space this business use is required to provide a minimum of nine (9) off-street parking spaces. The submitted site plan shows that nine (9) off-street parking spaces are designated for this business use and that number has been confirmed with a site visit performed by staff. As observed with the site visit, there is currently a disabled persons (ADA) accessible parking space

located in front of the adjacent tenant space to the north. Section 17.72.070.H. requires that a minimum of one (1) accessible space shall be provided for every 1-25 total parking spaces. Therefore, the existing ADA space complies with this standard and meets the demand of both business uses. The existing building complies with all height and setback requirements of the M-G-C zoning district. The existing landscaping has been approved previously and complies with the standards of the landscape ordinance. Access for this business complex is provided from the 4500 South frontage road. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the telecommunications contractor use at the property addressed 79 West 4500 South #4, subject to conditions.

Emily Kellogg, 79 West 4500 South #4, stated they only have 10 employees so parking shouldn't be an issue. Ms. Kellogg stated that 8 of the employees usually work out of town; the only two employees in the office are Ms. Kellogg and her boss. The warehouse is big enough for them to be able to keep all the construction equipment in the building. Ms. Kellogg indicated that the employees are not allowed to keep the equipment outside. Ms. Kellogg indicated that she has reviewed the staff recommendations and will comply.

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

Mr. Woodbury made a motion to grant Conditional Use Permit approval Spectrum Wireless Solutions, a telecommunications contractor use, for the property addressed 79 West 4500 South #4., subject to the following conditions:

1. The project shall meet all applicable building code and fire code standards.
2. A Murray City Building Permit shall be obtained for any remodeling of the unit.
3. The off-street parking area shall only be used to park business vehicles and all other building materials and construction equipment shall be stored within the warehouse space or at the construction site.
4. The applicants shall obtain a Murray City Business License prior to the commencement of business operations at this location.

Seconded by Mrs. Daniels.

Call vote recorded by Mr. Christensen

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Gary Dansie

Motion passed, 4-0.

PARRA UNDERGROUND – 5650 South 300 West #5 – Project #15-38

Antonio Parra was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for an underground communication installation & service use for the property addressed 5650 South 300 West #5. Municipal Code Ordinance 17.152 allows contract construction services (LU #6600) within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant proposes to conduct an underground communication installation and service business from unit #5 of the McGee Industrial Park. This unit includes a 243 square foot office space and a 2,157 square foot shop/warehouse space which is accessed by two bay doors. The applicant has indicated that this location will be used as a business shop which would include the storage and servicing of installation equipment. The submitted written description of the business states that the business would include two (2) trucks, one (1) plow machine, one (1) directional bore machine, two (2) compressors, and one (1) vacuum trailer. The written narrative indicates that the majority of the equipment will be stored inside the shop area and that the work trucks would be parked outside. Based upon a site visit, some equipment and supplies are being stored in the parking area west of the unit. Equipment and supplies may be stored in that area as long as the outdoor storage does not eliminate the minimum number of parking spaces required for this use. Parking for this type of business use is calculated at the rate of one (1) space for each seven hundred and fifty (750) square feet of net warehouse floor area and four (4) spaces for each one thousand (1,000) square feet of net office space. With 2,157 square feet of shop/warehouse space and 243 square feet of office space, this business use is required to provide a minimum of four (4) off-street parking spaces. The submitted site plan shows a total of ten (10) off-street parking spaces provided for this unit and according to a site visit performed by staff, the layout and number of spaces provided is slightly different than what is shown on the submitted site plan. According to the site visit, two (2) spaces are striped in front of the unit with four (4) on the west side of the unit. Only two (2) of the four (4) stalls on the west side of the unit are usable because a storage container has been placed over the middle two (2) spaces. Three (3) spaces are located along the west fence area with another two (2) spaces located to either side of an existing tree. Based upon the site visit there is only a total of nine (9) accessible off-street parking spaces available for this business use. According to Section 17.72.070, which outlines standards for disabled parking and site accessibility, 1 in every 25 parking spaces must be designated as a disabled persons (ADA) parking space. The existing parking layout for this unit does not include an ADA parking space. In order to comply with that requirement, the business use must provide a van accessible ADA parking space that complies with the standards of Section 17.72.070 of the Murray Municipal Code. In order to comply with that standard, the two (2) spaces located in front of the unit must be restriped as a single van accessible ADA parking space. With the creation of the ADA parking space and adjacent access aisle the total number of usable parking spaces for this use will be reduced to eight (8) total spaces. As previously mentioned, the parking spaces located to the west of the unit include the storage of materials, trailers, equipment and vehicles that staff views to be inoperable. In order to provide a van accessible ADA parking space and the additional three (3) spaces required by ordinance, staff recommends that the west parking area be cleared of the materials, trailers, equipment, inoperable vehicles and other vehicles which are not used for the

business. In addition to providing sufficient parking for this business use, this action will help stress quality development and management of the site and will remove materials or machinery that may be detrimental to the health or safety of individuals working in the area. The existing building complies with the minimum setback and height requirements of the M-G-C Zoning District. The property includes landscaping that was previously approved. Access to this property is provided from 300 West. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the communications installation and service use for the property addressed 5650 South 300 West #5 subject to conditions.

Mr. Markham asked Mr. McIlrath if the metal storage unit would be allowed to stay on site. Mr. McIlrath stated yes, and that he has talked to the property owner and his intentions were to remove it and they are not using the storage unit for their business purposes.

Mr. Woodbury asked Mr. McIlrath if all the landscaping is up to code. Mr. McIlrath stated that there is landscaping provided along the frontage area of the property. They do have some landscaping in front of the business and also along the back. The frontage landscaping complies with the standards of the ordinance when this business park was approved.

Antonio Parra, 9 East Wilson Avenue, stated that a few of the vehicles have been removed and the rest of them will be removed. Mr. Parra indicated that he has reviewed the staff recommendations and will comply.

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

Mrs. Daniels made a motion to grant Conditional Use Permit approval for Parra Underground, an underground communication installation & service use, for the property addressed 5650 South 300 West #5, subject to the following conditions:

1. The project shall meet all applicable building and fire code standards.
2. A building permit shall be obtained from the Murray City Building Division for any remodeling.
3. The parking area shall be cleared of materials, trailers, equipment, inoperable vehicles and other vehicles not used in conjunction with the business in order to provide the required three (3) off-street parking spaces in addition to the van accessible ADA space that must be located at the front of the unit.
4. A van accessible ADA parking space shall be provided at the front of the business unit, and shall comply to the following requirements as also outlined in Section 17.72.070 of the Murray Municipal Code:
 - (a) The adjacent access aisle shall not be less than eight (8) feet in width.
 - (b) The ADA space shall be identified by a sign at the head of the parking space. The sign shall include the international symbol of accessibility and shall

be 60 inches minimum above ground.

5. The applicant shall obtain a Murray City Business License and comply with all of the standards for obtained a business license.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Christensen

A Phil Markham

A Karen Daniels

A Scot Woodbury

A Gary Dansie

Motion passed, 4-0.

