

Minutes of the Planning Commission meeting held on Thursday, June 4, 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  
Travis Nay  
Buck Swaney  
Tim Tingey, Administrative and Development Services Director  
Jared Hall, Community and Economic Development Manager  
Ray Christensen, Senior Planner  
G. L. Critchfield, Deputy City Attorney  
Citizens

Excused: Tim Taylor

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

Mr. Woodbury made a motion to approve the minutes from May 7, 2015. Seconded by Mrs. Daniels.

A voice vote was made. Motion passed, 6-0

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve the Findings of Fact for No Limit Powder Coating, White Pine Dental and Personal One to One Fitness. Seconded by Mrs. Daniels.

A voice vote was made. Motion passed, 6-0

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

Timothy Riggs was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit for a Haunted House Facility located at the property addressed 4284 South Commerce Drive. Municipal Code Ordinance 17.152.030 allows this type of amusement facility within the M-G,

Manufacturing General zoning district subject to Conditional Use Permit approval. The applicants have proposed to use the building indicated on the subject property for the purposes of a Haunted House and other events and attractions. The applicants have provided a narrative of their business plans and operations. Staff has significant concerns regarding parking for the facility and its use. The closest applicable parking calculation from our research is for "*Dance Halls and Assembly Halls without fixed seats*". The calculation would be based on 3 parking stalls required for every 100 square feet of floor area used for the activity. The building proposed for the use is 18,000 sq.ft. which will require 540 parking stalls at the ratio noted. Parking on the site totals 126 stalls. If all 126 stalls were available for use by this facility, the usable area within the single building for the attraction would be 4,200 sq.ft. which is less than 25% of the total floor space of the building. Additionally, the other buildings on the property are of concern. Although they are currently unoccupied, the 126 parking stalls are all that is available to accommodate the use of all three buildings in the event that they become occupied. Staff cannot recommend that the parking provided for this proposed use is adequate.

Since the May 7<sup>th</sup> Planning Commission Meeting when this item was continued, the applicants have submitted additional information for analysis of the parking required for the proposed use. According to prior operational seasons, the applicants estimate that no more than 405 individuals would be working for, or attending the haunted house during peak operational hours. This estimate provides for 125 patrons inside the haunted house with 200 waiting in line outside, and 80 employees. Rather than calculating the parking at the rate of 3 spaces for each 100 square feet of floor area used for assembly, the applicants propose that the parking should be calculated assuming that each vehicle would carry 3 individuals. This would only require that a total of 135 spaces be provided for the estimated 405 individuals. The submitted information also provides an analysis of the parking provided for the "Nightmare on 13<sup>th</sup>" haunted house in Salt Lake City. According to the submitted information, a total of 149 parking spaces are provided for the approximate 40,000 square foot facility. Although it is stated that sufficient parking is provided for that similar business use, it has not been confirmed that conflicts with parking do not already exist for that other facility. Additionally, the analysis only includes the amount of parking stalls provided on that property, but does not include the actual amount that may be used by that business use. During peak hours of operation, patrons of that business may need to park at various locations around that haunted house, and there has not been information submitted demonstrating that there is not a parking problem for that other business location. Staff has also tried to contact Salt Lake City officials regarding this use, but as of the date of this report, have not been able to discuss parking implications for the site in Salt Lake City. The applicants have mentioned that the Humane Society located adjacent and to the north of this property would be willing to allow this business to use their parking lot. However, without a formal parking agreement, the potential parking at the Humane Society location cannot be considered at this time. It is important to note that with proposed improvements to the parking layout and with the usage of the Humane Society parking the total amount of parking spaces available would be 245. According to the nearest comparable standard an additional 259 spaces would need to be provided in order to comply with the minimum required by ordinance for this type of use. Murray Municipal Code Section 17.72.070 states that the Planning Commission shall determine the parking

requirement based on the nearest comparable standards if the use is not already listed. Staff has determined that the nearest comparable standard listed in the Zoning Ordinance is the standard required for dance halls and assembly halls without fixed seating. As stated previously, this standard would require that a total of 540 parking stalls be provided for this use. Without the guarantee that individuals will carpool with at least 3 persons per vehicle, there is not sufficient information to demonstrate that the proposed parking plan would provide sufficient parking for this use. The site setbacks for the various buildings are not an issue of concern. The site has existing landscaping that has been previously approved for total area and location. Access to the site is possible from two driveways on Commerce at the south end and center of the property frontage. Based on the information presented in this report, applications materials submitted and the site review, staff recommends that the Planning Commission deny the request for Conditional Use Permit approval to allow a Haunted House facility on the property located at 4284 South Commerce Drive, based on the findings of fact listed above.

