

Minutes of the Planning Commission meeting held on Thursday, October 6, 2011, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Chair
Sheri Van Bibber
Jeff Evans
Kurtis Aoki
Ray Black
Chad Wilkinson, Community & Economic Development Manager
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney
Citizen

Excused: Karen Daniels, Vice-Chair
Jim Harland

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

APPROVAL OF MINUTES

Jeff Evans made a motion to approve the minutes of September 1, 2011 and September 15, 2011. Seconded by Ray Black.

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

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Jeff Evans made a motion to approve the Findings of Fact for a Conditional Use Permit for Paisano Auto at 332 West Martin Avenue. Seconded by Sheri Van Bibber.

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

MEDISTAR CORPORATION – 4252 SOUTH BIRKHILL BLVD – PROJECT #11-85

Michael Brodsky and Julie Berreth were the applicants present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a long term-term acute care facility for the property addressed 4252 South Birkhill Boulevard. Municipal Code Ordinance 17.168.050 allows for a long term care facility within the T-O-D zoning district subject to Conditional Use Permit approval. The applicant proposes a 49-bed long-term acute care facility that will provide 24-hour skilled nursing care to patients. The proposed building is approximately 34,000 square feet and will take access from a portion of Gilbride Avenue that will be constructed in conjunction with the project. The use is consistent with a nursing home use which is allowed in the zone subject to conditional use permit approval. The planning commission recently recommended approval of an amendment to the Fireclay Transportation Master Plan eliminating a street identified on the plan in order to facilitate the proposed development and was approved by the City Council on October 4, 2011. Parking for a long term care facility is calculated using the nursing home rate which requires a total of one parking

space for every five persons the facility is designed to care for plus one space for every 2 employees working on the highest employee shift. The applicant proposes 49 beds requiring a total of 9 parking spaces. The applicant has indicated a total of 65 staff members at highest shift requiring a total of 33 parking spaces. Total parking required for the use is 42 spaces. The proposed 109 parking spaces will exceed the minimum parking standard. One additional disabled person parking space will be required based on the number of parking spaces proposed. The applicant has proposed surface parking along Gilbride Avenue which is permitted since the street is not classified as a principal street. A setback of 15 feet from back face of curb is required in this area. The TOD district requires front setback of between 15 and 25 feet measured from the back face of the adjacent street curb. The ordinance allows for the setback to be exceeded in cases where the frontage is developed with courtyard or plaza area. The building is located approximately 20 feet from back face of curb on Birkhill Boulevard. On Gilbride, a larger setback is provided along with a plaza area.

Transit-oriented development district standards require a minimum 20 percent of the parcel area to be developed as open space in the form of landscape setbacks, courtyards, plazas, open space or walkways. The applicant has provided approximately 46 percent of the site in landscape areas alone. Additionally, the applicant has provided several walkways, and entry plaza and patio. The proposed plan complies with the open space requirement of the ordinance. The applicant has proposed construction of the creek-side and rail-side trails called for in the Fireclay Transportation Master Plan along with a number of connections between these pathways, the site and the adjacent right-of-way.

Access is proposed via 3 driveways on Gilbride Avenue. Full construction of Gilbride fronting the property will be required in conjunction with the application. Gilbride is classified as a residential street in the Fireclay Transportation Master Plan. The plan will need to be revised to show the required park strip adjacent to the street on the north side of Gilbride with the required 6 foot sidewalk and 4 foot landscape setback. The ordinance limits driveway widths to a maximum of 50 feet in width. The proposed driveway on the east side of Gilbride Avenue will need to be separated into two driveways with landscaping as shown. However, the landscaping area will need to be extended closer to the street in order to match the section described above. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Julie Berreth, 2505 East Parleys Way, stated she is the architect representing this proposal. She stated she has reviewed the staff recommendations and will comply. Ms. Berreth clarified that Landmark Hospitals is the tenant/operator for this project and they have a good track record for operating these types of facilities. Medistar Corporation is the applicant and is a health care developer headquartered in Texas and will be a great asset to the area.

The meeting was opened for public comment. There were no comments made by the public.

Kurtis Aoki made a motion to grant the Conditional Use Permit for Medistar Corporation, 4252 South Birkhill Boulevard, 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. Provide a stamped and sealed soils report from geo-technical engineer at time of submittal for a building permit.