MACY'S/FASHION PLACE NORTH EXPANSION – 6191 South State Street & 6185 South Fashion Boulevard – Project #15-42

Ted Didas was the applicant present to represent this request. Mr. McIlrath reviewed the location and request for an amendment to the original Conditional Use Permit issued for the Fashion Place Mall in order to construct an expansion to the northeast area of the mall and a new Macy's department store. The request is for the properties addressed 6191 S. State Street & 6185 S. Fashion Boulevard. Municipal Code Ordinance 17.160 allows Retail Trade – General Merchandise (LU #5390) within the C-D-C zoning district currently as a permitted use. The Fashion Place Mall was originally approved with a Conditional Use Permit so the proposed demolition, expansion and new store will be an amendment to that original permit. General Growth Properties proposes to demolish the existing Dillard's building and a portion of the existing mall at the northeast end of the Fashion Place Mall in order to construct an expansion of the mall area and a new Macy's department store. The area of the proposed mall expansion is 45,500 square feet and the area of the proposed 2-story Macy's department store is 160,000 total square feet. In 2007 the Fashion Place Mall underwent a large scale remodel of the entire site which included, but was not limited to the relocation of the Nordstrom's department store and redesign of several mall entrances. The approved expansion also included this northeast area with new retail space and a new Dillard's department store with an adjacent parking structure. Due to various modifications to that original expansion approval and the relocation of Dillard's to the south end of the mall, additional review for the current proposed expansion is required. The proposed mall expansion will include two (2) new mall entrances located on the east and west facades of the proposed expansion. The expansion will include additional restroom facilities for this area and a concourse connecting the new retail space and Macy's department store with the existing mall space. Retail spaces on the west and east sides will have direct exposure with transparent design and inviting architectural features. Each architectural feature will add to the overall character of the Fashion Place Mall and will employ various earth tones for variety and improved scale. The proposed Macy's store is designed to match the national branding for Macy's store locations with glazed aluminum exterior panels and large glass entrances. Entrances will be provided from each frontage and

from the concourse of the new retail/lifestyle area. Based upon review of the submitted building materials and elevations, Staff has determined that the proposed expansion will be in harmony with, and will contribute to the overall character of this commercial district. Unlike the expansion approved in 2007, the applicant is not proposing to construct a parking structure and has submitted plans demonstrating that parking for the entire site is sufficient without the development of a parking structure. This plan includes the on-site parking around the mall and a satellite parking lot located north of 6100 South. The parking lot north of 6100 South was previously approved and has been used continuously for overflow and employee parking. Based upon the submitted plans, parking provided on-site and within the satellite parking area meet the minimum parking requirements established for the mall without the need to construct a parking structure. Parking for the Fashion Place Mall and the related outparcels is calculated at the rate of 4½ parking spaces for each 1,000 square feet of net floor area. ADA parking for the site is calculated at the rate of 20 spaces plus 1 additional space for each 100 spaces over 1,000 total spaces provided. A complete parking analysis for the overall mall site is included in the following tables:

| Standard Parking Summary (Non ADA Spaces) | |
|---|---|
| Code Standard | Parking Calculation |
| 4 ½ spaces per 1,000 square feet of net floor area. | 991,043 sq. ft. @ 4 ½ spaces per 1,000 sq. ft. = 4,460 Spaces |
| Total Required: | 4,460 Spaces |
| Total Provided: | 4,706 Spaces |

| ADA Parking Summary | |
|--|--|
| Code Standard | ADA Parking Space Calculation |
| 20 Spaces, plus 1 for each 100 spaces over 1,000 total spaces. | 4,706 non ADA spaces @ 20 plus 1 for each 100 over 1,000 spaces= 57 ADA Parking Spaces |
| Total ADA Spaces Required: | 57 ADA Spaces |
| Total ADA Spaces Provided: | 107 ADA Spaces |

| Overall Parking Summary | |
|---|--|
| Total Required: 4,460 Total Spaces | |
| Total Provided: 4,813 Total Spaces | |

The submitted parking calculations indicate that the total square footage of the existing and proposed structures on the site is 991,043 square feet. This includes a future outparcel in the southeast corner of the site which is estimated to have a building of 7,350 square feet in size. Parking for that future use, including ADA accessible parking will be reviewed at the time of application to ensure sufficient parking for the proposed use and the entire mall site. The proposed parking layout for the satellite parking area does not show the areas being used for outdoor storage of plowing equipment or other equipment used by the mall. The proposed parking layout for the satellite parking area also does not include landscaping that will be required for the area. Due to revisions needed for this parking layout, the amount of parking spaces provided within area may be reduced in order to account for the outdoor storage and to comply with landscaping requirements outlined later in this report.

With the potential reductions in overall parking provided, the applicant will need to demonstrate that sufficient parking is still provided for the entire Fashion Place Mall development. Based upon a site visit performed by staff, the ADA parking spaces provided for Chase Bank and the Chuck –A-Rama will need to be modified in order to comply with the minimum standards outlined in Chapter 17.72 of the Murray Municipal Code. Both parking areas will need to provide required signage and access aisles for each ADA parking space. According to a site visit, all other ADA parking provided at the mall site complies with the minimum accessibility standards required by ordinance. The proposed mall expansion and new department store building comply with all setback and height requirements of the C-D-C zoning district.

Landscaping for this project is subject to the standards for landscaping in the C-D-C Zoning District as outlined in Section 17.160.100 and Chapter 17.68 of the Murray Municipal Code. The C-D-C Zoning District requires that a minimum of 10% of a development site be developed as landscaping. The applicant has submitted a preliminary landscape plan showing the proposed perimeter and interior landscaping for the site. According to the preliminary landscape plan the project includes approximately nine hundred and ten linear feet (910') of frontage along 6100 South (only a calculation of the area shown on the preliminary landscape plan) and approximately one thousand and eighty five linear feet (1,085') of frontage along Fashion Boulevard. Section 17.68.040.A of the zoning ordinance requires that front setback areas be no less than ten feet (10') behind the back of sidewalk and that the front setback landscaping shall include a minimum of three (3) trees, five (5) 5-gallon shrubs and ten (10) 1-gallon shrubs for every one hundred (100) linear feet of frontage. The following tables outline the front setback landscaping requirements for 6100 South and Fashion Boulevard.

| 6100 South Front Setback Landscaping | | | |
|---|------------|---------------------|----------------------|
| Linear Feet: | Trees (3): | 5-Gallon Shrubs (5) | 1-Gallon Shrubs (10) |
| 910 | 27 | 46 | 91 |

| Fashion Boulevard Front Setback Landscaping | | | |
|--|------------|---------------------|----------------------|
| Linear Feet: | Trees (3): | 5-Gallon Shrubs (5) | 1-Gallon Shrubs (10) |
| 1085 | 33 | 54 | 91 |