Timothy Riggs, 1931 West 4960 South, stated that he has owned or operated haunted houses for the past 15 years, 3 of those years were in Murray. Mr. Riggs stated that the haunted house is not open and that the space is partitioned with many walls that control the pathway that the patrons egress through. Mr. Riggs stated that because of the way their use needs to be set up to use the building they do not use the 17,000 sq.ft. as someone would if it was a dance hall or an assembly hall. Mr. Riggs stated that based on past attendance a good night might be 350 people inside of the building, which includes the actor staff, security staff, and the ticket booth employees and outside on a really busy night they may have a couple hundred people waiting in line. Mr. Riggs stated that 560 people are as many as they ever have on any one of their properties at any one given time. Mr. Riggs stated that for their use they typically open for the weekends in September, weekdays and weekends in October and that their maximum days total about 8 days of the year. Mr. Riggs stated that their peak capacity is really only reached for about 8 days. Mr. Riggs stated that on the front of the existing property the city has already authorized special event passes to the existing tenant where up to 11 days a year they are able to hold parties and dances in their existing building. The city has already allowed up to 11 days of a higher maximum capacity for the existing building. Mr. Riggs stated that they are looking at possibly 8 days where they have their maximum capacity. Mr. Riggs stated that he presented to the city a way of opening up some more parking on the site. Mr. Riggs took some images from Google Earth from around 2010 that showed the existing site has about 135 stalls. There is a tennis court and a basketball court that is concrete on that property that has been covered with earth and it is possible to remove the dirt and restripe that location, add a little more concrete and open another 50 or so parking spaces. Mr. Riggs stated that they can more than 160 parking stalls on the site. He stated that their projected maximum capacity of 560 people and divide that by 4 people and 3.5 or 3 per car and you could get the parking down to 142 spaces or 162 or if it's 3 per car 189 spaces. They have also spoken with the Humane Society which is less than 200 feet from the property and asked if they could use their parking as an over flow on a limited basis and they are interested in swapping parking because they hold events where they do not have enough parking either. Per their use they are not a dance hall and they are not an assembly hall. He feels that because their maximum through put reduces the amount of people that they

can inside and outside of the building for that use, the site does provide enough parking for their general use and if they do reach the maximum capacity, adding a little bit of extra parking on the neighboring site would adequately supply their needs.

Ms. Daniels stated that it would be easier for the planning commissioners if Mr. Riggs had a signed document or agreement from the Humane Society stating that he had authority to use their property for parking. Ms. Daniels stated that with her calculations of 560 people divided by 30 percent means that they would need 168 parking stalls, if they which would leave them short 8 stalls at the capacity times even if they went through the expense of restriping.

Mr. Woodbury stated that he loves the business and thinks it is great and feels that it is in an ideal location, but that he is concerned about the parking and he understands that it's not a dance hall. Mr. Woodbury stated that this item has already been delayed one meeting and was uncertain if it would help the applicant to delay it another month or two months to allow the applicant time to get the formal agreement with the Humane Society. Mr. Woodbury stated that if the Conditional Use Permit application is denied, he would have to wait one year before he could reapply. Mr. Woodbury stated with the tennis court and the Humane Society parking that brings the total parking stalls to 245 which sounds more in line. Mr. Woodbury asked if Mr. Riggs is willing and able to commit the resources to improve more parking. Mr. Woodbury stated that he brought it up to Mr. Hall during the pre-meeting and Mr. Hall stated that we would have to make sure that the landscaping is up to code.