4. Provide stamped and sealed building, electrical, mechanical and plumbing plans prepared by appropriate design professionals including code analysis.
5. Meet all Murray Power Department requirements.
6. Meet all Water and Sewer Department requirements during the plan check process.
7. Submit a drainage plan for review and approval by the City Engineer.
8. A Murray City Land Disturbance Permit (LDP) is required. This permit will need to be issued prior to beginning site work.
9. Prior to building permit, obtain any applicable permits from Salt Lake County including stream alteration and storm water permits.
10. A bond is required for on and off-site improvements.
11. A preconstruction meeting is required prior to beginning any site work.
12. 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 prior to approval of a building permit and installed as approved prior to occupancy. The plan shall show the following additional information/revisions:
 - (a) Details showing benches, trash and recycling receptacles, street lights, street signage, bike racks and other street furniture and other proposed amenities located in accordance with adopted TOD standards.
 - (b) Plans shall include location, height and materials of all proposed fencing including any proposed loading area and trash screen walls.
13. Gilbride Avenue shall be revised to meet the requirements for a residential street as described in the Fireclay Transportation Master Plan.
14. The driveway area shown on the east side of Gilbride Avenue shall be revised to show the required park strip adjacent to the curb within the 12 foot area dividing the driveways.
15. Provide an additional disabled person parking space meeting ordinance requirements.
16. Complete construction of the creek-side and rail-side trails in accordance with the standards of the Fireclay Master Transportation Plan.
17. All trash containers and loading areas shall be screened as required by Section 17168.100.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A _____ Ray Black

A _____ Tim Taylor

A _____ Kurtis Aoki

A _____ Jeff Evans

A _____ Sheri Van Bibber

Motion passed, 5-0.

AVONLEA TOWN HOMES – 639 & 643 East Vine Street – Project #10-218 & AVONLEA SUBDIVISION – 639 East Vine Street – Project #10-219

Thomas Kottarathil and Mickey Walker were the applicants present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval for a condominium project and is also requesting preliminary and final approval for Avonlea Subdivision for the properties addressed 639 & 643 East Vine Street.

Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. Section 17.116.030 authorizes the planning commission to approve multiple family dwellings with Conditional Use Permit approval. The applicants are requesting preliminary and final approval for Avonlea Subdivision which is a residential condominium project. There are two existing parcels of property at this project site. The plans for the condominium project shows 2 buildings with a total of 9 residential condominium units. The applicant plans to sell the condominium units or rent them until the condominium units are sold. The driveway accessing the 9 units is located in front of the buildings and the rear yard area has a storm water retention basin. Each unit has a 2 car covered garage. There are 8 additional parking stalls in the exterior parking lot area including two RV parking stalls.

Municipal Code Ordinance 17.116.030 allows multi-family dwelling units within the R-M-10 zoning district subject to Conditional Use Permit approval by the Murray Planning Commission. Municipal Code 17.132.050 allows density bonus subject to meeting established criteria in a multiple-family zone through Conditional Use Permit approval. The R-M-10 zone allows 7 units per acre, but allows densities greater than 7 units per acre in increments up to a maximum of 10 units per acre in compliance to Incentive Density Bonus Requirements found in Municipal Code Chapter 17.132. The building plans and exterior elevations will need to be revised for the 4 unit building to show masonry materials such as stone and up to 30% stucco material to meet code and eliminate the hardi-board siding materials. The .94 acre parcel allows 9 residential units based on compliance to the density bonus criteria. The applicants have submitted a written statement describing how their project complies with the incentive density bonus requirements and have submitted some materials samples and colored drawings. The general project complies with the Incentive Density Bonus requirements with the exception of the affordable housing documentation. Drainage will need to be addressed and the City Engineer has revised one of the proposed conditions of approval in order to direct most of the storm water to the public storm drain system on Vine Street and the plans will need to be revised to meet this requirement. The applicant stated they will provide us additional information regarding compliance to the affordable housing requirement and documentation of the procedures for compliance. Based on the information presented in this report, applications materials submitted and the site review, staff recommends Planning Commission approval of the Conditional Use Permit and preliminary and final subdivision approval subject to conditions.

Thomas Kottarathil, 7825 Caballero Drive, Sandy, stated he has reviewed the staff recommendations and will comply.