Based upon review of the submitted preliminary landscape plan staff has determined that the submitted plan appears to meet the requirements for front setback landscaping. Section 17.68.040.B of the zoning ordinance outlines landscaping requirements for interior landscaping including all parking areas. As stated in that section, all unpaved areas not utilized for parking or storage shall be landscaped utilizing drought tolerant materials. For parking areas, all parking spaces are required to be located within seventy five feet (75') of landscaping. In order to comply with this requirement, parking islands, frontage landscaping, and landscaping adjacent to the mall may be used. After review of the preliminary interior landscaping, additional landscape islands need to be installed within the east parking area in order for all parking spaces to be located within seventy five feet (75') of landscaping. Staff will work with the applicant to identify the areas which require the additional landscape islands. It is important to note that current landscaping along the entire 6100 South

frontage does not comply with the minimum landscape standards of the zoning ordinance. The entire frontage landscaping only includes trees and a cobblestone rock base. In order to comply with minimum landscaping requirements, the entire 6100 South frontage must be landscaped in accordance to the current standards for front setback areas and park strips. The final landscape plan that will be submitted as part of the building permit will need to comply with all standards for landscaping as outlined above and found in the Murray City Zoning Ordinance. In 2007 the satellite parking area located north of 6100 South showed the parking lot with a perimeter separation that could have been improved as landscaping. Although the landscape ordinance has been modified to include additional requirements since that approval in 2007, a minimum landscaped area of five feet (5') between parking and the property line should have been required at that time. Although modifications to the parking layout which include the addition of rockscape areas within the parking area have occurred, as of the date of this report, landscaping improvements have not been made for the satellite parking area. Without the inclusion of the satellite parking area, the mall would lack sufficient parking to accommodate the demand for the existing and proposed retail spaces. Therefore staff has determined that the satellite parking area should be subject (at a minimum) to landscape standards for parking areas in place at the time of the 2007 mall expansion approval. Access will continue to be provided to this mall location by two driveway accesses on 6100 South and one access on Fashion Boulevard. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use Permit for the expansion of the northeast area of the Fashion Place Mall and the construction of a new Macy's department store for the properties addressed 6191 S. State Street and 6185 S. Fashion Boulevard subject to conditions.

Mr. Woodbury asked Mr. McIlrath if we were counting the satellite parking lot to satisfy all the parking requirements and wanted to know how many parking spots there were and if you took out the satellite parking how many spots would there be. Mr. McIlrath stated the proposed plan shows 660 and if you took out the 660 parking spaces they would be under the minimum amount required by about 300 parking spaces. That would force them to have to provide additional parking in a parking structure.

Mr. Woodbury stated that he was unaware that there was satellite parking for the mall. He didn't know that is what that area was for. He commented that there is no sign indicating parking there and no cross walk to indicate that people can park there and then walk across. He commented that, in his opinion, there will be more people wanting to park on that side whereas most people want to park on the south and on the west sides of the mall. He suggested that the satellite parking should be marked accordingly with a cross walk and that people will probably jaywalk.

Mrs. Daniels expressed concern with overflow parking during the holidays and the impact onto surrounding businesses. Mr. McIlrath stated that he met with the applicant and they understand the difficulties for the mall. The satellite parking is mostly used for employees during those peak holiday hours and also for overflow parking during the peak holiday hours. In the past there has been shuttling services taking employees from that site to the mall. He stated that requiring a crosswalk or signage to indicate that it is overflow parking might also be beneficial.

Mrs. Daniels stated that there is a gate that locks the satellite parking area and the lock may need to be removed in order to be available for the mall patrons.

Mr. Woodbury asked if there is adequate lighting at the satellite parking. Mr. McIlrath stated that between all of the aisles there is sufficient lighting, but may need to be improved somewhat for the instance where employees may be getting off a late shift, and being able to get across the street to the satellite parking safely. This proposed expansion is really going to add to the overall value of a mall that is already succeeding in this area and is one of the best malls in the valley. Even during the economic downturn, it still continued to benefit the city, and it was still a successful mall when we saw a lot of others struggle.

Mrs. Daniels stated that if they mark that parking, people will park there and she hates for people to stay away from the mall because they think there is no parking. Mr. McIlrath stated that requiring some of those things might be beneficial just to make sure that it is on the record saying that there was access. Mr. Markham stated that he would like to see a condition amended to include noting the additional parking.

Ted Didas, 8610 Sandy Parkway Suite 200, stated the owner of the mall as well as representatives from Macy's are in attendance, and if there are questions other than design related questions they would be happy to answer them. Mr. Didas stated the plan provided is consistent with the approved Conditional Use Permit from 2007. The mall plan envisioned an anchored department store at the north end and the plan previously included the satellite parking count in 2007. He stated this plan is about 150,000 sq.ft. less than the previously approved plan. Mr. Didas stated he feels it is consistent with what was previously approved for this site. Mr. Didas indicated that he has reviewed the staff recommendations and will comply.

George Dolson, 110 North Wacker Drive, stated he is representing General Growth Properties. Mr. Dolson stated that the mall team does provide a shuttle service which is a wonderful benefit. Mr. Dolson stated that the gate is open a day or two before Black Friday and the holiday season. The customers find that the parking is more than adequate within the existing perimeter of the mall. Mr. Dolson stated that if the commission wants signage indicating overflow parking, that is something they can defiantly look at, but from a cross walk perspective, that is something they would have to talk to the city about and he is willing to do so.

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

Mr. Markham stated that the only thing they are particularly concerned about is the parking.

Mrs. Daniels made a motion to grant a Conditional Use Permit for the expansion of the northeast area of the Fashion Place mall and construction of a new Macy's department store for the property addressed 6191 S. State Street & 6185 S. Fashion Boulevard, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.

2. The applicant shall obtain all necessary building permits and approvals from the Murray City Building Division prior to the commencement of on-site work.
3. The project shall comply with all Murray City Power Department requirements. Underground electrical distribution lines will need to be relocated with compliance to department requirements.
4. The project shall comply with all Murray City Water and Sewer Department requirements including the relocation of water and sewer lines for the project.
5. The project shall comply with all Murray City Engineering requirements including the following:
 - (a) Provide a Traffic Impact Study. The study should also be submitted to UDOT for review of State Street intersections, and the project shall implement any recommended improvements.
 - (b) Meet Murray City drainage standards established for the site. Any on-site storage of storm water (a reduced run-off rate) is beneficial.
 - (c) Provide water quality treatment for drainage generated on the Macy's site foot print and include as much parking as possible.
 - (d) Repair any damaged sidewalk and curb and gutter on both the 6100 South and Fashion Boulevard site frontages.
 - (e) Install pedestrian sidewalk ramps at site accesses on 6100 South and Fashion Boulevard. Update the pedestrian ramp on the southwest corner of the 6100 South and Fashion Boulevard intersection to meet current standards.
 - (f) Develop a site SWPPP for both demolition and construction and obtain a Murray City Land Disturbance Permit for each.
6. The masonry wall along Fashion Boulevard shall not be removed in order to continue to provide buffering and continuity along that street frontage.
7. A formal landscaping plan shall be submitted and approved by Murray City Community Development Staff and installed as approved prior to occupancy. The plan shall comply with all standards of Chapters 17.68 and 17.160 of the Murray Municipal Code including the following requirements:
 - (a) Frontage landscaping shall be provided along the entire 6100 South that currently only includes trees and a rock base, which includes all park strips.
 - (b) All front setback landscaping shall be a minimum of ten feet (10') wide and shall include three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs for every one hundred linear feet (100') of frontage. Landscaping shall be planted to have a minimum landscape bed coverage of fifty percent (50%) at time of planting.
 - (c) All park strips shall be planted with living bed coverage of fifty percent (50%) at time of planting. Shrubs used in park strips shall not exceed three (3) feet in height and trees shall be high branching with branches not being less than six (6) feet above the soil surface.