Mr. Woodbury asked Mr. Riggs as the developer and as the potential tenant is he willing to do the things to look at the long term, and to make it work. Mr. Riggs stated that he does have the funding in place to bring the building up to code, to work with the city to make sure the property is able to meet codes and would like to know if the parking is adequate for the facility at this point, he feels that yes it does and if there is any concern about the overflow parking then getting an agreement in writing with the Humane Society for the 8 days a year (maybe 10 days) they forecast will be busy, should be attainable. He stated that if the parking arrangement doesn't work with the Humane Society, there are other locations close by that are paved. Mr. Riggs stated that if they are allowed to do some development in the community and bring the property up to code, he would like to pursue that. Mr. Riggs stated that he has historical data to show how many patrons go through each event that could be presented to the planning commission that shows how many parking stalls they had to have at their previous location on 3300 South where parking had been an issue but was resolved by leasing property for parking from 1 or 2 other groups. Mr. Riggs stated that the 569 number for the number of patrons inside the building and standing in line is pretty high for the type of things that they do.

Mr. Swaney stated that it would helpful to know the parking situations at the other haunted house locations in Orem, Riverdale, and the Taylorsville locations. Mr. Swaney stated that there is a deficit of information, nobody understands how many people they will be having, what the historical data is, and the parking provided. Mr. Swaney stated that the planning commission is not helped by not having a Haunted House parking supply standard available to the planning commission in the literature. Mr. Swaney stated that the more information Mr. Riggs could provide to the planning

commission the better. Mr. Riggs asked who he would submit the information to. Mr. Markham stated that it would need to be submitted to planning staff.

Mr. Woodbury stated that the planning commission would have to make a motion to table the item to a further date.

Mr. Riggs stated that on the property if he was to open the tennis court area there is room for a total of 160 parking spaces and the Humane Society has about 85 parking spaces. Mr. Riggs stated that based on the previous striping of the parking lot there are 135 existing parking spaces and if he opens up the tennis court area he would be able to add another 50 parking stalls.

Mr. Woodbury stated that the planning commission received a letter in their packets from the neighbors expressing their concerns about the property in general and wanted to know what the other cities standards were for the parking and if Mr. Riggs had numbers to show, had the number of cars been counted to find out how many cars are really showing up. Mr. Woodbury feels that he doesn't have enough information and hasn't seen enough numbers.

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 one of his concerns is that no one has a hard number on how many parking spaces will be needed for this type of business and there are a lot of different opinions. Mr. Markham stated that in this case what he defaults to, because it is something he is very confident in, is the applicants have to be very honest and provide the information on their past history and he places a much heavier emphasis on the statistics they receive and what is presented from staff, than he does on hearsay statistics. Mr. Markham stated that his other concern is that this is a new location at a new facility and no one knows how many people you can fit inside the facility, and they have to go with what they know and what is being presented to them. Mr. Markham stated that his personal opinion is to rely on staff.

Mr. Hall stated that he is still not comfortable with it because there are two other buildings on the site, that are currently vacant, so when we say there are 160 potential stalls on site, we are talking 160 stalls that have to service when they are filled 3 different buildings, not just Mr. Riggs building. Mr. Hall stated they are upwards of 280 to 300 parking stalls for an 18,000 sq.ft. facility that is indoor amusement related.

Mr. Woodbury stated that if the applicant is willing to put in the resources to develop the property, knock down the other buildings and put in more parking, that he would love to give them a chance to do that. Mr. Woodbury stated he would like to give them an opportunity to put together a plan, knowing that 160 parking stalls isn't going to work, and that they know they would need at least 300 parking stalls to even make it viable, but the planning commission doesn't have enough information to make a decision.

Mr. Nay stated that a haunted house operates at nontraditional hours and that does have the potential to open up spots that would not normally be used during regular

business hours. Mr. Nay stated that he is curious how intense Mr. Riggs sees the use as far as what period of time, how long are cars on site, and how long is it going to take to get through an attraction. Mr. Nay stated that he has volunteered at the March of Dimes Haunted House and he knows how long the lines can get and he has seen at other properties where there are hundreds of cars on site, sometimes off site, and those issues need to be considered.

Mr. Swaney stated that it is significant that in the staff analysis on several points that staff is not comfortable with the proposal and the conditions. There are health, safety and welfare questions at hand; the fire marshal is concerned, there were numerous concerns from staff and unless enough analysis of a high enough quality can be done to make the staff more comfortable.

Mr. Nay stated that haunted houses operate everywhere, they have the same issues, they are still in the same temporary walls and narrow corridors and he thinks it is something Mr. Riggs would be able to work through.

Mr. Dansie stated that from an entrepreneur's point of view it's always difficult to ask somebody to invest in 500 stalls on top of asphalt when they would be use for only one month a year. From an entrepreneur's point of view, you look at it and figure out how to make it work, if that means getting more space down the street and using a shuttle bus. Mr. Dansie stated that as long as the efforts are there to solve it, he likes to see this kind of thing happen.

Mr. Woodbury made a motion to continue the public hearing for the request for a Conditional Use Permit for Castle of Chaos, a haunted house facility, located at the property addressed 4284 South Commerce Drive to another scheduled meeting on August 6, 2015.

Seconded by Mr. Nay.

Call vote recorded by

A\_\_\_\_ Karen Daniels  
A\_\_\_\_ Scot Woodbury  
N\_\_\_\_ Phil Markham  
A\_\_\_\_ Buck Swaney  
A\_\_\_\_ Travis Nay  
N/A\_\_\_ Gary Dansie

Mr. Dansie abstained from voting

Motion passed, 4-1-1

EXTRA SPACE STORAGE – 5572 South Vanwinkle Expressway – Project #15-58

Tim Tingey addressed the Planning Commission regarding a request to reconsider their motion on this application on May 21, 2015. Mr. Tingey stated that at the Planning Commission meeting on May 21st, 2015 approval was granted for the self-storage units but required additional noticing and consideration of the RV parking

component of the use at a later date. The day after the meeting the applicant expressed concern with the decision and indicated that the plans included in the application and notice depicted RV parking as part of the proposal. The public notice process is an administrative function and for Planning Commission agenda applications, is the responsibility of the Administrative and Development Services department staff. After becoming aware of this issue, Mr. Tingey reviewed the public notice and determined that based on information contained in the plans regarding RV parking, the notice was adequate and there is not a need for additional noticing for this agenda item. It is important to note that the written wording on public notices do not always convey all of the elements of a land use which often include parking, size and location of structures and other elements. That is why it is important to include plans in public notices outlining what the potential impacts would be for adjacent property owners receiving a notice. Mr. Tingey's determination is based on adequate representation in the plans of the intent to locate RV parking as part of the use. In the meeting there were additional concerns that this type of use in a Commercial Development District (C-D-C) zone should be re-evaluated in the process to amend Murray's General Plan. However, based on existing state law, the Planning Commission has to make a decision on the zoning ordinance that is in place at the time an application has been submitted by an applicant. Therefore, there can be no consideration of the future implications of an amended General Plan and a decision has to be based on current ordinance standards in place, which at this time allows self-storage units and RV parking in a C-D-C zoning designation.

Therefore, the Planning Commission must make a decision to approve (which may include conditions), or deny applications that are placed on agendas for consideration. If additional information is needed, then applications may be continued. Based on the circumstances of this application we are requesting that the Planning Commission proceed with the following:

1. Deliberate as a Commission on a vote to reconsider the decision of the finding that there was improper noticing regarding RV parking. This consideration requires a motion to "Reconsider the conditional use permit decision made on May 21, 2015 which included a finding of inadequate noticing regarding RV parking as part of the application for Extra Space Storage at the property addressed 5572 South Vanwinkle Expressway." A motion and a second must be made by those that voted in the affirmative regarding this application. Once a motion and second is obtained, the full Planning Commission may vote to reconsider;
2. Once a decision to reconsider is voted and if approved, Staff is recommending that the Planning Commission amend their original decision and approve the application for a conditional use permit which includes RV parking with the five conditions that were originally proposed. The Planning Commission may add any other conditions if necessary. However, based on the original application materials, staff is not recommending any additional conditions.

Mr. Swaney made a motion to reconsider the conditional use permit decision made on May 21, 2015 which included a finding of inadequate noticing regarding RV parking as part of the application for Extra Space Storage at the property addressed 5572 South Vanwinkle Expressway.

Seconded by Mr. Nay.

Call vote recorded by

A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Buck Swaney  
A \_\_\_\_\_ Travis Nay  
A \_\_\_\_\_ Gary Dansie

Motion passed, 6-0.

Mr. Nay asked if the applicants provided any material to Mr. Tingey that visually demonstrated what they attempt to do as far as securing the areas and what the security gates would look like. Mr. Tingey stated that they did not.

Scott Wyckoff, 3041 Tolcate Lane, Salt Lake City, stated that he appreciates the planning commission's willingness to reconsider his application and stated that this is something that is important to the applicant.