- (d) Additional parking islands shall be added to the east parking area in order for all parking spaces to be within seventy five (75) feet of landscaping.
 - (e) The satellite parking area shall include a minimum perimeter landscaped area of five (5) feet as required by Section 17.160.100 of the zoning ordinance. The landscaped area adjacent to the single family residential zone at the northeast corner of the property shall be a minimum of ten (10) feet wide. Landscaping is not required along the two access driveways located on State Street and 6100 South.
 - (f) The formal landscape plan shall include an irrigation plan for all landscaped areas.
8. The trash container shall be screened as required by Section 17.76.170.
 9. The applicant shall submit a revised parking plan meeting the following requirements:
 - (a) The ADA parking spaces provided for Chuck-A-Rama and the Chase Bank shall be revised in order to provide access aisles and signage for each space as outlined in Chapter 17.72 of the Murray Municipal Code.
 - (b) The revised parking plan shall show the storage areas and perimeter landscaping for the satellite parking area and shall accurately represent the number of parking spaces provided at that site.
 - (c) The revised parking plan shall include the new landscape islands required for the east parking lot area.
 - (d) The revised parking plan shall include updated calculations which reflect the new amount of total spaces provided for the entire Fashion Place Mall development.
 10. All future businesses shall obtain a Murray City Business License prior to the commencement of business operations at this location.

Seconded by Mr. Woodbury.

Call vote recorded by Ray Christensen

A ___ Phil Markham
A ___ Karen Daniels
A ___ Scot Woodbury
A ___ Gary Dansie

Motion passed, 4-0.

MADRONA – 684 East Annaston Place – Project #15-44

Kyle Germer was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for a residential development identification sign for a residential multi-family development for the property addressed 684 E. Annaston Place. Municipal Code Ordinance 17.48.110

outlines standards for civic, development, real estate and residential signs within residential and agricultural zones. All other signs in a residential or agricultural zoning district are allowed subject to Conditional Use Permit approval. The applicants propose to install two (2) attached development identification signs to the building located at the corner of Van Winkle Expressway and Annaston Place. Each sign will be 1 ½' feet tall, 9 feet 8 inches wide and 2 inches deep. The area of each sign is fourteen and one-half (14½) square feet and the total area of the two (2) signs is twenty-nine (29) square feet. The cabinet will be a dark bronze color and each sign will read "Madrona" in brushed silver channel lettering which will be provided with reverse white lighting. Based upon the submitted materials, location of each sign, and the low intensity of lighting for each sign, Staff has determined that the proposed signs will contribute to the development and will not negatively impact surrounding properties. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use Permit for the attached residential development identification sign for the property addressed 684 E. Annaston Place subject to conditions.

Kyle Germer, 9913 South 500 West, stated he is representing Identity Signs. Mr. Germer stated they are going to clean up and remove the temporary signs and put in the two signs to make it look classier. Mr. Germer indicated that he has reviewed the staff recommendations and will comply.

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

Mr. Woodbury made a motion to grant a Conditional Use Permit for an attached residential development identification sign for the property addressed 684 E. Annaston Place, subject to the following conditions:

1. The applicants shall obtain a Murray City Building Permit prior to the installation of the signs and shall comply with all building and fire code standards.
2. The proposed signs shall not flash or scintillate and shall only provide a static identifying message.
3. The proposed signs shall comply with all other standards for signs as outlined in Chapter 17.48 of the Murray Municipal Code.
4. Removal of all temporary signs.

Seconded by Mrs. Daniels

Call vote recorded by Ray Christensen

A _____ Phil Markham

A _____ Karen Daniels

A _____ Scot Woodbury

A _____ Gary Dansie

Motion passed, 4-0.

IRON HORSE CONCRETE & CONSTRUCTION - 411, 421 and 423 West Winchester Street – Project #15-49

Jeff Horsley was the applicant present to represent this request. Mr. Hall reviewed the location and request for a Conditional Use Permit to allow a new office/warehouse building for a concrete construction company on the property located at 411, 421 and 423 West Winchester. Municipal Code Ordinance 17.152.070 allows concrete and construction services within the M-G zoning district subject to Conditional Use Permit approval. The applicant has proposed to construct a new two unit office/warehouse building for a concrete and construction company. The applicant will utilize one of the two units and lease the other space. The building is essentially in the northeast corner of the property, parking to the west and the south end of the property to be utilized as a storage yard. Because the land to be utilized for the project is contained in three separate parcels, a lot combination will need to be completed prior to the issuance of any building permits. Staff will recommend that the combination of the parcels into a single building lot be a condition of the Commission's approval. The proposed site plan provides 18 parking stalls. The net office areas are calculated at 4 spaces per 1000 square feet, generating a requirement of 12 for the project. The warehouse floor areas are calculated at 1 space per 750 square feet, generating a requirement of 6 additional stalls for a total of 18. The parking regulations are met by the proposed site plan. The M-G zone requires minimum front yard setbacks of 20 feet. The setbacks have been indicated appropriately on the site plan. Landscaping is shown meeting the basic requirements for area and location. A landscaping plan meeting the requirements of Section 17.68 should be submitted with building permit applications for review and approval by the Planning Division. A single ingress and egress for vehicular access is provided by a 24 foot wide drive approach from Winchester Street. The building is accessible by overhead doors and public access doors on the west façade. The west, north and south elevations use panel with cultured stone and storefront materials, while the east elevation is masonry. Based on the information presented in this report, applications materials submitted and the site review, staff recommends that the Planning Commission approve the request for Conditional Use Permit approval to allow a new office/warehouse building for a concrete construction company on the property at 411, 421 & 423 West Winchester subject to conditions.

Mr. Markham asked what type of fencing is required for a storage yard and if it would need to be a screened fencing or a block wall. Mr. Hall stated that a fence is not required around the perimeter, but if the project is adjacent to residential zoning then it would be required.

Jeff Horsley, 8677 Highland Drive, had no additional comments. Mr. Horsley indicated that he has reviewed the staff recommendations and will comply.

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

Mrs. Daniels made a motion to grant a Conditional Use Permit to allow a new office/warehouse building for a concrete construction company on the property located at 411, 421 and 423 West Winchester Street, 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. 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 Forester and installed as approved prior to occupancy.
4. The applicants shall combine the parcels into a single building lot prior to application for building permits.
5. The applicants shall dedicate any frontage property that extends into the existing 66' right-of-way.
6. The applicants shall repair any damaged sidewalk, curb and gutter along property frontage.
7. The applicant shall meet city storm drain standards, with a required reduced run-off rate. Connection to the City storm drain is required, including water quality treatment at the drain connection.
8. The applicant shall remove any unused curb cuts and approaches on the property frontage.
9. The applicant shall develop and implement a site SWPPP prior to construction.
10. The applicants shall utilize all existing utility stubs to avoid cutting Winchester Street. Any cuts will require restoration to new condition.

Seconded by Mr. Woodbury.

Call vote recorded by Ray Christensen

A Phil Markham
A Karen Daniels
A Scot Woodbury
A Gary Dansie

Motion passed, 4-0.