Mr. Nay asked if Mr. Wyckoff had any material that could demonstrate what the site would look like. Mr. Wyckoff stated that he did not and that the facility that currently operates in Murray has the exact same gate and system. It's a 6 foot tall, pinched picket aluminum fence with a life gate that has access control so only the tenants are able to access it. Mr. Nay asked if the picket aluminum fence is pointing towards the street. Mr. Wyckoff stated that the top of the picket itself is pinched and is straight up. Mr. Dansie asked if it was an open fence and if you could see through it. Mr. Wyckoff stated that the fence is black and can be seen through because the slats are about 6 inches apart and the gate is a UL320 compartment call for the insurance companies so children can't stick their hands in and get pinched in the gate. It denies access with wire mesh. It has three forms for safety, one is a loop in the ground, the other is a photo cell and the third is a "millers edge", which means if it did come down and touched anything, it automatically retracts and goes up.

Mr. Nay asked with reference to the concrete wall on the south end, how Mr. Wyckoff would address that with the fencing. Mr. Wyckoff stated that there is an existing chain link fence at the top of the wall that would extend come across the existing paved area and terminate at the edge of the parking, and would not extend to the grass and onto the sidewalk and up to the existing fence. Mr. Nay stated that at the far west end it would be easy to jump over the 6 foot fence. He asked if there is security that patrols the site or if there is a site manager. Mr. Wyckoff stated that they have security cameras; but there is no security that patrols the area

Glen Kitto, 8723 Bacardi, Dallas, stated that they do have a night time guard that comes through periodically from midnight to 6 a.m., but is not full time. Mr. Kitto stated that the property is very well illuminated. He stated that one of the potential conditions they could have would be to extend the fence to the point where the concrete reaches a 6 foot level.

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Mr. Nay asked staff if part of the requirement of the applicant improving curb and gutter included making it ADA accessible or will they just have to return it to the condition of the original property. Mr. Hall stated that it is to replace curb and gutter that has been damaged and some sidewalk that is slipping.

Mr. Nay asked at the entrance on the south end there is a significant drop off from the sidewalk down to the actual roadway, which makes it inaccessible to anyone in a wheel chair, as per the requirements do they have to improve that. Mr. Hall stated that from his reading and his recollection of the standard is to return improvements to their condition at the time they were installed.

Mr. Kitto stated that he walked the site today and they are going to re-pour approximately 20 feet around a power pole where it is cracked and broken. They are going to extend the sidewalk so that it is all the way across the walking surface and it will not have any drops in that 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 grant approval for a Conditional Use Permit for Extra Space Storage at the property located at 5572 South Vanwinkle Expressway subject to the following conditions:

1. The project shall meet all Building and Fire Codes. The applicant shall provide plans stamped and sealed by appropriate design professionals to include code analysis and egress plan.
2. The project shall meet all current fire codes including NFPA 13 requirements for fire sprinklers.
3. The project shall meet all Engineering Department requirements. If building improvements exceed \$5000, curb and gutter and sidewalk repairs will need to be done along the 5600 South property frontage.
4. Trash containers shall be screened as required by Section 17.76.170.
5. The applicant shall obtain a separate sign permit for any proposed signage.

Seconded by Mrs. Daniels

Call Vote recorded by Ray Christensen

A\_\_\_\_\_ Karen Daniels  
A\_\_\_\_\_ Scot Woodbury  
A\_\_\_\_\_ Phil Markham  
A\_\_\_\_\_ Buck Swaney  
A\_\_\_\_\_ Travis Nay  
A\_\_\_\_\_ Gary Dansie

Motion passed, 6-0.

MURRAY BLUFFS PHASE 3 – 6320 South Murray Bluffs Drive – Project #15-65

Tim Gough and Robert Elder were the applicants present to represent this request. Ray Christensen reviewed the location and request for a preliminary subdivision approval for Murray Bluffs Phase 3 which has 17 single family residential lots at the property addressed 6320 South Murray Bluffs 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. All of the lots comply with the minimum 10,000 sq. ft. lot area in the R-1-10 zone. A review is being made of the lot width compliance for the 80 ft. lot width at the 25 ft. setback line. The applicant has provided grading and utility plans for the site. There is a concern noted from the City Engineer and Building Official that the canal bank be protected. The applicant has provided a draft copy of the Declaration of Protective Covenants, Agreements, and Restrictions & Conditions, affecting the real property of Murray Bluffs Subdivision Phase 3. The new dwellings are required to comply with the setback requirements of the R-1-10 zone. With development of the single family residential lots, the property owners have one year to complete the residential landscaping as required in Municipal Code Section 17.68.060. Access into the property is from Murray Bluffs Drive. Based on the information presented in this report, application materials submitted and the site review, it is recommended the Planning Commission recommend preliminary subdivision approval for Murray Bluffs Phase 3 subject conditions.

Robert Elder, Ensign Engineering representing Gough Construction, 45 W 10000 S Suite 100, stated that he has reviewed the staff recommendations and will comply.

Mr. Markham asked if Mr. Elder was prepared to bear the cost for improvement on condition 8 for storm drain improvements. Mr. Elder stated that he will work with the City Engineer and determine what the extent of the upsizing will be to meet the criteria.

Tim Gough, 624 West Sunset Crest Way, stated he has already designed the subdivision to be off the canal embankment. Mr. Gough stated that he has reviewed the staff recommendations and will comply.

Mr. Swaney asked if condition 1, regarding geotechnical reports, would need to be stamped and sealed by a licensed engineer. Mr. Gough stated that they are asking for two and he has a soils engineer that is on the site and they have an actual engineer that is coming in to do all the canal recommendations.

The meeting was open for public comment.

Larry Wiley, Vice President of North Jordan Irrigation Company, stated that he has been working close with Blane Gough and Mr. Wiley has a tremendous concern about development below the canal. He stated that Saddle Buff 2 was a disaster and they have taken steps to correct problems there. He stated they have a safety transportation in place to prevent further or future problems with that. Mr. Wiley stated there is a lot of engineering that is going into the project and they have their

own engineer that will oversee any information that is submitted into North Jordan for a permit. He stated that they do issue an encroachment permit that will allow them to encroach into the toe area of the hill and that has to be engineered. He stated that their engineer will also review the permits to ensure that it is safe and being done properly. Mr. Wiley stated that his company works closely with Salt Lake County Flood Control and their engineers regarding this proposal. Mr. Wiley indicated his desire to reassure everyone that from what he understands that this proposal is a good proposal. Mr. Wiley stated that he understands that Gough Construction will be placing a fence at the toe of the embankment to prevent people from encroaching up into the embankment with trees, water features, landscapes, those types of things. Mr. Wiley stated that is a concern that he has and was also a concern in the Saddle Bluff subdivision as well. He stated they have spent millions of dollars repairing Saddle Bluff 2, with the help of Murray City and Salt Lake County Flood Control, and that they got it back to where it should be, but they still have concerns with encroachment issues on the embankment. Mr. Wiley stated he is very happy with the approach the developer is taking for this Murray Bluffs Phase 3, and they are willing to work with them to ensure the project goes through.

Mrs. Daniels asked Mr. Wiley if he is comfortable with the fence that is going in at the toe of the embankment. Mr. Wiley responded that he is comfortable with the fence proposal.

Kathy Romero, 6313 South Murray Bluffs Drive, stated that she lives in the center of the property and in hearing about the fence that makes her very happy, but she would like to make sure that the fence is put in before the homes. Ms. Romero stated that there is a problem in the southern corner area with erosion. She stated that she wanted to make everyone is aware of that before anything happens and that it is addressed. She also expressed concern with traffic and there posted speed limit is posted at 25 and there have been drag races occur.

Brian Hill, 1213 River House Circle, stated one of his concerns is the fencing. Mr. Hill asked about the type of fencing between his property and the new subdivision.

Michael E. Romero, 6313 South Murray Bluffs Drive, asked where the liability lays. He asked if the residents will be required to take out flood insurance and stated that it is very expensive and will also make it very prohibitive for anybody to want to buy a house near the canal. Mr. Romero stated another concern he has is the size and number of homes that will be going in on Murray Bluffs Phase 3.

Lynn F. Pett, 6223 South 1250 West, expressed concern for the people that live below the canal. Mr. Pett stated that he has seen the canal breach twice in the neighborhood, once from the property above that slid into the canal which breached it near his son's home and then he saw it on the other side of the Bluffs where it gave away possibly due to a few extra trees and an extra sprinkling system. Mr. Pett stated he had heard there may be a concrete wall may be put in to hold the wall up. He stated that because of the way the pipes were put in, if the canal happens to breach all the water will run down to his son's home and the neighborhood. Mr. Pett strongly recommend that they pipe the entire canal while they have the opportunity.