RECOVERY WAYS – 4874 South Commerce Drive – Project #15-50

James Peterson was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for a transitional

housing & treatment facility for the property addressed 4874 S. Commerce Drive. Municipal Code Ordinance 17.146 allows rooming and boarding houses (LU #1210) and convalescent rehab centers (LU #6516) within the mixed use zoning district subject to Conditional Use Permit approval. The applicant proposes to construct a transitional housing and treatment facility (Brunswick Recovery Living) on the property located south of the rehab center being constructed to the north (Recovery Ways Brunswick Place). The applicant proposes to combine the two properties and integrate the parking and landscaping of this new site into the design for the existing facility. The proposed facility is designed to provide an independent living environment for patients as they progress through the next level of program treatment. Individuals will live at this facility for approximately sixty (60) days after completing the first stage of program treatment which would take place at the adjacent Brunswick Place Facility. The applicant has stated that approximately twenty (20) percent of clients being treated at Brunswick Place would require this next stage of treatment. This proposed facility is similar to the Chatham House which located at the corner of 4800 South and Galleria Drive. The proposed facility will be similar in architecture and design and is intended for the same stage of program treatment. This proposed facility will include eight (8), three (3) bedroom units located on the second and third floors, with four (4) units located on each floor. The first floor will include one (1), two (2) bedroom ADA accessible unit, office and counseling space and a lounge and reception area. The gross square footage of the proposed facility is 16,150 square feet. The Mixed Use zoning district limits ground floor residential square footage to twenty-five percent (25%) of the ground floor square footage in the project. According to the submitted plans, the residential component of the first floor will only be twenty-one percent (21%) of the ground floor square footage, which complies with the mentioned M-U development standard of twenty-five percent (25%). Parking for both facilities will be provided within a shared parking area and a parking analysis for the entire site is provided in the table below. The submitted plans show that a total of one hundred and eight (108) parking spaces will be provided and shared by both facilities. According to the disabled parking standards outlined in Section 17.72.070 of the zoning ordinance, five (5) disabled parking spaces (ADA) shall be provided for every one hundred and one to one hundred and fifty (101-150) total spaces provided. The submitted plans show that a total of six (6) ADA parking spaces will be provided with two (2) for the proposed Brunswick Recovery Living facility and the remaining four (4) provided for the Brunswick Place facility. According to the submitted plans, the existing and proposed facilities would comply with the minimum parking, traffic, and accessibility standards of the Murray Municipal Code.

| | Code Standard | Spaces Required |
|------------------------|---|--|
| Brunswick Place | 1 parking space for every 5 persons the home is licensed or designed to care for. | 56 Rooms @ 1 space per 5 persons = 11 spaces |
| | 4 parking spaces for each 1,000 square feet of net floor area. | Net office space of 8,976 sq. ft. @ 4 spaces per 1,000 sq. ft. = 36 spaces |
| | Required: | 47 Spaces |

| | | |
|--------------------------------------|--|--|
| Brunswick Recovery Living | For residential units with two (2) bedrooms or fewer, 1.5 spaces per unit. | 1 Unit @ 1.5 spaces per unit = 1.5 spaces |
| | For residential units with more than two (2) bedrooms, 1.85 spaces per unit. | 8 Units @ 1.85 spaces per unit = 15 spaces |
| | 1 space for each 265 square feet of net floor area. | Net office space of 3,462 sq. ft. @ 1 space per 265 sq. ft. = 13 spaces |
| | Required: | 30 Spaces |

| | | |
|------------------------|------------------------|---------------------------|
| Overall Project | Total Required: | 77 Parking Spaces |
| | Total Provided: | 108 Parking Spaces |

The Mixed Use zoning district requires all main buildings to front on a public street and to be located between fifteen (15') and twenty five feet (25') from back of curb and gutter, except for developments which include a courtyard or plaza in the front setback area. The zone also states that all secondary buildings shall front on private driveways. Due to the size, scale of the operations, and location (property does not include street frontage) of the proposed Brunswick Recovery Living facility, staff has determined that the facility may be considered a secondary building for setbacks. In accordance with that determination, the proposed building complies with the minimum setback and height requirements of the M-U zone. The Mixed Use Zoning District includes open space and access improvement standards that contribute to the area streetscape and site landscaping. A minimum of 15% of the land area in each development must be developed as landscaping, courtyards, plazas, or walkways. Access improvements include sidewalk and park strip improvements, street trees, street lighting, benches and bicycle racks. With the combination of the two properties, the entire project will need to comply with these minimum standards. According to the submitted plans, the proposed facility and development site complies with the minimum landscaping, open space, and access improvements of the M-U Zone. Access to both facilities will be provided by a shared access from Commerce Drive. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the proposed transitional housing & treatment facility for the property addressed 4874 S. Commerce Drive subject to conditions.

Mr. McIlrath stated that the types of people that would be living in the Brunswick Place Facility is for any type of addiction recovery; alcohol, drug addiction recovery. The majority of the coverage is paid for by insurance companies. Only approximately about 20 percent of clients in that facility would go to the next stage of treatment which would occur in the proposed facility or the one that is located at the corner of 4800 South and Galleria Drive. Individuals would only be staying in the facility for sixty (60) days. Mr. McIlrath stated that staff is aware of residents and property owners concerns about having an addiction recovery facility for drug and alcohol addiction where people are going to be treated.

Mr. Markham asked if there were any concerns or comments brought up by police or

emergency personal. Mr. McIlrath stated that there has been none at all. The comments have been really positive.

James Peterson, 6609 Old Mill Circle, stated that the patients with Recovery Ways go through a first phase at a hospital and go through detoxification. Recovery Ways does not do a detox service. The detox can be anywhere from three (3) to eight (8) days, then they go to Recovery Ways when they are sober, medically stable and wanting help for their disease. At this time they are admitted to the residential treatment facilities. The facility, Recovery Living, is much like the one the facility currently located on 4800 South, and is for twenty (20) to twenty five (25) percent of the patients that really need more life skills. They will live there from thirty (30) to sixty (60) days and are not ready to go back to the environment they came from. They learn how to get a job, how to get groceries, transportation and basic life skills. Mr. Peterson stated he has reviewed the staff recommendations and will comply.

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

Mr. Woodbury made a motion to grant a Conditional Use Permit for a transitional housing & treatment facility for Recovery Ways for the property addressed 4874 South Commerce Drive., subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicant shall provide stamped and sealed plans by appropriate design professionals including a soils report in order to obtain a Murray City Building Permit.
2. The project shall meet all current fire codes and the voids in the attic shall be filled with chopped fiberglass.
3. The project shall comply with all Murray City Power Department requirements including the required buffering away from the power lines located along the south property line.
4. The project shall comply with all Murray City Water and Sewer Department requirements. In order to address sewer capacity concerns, the proposed facility shall include the installation of water sense approved fixtures.
5. The project shall comply with all Murray City Engineer requirements which include the following:
 - (a) Meet Murray City storm drain standards; a reduced run-off rate is required.
 - (b) Submit an amended Storm Drainage Easement/Agreement between this property and the adjoining property owner to include additional storm water flow.
 - (c) Must provide water quality treatment at the discharge point if one has not already been installed.
 - (d) A SWPPP must be developed and implemented prior to beginning construction (A Murray City Land Disturbance Permit may be required).

6. A formal landscaping plan meeting the requirements of Chapter 17.68 and Chapter 17.146 of the Murray Municipal Code shall be submitted and approved by the Murray City Community Development Division and installed as approved prior to occupancy. The submitted plan shall include the following improvements:
 - (a) Parking abutting a property line shall be screened by a minimum five foot (5') wide landscaped area.
 - (b) Bicycle Racks shall be provided according to the standards outlined in Section 17.146.120.B5.
 - (c) All other access improvements outlined in Section 17.146.120 that were previously approved for the Brunswick Place Facility shall be installed.
7. The shared trash container shall be screened as required by Section 17.76.170.
8. Adequate parking for both facilities shall be provided as shown on the submitted plans including sufficient ADA parking and signage. All parking shall comply with the standards for off-street parking as outlined in Chapter 17.72 of the Murray Municipal Code.
9. Prior to the issuance of a building permit, the applicant shall provide a copy of the deed or plat showing the combination the two subject properties.

Seconded by Mrs. Daniels.

Call vote recorded by Ray Christensen

A _____ Phil Markham

A _____ Karen Daniels

A _____ Scot Woodbury

Motion passed, 3-0. Gary Dansie abstained from voting.

CASTLE OF CHAOS – 4284 South Commerce Drive – Project #15-51

Mr. Markham stated that the planning commissioners were informed that the representatives of Castle of Chaos might ask for a continuation of their item, if that is something they would like to do, Mr. Markham would give them the opportunity to do so. Mr. Bernard stated that he would like to continue his request until the next Planning Commission meeting is scheduled for May 21st, 2015.

Mr. Hall stated that they are going to push it to June 4th, 2015.

Mrs. Daniels made a motion to continue item number 13, Castle of Chaos application, a Conditional Use Permit for meeting June 4th, 2015.

A _____ Phil Markham

A _____ Karen Daniels

A _____ Scot Woodbury

A _____ Gary Dansie

Motion passed, 4-0.

Call vote recorded by Ray Christensen

MURRAY CROSSING – 5059-5075 South Commerce Drive, 248 West Vine Street – Project #15-40

Ryan Kimball was the applicant present to represent this request. Mr. Hall reviewed the location and request for a Conditional Use Permit to allow for a mixed use development of multi-family housing with main floor commercial in the MU, Mixed Use zone, on property located at 5059-5075 South Commerce Drive and 248 West Vine Street. Municipal Code Ordinance 17.146.040 requires Conditional Use Permit approval for new high-rise multi-family development, which are defined as those multi-family developments with buildings greater than three stories in height, in the Mixed Use zone. The applicants are proposing to develop a mixed use project consisting of two six-story multi-family buildings with a commercial component occupying the majority of the main floors of the buildings. The multi-family housing component as proposed would consist of 285 one and two bedroom units. The commercial component on the main floor is 15,485 square feet of available tenant space. Because the project encompasses several properties, a subdivision to combine those properties into a single lot is also required. That subdivision application is on the Planning Commission's agenda for review at this time as well, and successful approval and recordation of it will be a recommended condition of approval. The M-U zone allows and encourages mixed-use projects such as this. The various requirements of the zoning are reviewed in subsequent sections of this report. The General Plan designation for this area is also Mixed Use. This property is also contained in one of the "Hot Spots" identified by the General Plan. The plan contains language anticipating that development in this area will be dense and oriented to transit and the needs and requirements of the hospital and "spin-off" uses around the hospital. This particular development of one and two bedroom units in proximity to the transit station and the hospital anticipates filling a housing need for workers in the area, and appears to be in line with the goals of the General Plan. This type of development in the Mixed Use zone has no actual density limit. Rather, the zoning regulations focus on form and provision of services. In this case, 285 multi-family units on roughly 4.51 acres yields a project residential density of 63 units per acre. This is in line with transit-oriented and other mixed-use style developments. The proposed site plan provides a total of 405 parking stalls for the project, which staff calculates to have an overall parking requirement of 329 stalls. Parking is required for both the residential and commercial components. Some on-street parking will be available on Vine Street, but has not been included in the parking calculations. Most of the parking is provided in two parking structures adjacent to the interior sides of the two buildings fronting Vine and Commerce. The specific breakdown of the parking requirements and calculations follows.

- Residential - Mixed Use zoning requires 1.125 parking stalls per unit in this case because a) more than 75% of the total parking provided is contained in parking structures, and b) all units are no more than 2 bedrooms. Mixed Use zoning further provides a 10% overall parking

reduction allowance for projects that are located within a quarter mile of a transit station. 285 units at 1.125 stalls with a 10% reduction generates a residential parking requirement for the project of 289 stalls.

- Commercial - The main floor commercial component is 15,485 square feet. The commercial space is designed for unknown tenants, retail or office. Because more than 75% of the parking is provided in parking structures, the parking requirement for the unknown retail and office uses is calculated at a rate of 1 space per 350 square feet. Additionally, because of proximity to the transit station an overall reduction of 10% is allowed. Taking both those allowances into account, the commercial component generates a parking requirement of 40 stalls.

Principal vehicular access is a 30 foot wide ingress/egress from Vine Street, with a smaller, 24 foot secondary access point on Commerce Drive. The applicant worked with the Fire Department to provide appropriate access and turnaround areas for emergency services. Those changes have been reflected on the current plans. Pedestrian access to the buildings is possible from the street frontages directly (for the commercial component on the main floor) or from the interior of the site. Direct access to the main floor commercial is possible from the interior at surface level. Pedestrian access to the upper floors from the surface or main level is possible by elevator or stair. The upper parking deck allows direct pedestrian access to the second floor units, and to elevators and stairs for upper residential floors. Space between the actual field and the buildings themselves which is still contained on the parking deck to allow access is utilized as outdoor patios and gathering areas. In the Mixed-Use zone, main buildings are generally required to locate between 15 and 25 feet from the back of curb and gutter. Note that sidewalk and park-strip requirements in the M-U zone are distinct as well, with sidewalks 7 feet wide and park-strips 8 feet wide. The combination of those two improvements is the initial setback requirement of 15 feet. Because the language of the zoning requires the buildings to be located between 15 and 25 feet from back of curb, in essence the requirement is that main buildings be located no more than 10 feet from the property line. The building setbacks proposed on Vine Street are on property lines (15 feet from curb) with small areas cut out to allow for some landscape boxes adjacent to the building façade. The proximity of the main floor commercial to the wide sidewalks of the M-U zone is appropriate. The building setbacks proposed on Commerce are greater than allowed by the M-U zone, because of distance requirements that must be maintained from overhead power line easements along Commerce. The proposed building setback will require a variance, and Staff recommends that the applicant be required to obtain a variance as a condition of approval.

- Height – The only limitations of building height in the M-U zone are related to distance from the nearest residential zone. Height is limited to 50 feet if the structure is within 100 feet of the nearest residential zone. Beyond that 100 feet, height may increase 1 foot per every additional foot of distance from the residential zone.

The two proposed structures are 6 stories, 73 feet high. The nearest residential zones are more than 1,500 feet away. The proposed height is well within the allowances of zoning.

Landscaping and open space requirements in the M U zone are 15% for any development. This can include pedestrian walkways, plazas, landscaping, and courtyards or other similar open space amenities. The project data indicates that 19.8% of the site is landscaping and open space. This includes the patio areas associated with the upper parking decks, the pool area, other on-site landscaping and a dog park on the north side of the project. An overall landscaping plan and two enlarged plans illustrating the open space planning are attached for review. As mentioned, the proposed structures are both 6 story buildings. M-U zoning has some requirements for the architectural features of buildings in section 17.146.070, generally requiring windows and other architectural features at a minimum of 30 linear feet, and requiring ground floor windows and public entrances for businesses and other uses to encourage street front and pedestrian activity. Staff finds the proposed building elevations to comply with the regulations. Residential use on the ground floor is limited to 25% of the ground floor square footage in the project. Staff has considered "residential use" to include areas that are associated exclusively with the residential uses on the other floors, labeled "residential amenities and leasing". This area will house the leasing offices, the fitness room and bike storage areas. The commercial component of the main floor represents 78.5% of the ground floor area and complies with the M-U regulations. In addition to the 7 foot wide sidewalks and 8 foot wide park strips, the M-U zone also contains specific requirements for the spacing of street trees, provision of street lighting and even bicycle racks and parking. The applicant will need to work closely with planning and engineering staff as the subdivision associated with this project is prepared for recording to ensure that the improvement guarantee for the public improvements includes those items required by Section 17.146.120. Grading and drainage plans have been reviewed by the City Engineer and his comments and conditions are contained at the close of this report. Utilities, specifically water and sewer, are available in the area to serve the project. However, the Water and Sewer Division had some concerns about the capacity in this district if this project and more like it were to be approved and built. The city is currently undertaking new modeling of those capacities to ensure that we can serve the types of development we may see. Staff is recommending that demonstration that the density of the project can be adequately served by public utilities before permits are issued be included as a condition of approval. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use permit to allow the proposed Murray Crossing development on property located at 5071, 5065, 5061, 5059 South Commerce Drive, 248 West Vine Street subject to conditions.