Nicole Vollmer, 1207 W River House Circle, stated that her concerns were with ground water and storm drain. Ms. Vollmer stated that she has a lot of issues with gophers and that she previously lived in Draper and a canal broke because of the gophers. She thinks the walls are great but there are a lot of natural things that could also cause some issues.

Mr. Markham asked Mr. Wiley if he could address the concerns regarding the fence installation prior to home construction and the erosion issue at the south end of the project. Mr. Markham stated that the traffic is more of an enforcement issue that they would want to deal with city staff and the police department. Mr. Markham encouraged Mr. Romero to contact the city and let them know about his concerns. Mr. Markham stated that as far as liability, that is not something that the planning commission could answer, that would be a question for attorneys. Mr. Markham stated that there are 17 homes planned for this development and the lots will need to meet all of the zoning requirements. Mr. Markham stated that as far as piping the canals, he feels that it is an issue that cannot be improved right now.

Mr. Wiley stated that they plan to build a concrete wall 2 to 3 feet high with a 6 foot vinyl fence on top of the concrete wall. Mr. Gough stated that the wall is also part of the design that is being incorporated with the slope and the engineering that is going to take place. Mr. Gough stated that they may be installing leach lines, some drain lines along the back side of the wall so if there was any leaking they water has somewhere to go and it would connect into the storm drains as well. Mr. Gough stated that he is quite confident that the fence will be installed before any homes are built because the fence is part of the engineering for slop protection. Mr. Gough stated that on the south end of the canal it is really steep and none of that property will be incorporated in their subdivision where the canal comes to an end, which is probably the steepest part of the canal on the entire property. Mr. Gough said he has walked the canal and the area that has the erosion is the steepest part and any water or rain runs down the embankment. Mr. Gough addressed the concerns about the fencing between the existing subdivision and that they would plan to continue to run the vinyl fencing as they develop the lots. He stated that they need to get in and do their entire infrastructure and then they will install the fence.

Mr. Christensen stated that the lots meet or exceed the 10,000 square foot lot size. He stated the minimum setbacks in the R-1-10 zoning is 25feet front; 25 feet rear; the side yards have to total 20 feet with an 8 foot minimum. With regards to the size of homes that may be required in the subdivision, the CC&R's that are being drafted may indicate that information.

Mr. Woodbury stated that the planning commission was given a copy of the proposed CC&R's and suggested that the home owners talk with the developers and request a copy.

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

Mr. Woodbury made a motion to recommend the preliminary subdivision approval for Murray Bluffs Phase 3 subject to the following conditions:

1. Provide a site geotechnical study that is stamped and sealed by a qualified geotechnical engineer. The study shall include an assessment of the canal embankment and any deficiencies or maintenance issues shall be identified. The study shall also include recommendations to address any embankment deficiencies or stability issues.
2. Install / construct any recommended canal embankment improvements.
3. Obtain North Jordan Canal Company approval and permit for any embankment or canal work.
4. Obtain Salt Lake County Flood Control Permit for any embankment or canal work.
5. Abandon the existing irrigation connections to the canal as per Canal Company requirements.
6. Exclude the canal embankment property from the proposed subdivision.
7. Construct a masonry or concrete type wall along the west subdivision boundary to prevent encroachment into the toe-of-slope.
8. Meet City storm drain standards. The existing 15" diameter storm drain line in Murray Bluffs Road is over capacity and will not carry additional runoff. This line will need to be upsized or detention will need to be provided.
9. The subdivision plat and associated improvement plans will need to meet City standards. A bond will need to be provided for all public improvements.
10. All subdivision improvements shall meet City standards.
11. A City excavation permit will be required for work in any existing City rights of-way.
12. Provide a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading or construction work.
13. The applicant shall apply for final plat approval to the Planning Commission, and submit a PDF file of the plat and associated improvement plans to the Engineering Division for final review.
14. The applicant shall comply with final subdivision approval with compliance to the application and ordinance requirements.
15. The subdivision plat shall comply with the subdivision ordinance requirements for utility easements on the lots.
16. The project shall comply with Murray Fire Department requirements.