Mr. Woodbury stated that his only concern is parking. He asked if the applicant meets the minimum conditions, and does the commission and staff feel comfortable with the parking given the new businesses coming in. Mr. Woodbury stated that if there is not enough parking, people are going to park over at Trax and the Front Runner and they are just going to walk over and that is not what it is designed for. Mr. Hall stated there are several things about the project that make it eligible for the parking reductions. One is its proximity to Trax, the other is it uses parking structures instead of on grade

parking. The current General Plan identified this area around the hospital as one of the hot spots in the city. Some of the language in the General Plan talks about uses that would spin off of residential uses that relate to the hospital and proximity to the transit stop, hoping that those uses would require less parking than uses in standard suburban developments. The hope is that this project is parked sufficiently and the regs currently reflect what that planning practice would deem to be acceptable.

Ryan Kimball, 1000 South Main Street, stated he has met with IHC and IMC and they've expressed the need for housing and the support for a positive development. He stated they are intending to have Class A type apartments and this project will have higher class amenities and nicer finishes. Mr. Kimball stated they have over parked it with about 100 stalls. Mr. Kimball stated he is not convinced that this is going to be a retail area, and he thinks it will be more of a preferable office use to the hospital. Mr. Kimball indicated that he has reviewed the staff recommendations and will comply.

Mr. Kimball stated he had a concern in regards to the capacity of the public utilities and that it's a condition he does not have the capacity to fulfill. Mr. Kimball wanted to know if there was a time frame that they can expect to hear about those capacity issues because they are under strict guidelines with their lenders and other third parties. Mr. Markham stated with the information they received at this present time with this particular project only under consideration, the utilities are sufficient to serve it. If there is a lot of other development in this area it is going to create much more burden on the system and those issues will have to be addressed. Mr. Markham stated he is not aware of a negative comment from the city utilities department in the report.

Mr. Woodbury stated that the condition says "it must be demonstrated" and asked who has to do the demonstration. Mr. Markham asked Mr. Tingey to address Mr. Woodbury's question. Mr. Tingey stated that on Tuesday, May 19th, they had a meeting with the City Council in the Committee of a Whole, and that the city is in the process of evaluating that. He stated the city has a study that is currently moving forward on that issue. There are some upgrades that are being planned and others that have already been planned and staff is looking at increasing the capacity with those upgrades per the study. Mr. Markham asked if it would place a burden on the property owner to install the improvements. Mr. Tingey stated not at this point. The city is looking at those upgrades but we have to make sure those would be in place and we could meet capacity for the area.

Mr. Woodbury asked if the upgrades is on the city, why is it a condition for the applicant. Mr. Tingey responded that it is because we are in the study process right now. Mr. Woodbury stated if the applicant doesn't have to do anything, should it be a condition. Mr. Tingey stated that it's a condition which states that the determination is made prior to building permit. Mr. Woodbury clarified that that the study would have to be completed before Mr. Kimball can get permits. Mr. Tingey stated yes, and that the city is in process of that right now.

Mr. Markham asked Mr. Kimball what type of commercial he would anticipate locating on the first floors. Mr. Kimball stated he thinks it would be different offices like a

chiropractic services.

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

Mr. Woodbury made a motion to grant a Conditional Use Permit for Murray Crossing, to allow a mixed use development of multi-family housing with main floor commercial in the M-U, Mixed Use zone on property located at 5059-5075 South Commerce Drive and 248 West Vine Street., subject to the following conditions:

1. The project shall meet all applicable building and fire code requirements. The applicant shall provide stamped and sealed plans and a soils report from a geotechnical engineer at the time of submittal for a building permit. The applicant shall provide plans stamped and sealed by appropriate design professionals to include a code analysis and egress plan.
2. The project shall comply with current fire codes and provide fire hydrants and other measures as required by code.
3. Landscaping and irrigation plans meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted with the building permit application for approval and shall be installed as approved prior to occupancy.
4. The applicant is required to apply for and obtain a variance from the Murray City Hearing Officer for the setbacks and street improvement requirements along the frontage of Commerce Drive.
5. The project shall comply with all requirements of the Murray Power Department.
6. The project shall provide paved and striped parking, including disabled stalls, to comply with ADA and zoning requirements.
7. The project shall comply with all Water & Sewer Division requirements, and it must be demonstrated that public utilities can adequately serve the residential density of the proposed development before building permits are issued.
8. The applicant shall apply for and record a subdivision consolidating the several parcels involved. The subdivision must be recorded with the Salt Lake County Recorder's office prior to application for building permits.
9. The applicant shall provide road widening on the frontage of Vine Street and Commerce Drive to be dedicated as public right-of-way.
10. The applicant shall install roadway improvements along both Vine and Commerce to the specifications of the City Engineer, and in accordance with the requirements of Section 17.146.120 of the Mixed-Use zone.

11. The project shall meet city drainage requirements for on-site detention and water quality treatment.
12. The applicant shall provide a Traffic Impact Study for review by the City Engineer, and shall implement the recommendations of such study as required by the City Engineer.
13. The applicant shall obtain access and site plan review from the UDOT Chief Railroad Engineer, and shall implement rail safety requirement from the site surveillance review.

Seconded by Mrs. Daniels

Call vote recorded by Ray Christensen

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Gary Dansie

Motion passed, 4-0.

Mr. Markham stated for the record that the public comment portion that was held as part of the conditional use permit also allotted time for public comment on the subdivision approval. There were no comments forthcoming.

MURRAY CROSSING – 5059-5075 South Commerce Drive, 248 West Vine Street – Project #15-41

Mrs. Daniels made a motion to forward a recommendation of approval to the Mayor for a subdivision to combine several subject properties into a single lot to develop the property into a mixed use multifamily and commercial project for the Murray Crossing subdivision located at 5071, 5065, 5061, 5059 South Commerce Drive, 248 West Vine Street, 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 applicant shall meet all city subdivision requirements, and provide Public Utility Easements on the plat.
4. The applicant shall provide necessary right-of-way dedications on Vine Street and install required sidewalk, park strip and west bound traffic lane as a part of the site development.
5. The applicant shall provide an improvement guarantee acceptable to the City Engineer for all public improvements, including those contained in Section 17.146.120 of the Murray City Zoning Ordinance, and any required rail safety

improvements.

6. The applicant shall submit a PDF file of the plat to the Engineering Division for final review upon receiving Planning Commission approval.

Seconded by Mr. Woodbury.

Call vote recorded by Ray Christensen

A Phil Markham

A Karen Daniels

A Scot Woodbury

A Gary Dansie

Motion passed, 4-0.

ALPINE GARDENS SUBDIVISION – 5308 South Montrose Street, 5313 South Alpine Drive – Project #15-39

William J. Forsgren was the applicant present to represent this request. Ray Christensen reviewed the location and request for an amendment to Alpine Gardens Subdivision to create a new lot by amending lots 51 and 64 at the properties addressed 5308 South Montrose Street and 5313 South Alpine Drive. 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 applicants are requesting subdivision approval for an amendment to Alpine Gardens Subdivision to create a new lot by amending lots #51 and #64. The lot sizes for the new lot and existing lots will conform to the standards of the underlying R-1-8 zoning district which is 8,000 sq. ft. minimum lot size. The site plan shows a new paved drive access will connect to the new lot from Montrose Street. There is a Murray Power line easement that runs north and south near the middle of the new lot. The applicant has provided a site plan to show that one house could be located on either side of the power line easement on this lot. Any new structure will be required to comply with the residential setbacks for the R-1-8 zone. The proposed subdivision plan includes building envelopes to illustrate how a new home could be situated on the proposed lot. Access to the new proposed lot is shown on the plan from Montrose Street. 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 for the proposed Alpine Gardens amended subdivision for a new lot, subject to conditions.

Mr. Markham stated the commission received a letter from city engineer Trae Stokes, with 9 items of concern. Mr. Stokes was unable to attend the meeting and he wanted the 9 items submitted for the record.

Mrs. Daniels asked for clarification on the documents submitted. Mrs. Daniels stated that it looks like they are putting two homes on the property. Mr. Christensen stated that they have shown two footprints but the purpose of that is to show that they could fit a dwelling on either side. Mrs. Daniels stated that she wants to make sure the

applicant knows that they cannot put two dwellings on the property. Mr. Christensen stated that he thinks the applicant understands that.

Mr. Markham asked if the existing homes would stay. Mr. Christensen verified that they would stay.

William J Forsgren, 11003 Kelso Dune Drive, stated he is requesting a single building lot, which will accommodate one dwelling and not two. He stated because of the power company easement, they are aware the home must be located on either side of the property. Mr. Forsgren indicated that he has reviewed the staff recommendations and will comply. Mr. Forsgren indicated that he has reviewed the letter submitted by Trae Stokes, the city engineer. Mr. Forsgren stated that one concern he has, is that he has met with the power company and that it would be cost prohibitive to remove the power line. Mr. Markham stated that Mr. Stokes comment was to consider relocating the overhead power line and the power department would have the final say in determining that. Mr. Forsgren stated that is an option they would be willing to consider.

Mr. Markham stated that one thing that concerns him is if the utilities are going to come off of Montrose and asked if it is feasible from an engineering stand point. Mr. Forsgren stated that his engineer indicated it would be better to go from 5300 South. He stated they didn't consider the traffic flow, but understand that is a serious issue because that is a state road, so they are okay with the other way to Montrose. Mr. Markham stated that personally he thinks it would be better for everyone's concern.

The meeting was opened for public comment.

Tom Gerrard, 5333 South Montrose Street, stated his main concern is the driveway out onto Montrose, and why they wouldn't be on to 5300 South. Mr. Gerrard stated there are two unused approaches one on the east and one on the west of the existing power lines. In the past there have been some problems on the end of our street, which the Murray Police Department is aware of, they have been called several times. Mr. Gerrard stated that his main concern is that an alley way would be created there and everyone with small children growing up there they would rather not have that on the end of their street.

Lou Naylor, 5320 Montrose Street, stated that she has live there for 56 years. Mrs. Naylor's property runs adjacent to Mr. Forsgren property. In all the years they have lived there, there has never been a drive way to the Mr. Forsgren's home on Montrose. It has always come up 5300 south. The property that they own in the duplex on the north end has always come up 5300 south, there is no reason to make a roadway, driveway off of Montrose because it will cause congestion and there are young children that live up and down that street and they have no sidewalks.

Lloyd Naylor, 5320 Montrose Street, stated that the proposed driveway is his concern. Mr. Naylor stated that he has no objections to the lot that is being built. Mr. Naylor doesn't know the reasoning why they would choose access from Montrose rather than 5300 South because that is where the existing driveways are.

Brent Meyer, 5321 Alpine Drive, stated his concern is with the new structure. All the homes in the area are smaller, with larger lots for gardening and such. Mr. Meyer is concerned with the windows directly facing his property from their new structure if it was built. Mr. Meyer is concerned with privacy issues.

Mr. Markham asked the applicant to come forward and address the public concerns. Mr. Forsgren stated that traffic is always a concern with new projects. Mr. Forsgren's original proposal with his engineering group was to access the property off of 5300 South, but because of the busy traffic on 5300 South, the Engineering Department at Murray City said they will not grant access off of 5300 South. Mr. Forsgren stated he believes the dimension is 56 feet from the edge of the Naylor property to the edge of the existing home.

Mr. Markham asked that Mr. Forsgren be sensitive to the concerns regarding the windows and privacy of the neighbors when the dwelling is being designed and built. Mr. Forsgren stated he understood that.

Mr. Dansie asked the size of each lot. Mr. Forsgren stated the two existing lots, the one on Alpine and the one on Montrose are approximately 41,000 square feet. Mr. Forsgren stated he is proposing to take the middle one and it will be approximately 14,000 square feet. Mr. Forsgren stated that in the proposal there is room on either side of the power easement for a home. Mr. Dansie stated that 14,000 square foot lots are in great demand and most lots in Murray City are not that big.

No additional comments were made and the public comment portion of the meeting was closed.

Mr. Woodbury made a motion to send a recommendation of approval to the Mayor for an amendment to Alpine Gardens Subdivision to create a new lot by amending lots 51 and 64 at the properties addressed 5308 South Montrose Street and 5313 South Alpine Drive., subject to the following conditions:

1. The applicant shall meet City subdivision amendment requirements for the recording of the amended subdivision plat at the Salt Lake County Recorder's Office.
2. Show utility easements on the lots to meet the subdivision ordinance regulations
3. The project shall meet all applicable building and fire code standards with amending Alpine Gardens Subdivision.
4. The project shall meet all current fire codes. A fire hydrant is required within 250 ft. of the structure on an accessible driveway.
5. The project shall comply with Murray Power Department requirements for power line clearance. Any building construction shall meet the National Electrical Code plus 25%. The power line and easement shall remain in place.

6. Comply with Murray Water & Sewer Department requirements.
7. The applicant shall provide a site utility and drainage plan that meets Engineering Division requirements.
8. The City Engineer is recommending the applicant consider connecting utilities in Montrose Street and consider relocating the overhead power line to allow for a standard building lot.
9. The old driveways and curb cuts along 5300 south will need to be removed and replaced with new high back curb and gutter. Driveways should not be shared and should be a maximum of 30 ft. wide.
10. Public utility easements will need to be provided on all the amended lots, with 10 ft. easements on the front and rear of each lot and 7.5 easements on all the side yards.
11. All damaged sidewalk and curb and gutter along the lot #2 frontage needs to be replaced.
12. Upon receiving Planning Commission approval, applicant shall submit a PDF file of the subdivision and improvement plans to the Murray Engineering Division for final review.

Seconded by Mrs. Daniels

Call vote recorded by Jared Hall

A _____ Phil Markham
A _____ Karen Daniels
A _____ Scot Woodbury
A _____ Gary Dansie

Motion passed, 4-0.

OTHER BUSINESS

Meeting adjourned at 9:17 p.m.

Jared Hall, Manager
Community and Economic Development