17. The project shall comply with building and fire codes. The applicant shall provide a stamped and sealed soils report from a geo-technical engineer when submitting for a building permit.
18. The applicant will need to confirm or verify that the lots comply with the 80 ft. lot width at the 25 ft. setback line.
19. The subdivision shall comply with the fencing regulations in the Land Use Code and Subdivision Ordinance.

Seconded by Mrs. Daniels.

Call vote recorded by Ray Christensen

A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Buck Swaney  
A \_\_\_\_\_ Travis Nay  
A \_\_\_\_\_ Gary Dansie

Motion passed, 6-0.

CRAIG STAN HANSEN – 5680 South 1300 East – Project #15-62 & 15-63

Todd Dean was the applicant present to represent this request. Jared Hall reviewed the location and request for a General Plan amendment and Zone Map amendment for the property located at 5680 South 1300 East. The applicant is requesting a General Plan Amendment from Residential Single Family Low Density to Residential Multi-Family Low Density and a Zoning Map Amendment from R-1-8 to R-M-10. Various permitted uses are allowed in the R-1-8 Zoning District such as low density single family dwellings on a minimum 8,000 square foot lot and accessory uses, such as garages, carports, and other uses for private recreation and gardening. Other uses are allowed with approval of a Conditional Use Permit include: churches, schools, public parks, communications, and libraries.

The General Plan has designated this property, along with other properties located within this section of 1300 East to remain as Residential Single Family Low Density. As shown on that map, properties to the north and west of these properties are designated with the future land use classification of Residential Multi-Family Low Density and have a zoning designation of R-M-10. Those properties have primarily been developed with duplexes as a low density multi-family use. In 2010, approval was granted to amend the General Plan designation and Zoning designation for the two properties directly north of this property to be Residential Multi-Family Low Density and R-M-10.

The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the

implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan has designated the subject property with a future land use classification of Residential Single Family Low Density, but there are unique conditions relating to this lot with adjoining properties on two sides to the north and the west including a zoning designation of R-M-10. The frontage for this lot is along 1300 East which is a higher traffic volume arterial street and is more conducive to multi-family housing. Cottonwood High School is located on the east side of 1300 East across from this lot.

Based on the analysis in this report and the findings stated herein, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested General Plan amendment from Residential Single Family Low Density to Residential Multi-Family Low Density for the property addressed 5680 South 1300 East.

Todd Dean, 1844 West 8250 South, had no additional comments.

The meeting was open for public comment.

Michael Russotto, 5660 South 1300 East, stated his only concern was the zoning but that Mr. Hall had explained in his presentation and he had no other comments.

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

Mr. Swaney made a motion to forward a recommendation of approval to the city council for the requested Murray General Plan Amendment from Residential Single Family Low Density to Residential Multi-Family Low Density for the property addressed 5680 South 1300 East.

Seconded by Mr. Woodbury.

Call vote recorded by Ray Christensen

A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Buck Swaney  
A \_\_\_\_\_ Travis Nay  
A \_\_\_\_\_ Gary Dansie

Motion passed, 6-0.

Mr. Woodbury made a motion to forward a recommendation of approval to the City Council for the requested Zoning Map amendment to change the zoning designation from R-1-8 to R-M-10 for the property addressed 5680 South 1300 East.

Mr. Woodbury made a motion that the Planning Commission forward a recommendation of approval to the Mayor for the subdivision plat amendment at the property addressed 5593 & 5597 South Avalon Drive subject to conditions:

1. Meet the City subdivision plat requirements for the recording of the plat at the Salt Lake County Recorder's Office.
2. Show utility easements on all of the lots to meet the subdivision ordinance regulations

Seconded by Mr. Taylor.

Call vote recorded by Ray Christensen

A \_\_\_ Tim Taylor  
A \_\_\_ Scot Woodbury  
A \_\_\_ Phil Markham  
A \_\_\_ Buck Swaney  
A \_\_\_ Travis Nay  
A \_\_\_ Gary Dansie

Motion passed, 6-0.

OTHER BUSINESS

Mr. Hall mentioned attendance.

Meeting adjourned at 7:51 p.m.

  
\_\_\_\_\_  
Jared Hall, Manager  
Community and Economic Development