Robert Barr, 5279 Springhouse Lane, stated he is representing the Springhill Condominiums. Mr. Barr asked about ingress and egress from Vine Street. He also asked about having a right turn only lane into Springhill Condominiums driveway as well as into this development and if the developer will be removing the existing trees. Mr. Taylor responded that there is a single drive access located at the southern portion of the property adjacent to the golf course maintenance road. He stated that this proposal does not require a turn lane into the project. He clarified that the dwelling units are condominium units and will be individually owned. It was indicated that the majority of the trees are not located on this property but are on the adjacent golf course property.

Astrid Campbell, 650 East Vine Street, stated her home is located across the street from this project. She expressed concern with traffic in this area and that there have been numerous accidents where there is the curve in the road. She stated this area has had bad sewer problems and asked if the city could check into this situation. She asked the height of the development. Ray Christensen responded that the residential units are two-story and similar to the Springhill Condominiums height.

Steve Marquart, 11663 South Bear Canyon Drive, Draper, stated his family owns a condo at 5261 South Springhouse Lane in the Springhill Condominiums. He expressed concern with the water retention and the difference in elevation is approximately 10 feet between the Springhouse Lane and the plateau where the two existing homes are located. He suggested the retention area be located closer to the front facing Vine Street rather than at the back causing potential drainage onto the Springhill Condominiums. Tim Taylor indicated that the city staff has been working with the applicant for the past year and different options have been reviewed in regards to parking and drainage, etc., and the current proposal has been determined to be the best. Drainage details will need to be worked out as the project proceeds with approval by the city engineer.

Chad Wilkinson commented that the City Engineer did revise one of the proposed conditions of approval in order to direct most of the storm water to the public storm drain system on Vine Street and the plans will need to be revised to meet this requirement.

Mickey Walker, 2145 Ledgewood Circle, stated he is the architect for this project. Mr. Walker indicated that if the trees are located where the driveway is to be, the trees will need to be removed, but that most of the trees are not on this property and are on the property owned by the golf course. He stated that traffic may be a concern in this area with Vine Street on a curve where it intersects 5300 South Street.

The public comment portion for this agenda item was closed.

Ray Black expressed concern regarding the traffic in this area and this area may need to be reviewed by the city. He asked about the sewer lines and concerns previously indicated. Ray Christensen responded that the Water Superintendent, Danny Astill, mentioned that the sewer lines are a concern and the developer will need to work with the city to resolve these issues and is one of the conditions of approval.

Jeff Evans recommended that the neighbors bring this item to the Traffic Safety Committee meeting. Ray Christensen indicated that the city engineer has requested that the driveway be located as far to the south as possible to help with access. Chad Wilkinson explained that traffic impacts will be reviewed once the construction drawings are submitted, but that the commission could make an additional condition that the City Engineer review the traffic and impose changes as necessary.

There was a discussion regarding traffic impacts with this proposal and existing traffic conditions and how to handle the situation. Ray Christensen commented that the city engineer has reviewed this proposal and did not make any specific recommendations at this time other than to locate the drive access as far to the south as possible. Tim Taylor commented that the commission could make a condition that the city engineer review the striping for the road and determine appropriateness for the access. Chad Wilkinson clarified that modifications are made to right-of-way all the time as developments occur and there impacts from this proposed development. He stated that the commission could make an additional condition of approval that the traffic will be reviewed and if changes are appropriate that they be implemented.

Kurtis Aoki commented that the three properties across the street do not have an individual lane and that the traffic impacts both sides of the street. Chad Wilkinson stated that new developments that have traffic impacts can be addressed through conditions of approval and is appropriate. He stated that the city engineer can review the proposal to determine appropriateness.

Ray Black made a motion to grant Conditional Use Permit approval for Avonlea Condominiums located at 639 & 43 East Vine Street subject to the following conditions:

1. Meet the requirements of the Murray City Engineer including drainage plans for the site need to be resolved. Meet the requirements of the city engineer for recording the plat at the Salt Lake County Recorder's Office.
2. Show utility easements on all of the lots to meet the subdivision ordinance regulations.
3. The project shall meet all applicable building code standards. Provide stamped and sealed soils report from geo-technical engineer at time of submittal for a building permit. The project shall meet all current building and fire codes.
4. Comply with Fire Department requirements and current building and fire codes.
5. Comply with Murray City Power and Water and Sewer Department requirements.
Note: There are issues related to sewer that will need to be resolved.
6. The project shall comply with the Incentive Density Bonus requirements found in Municipal Code Chapter 17.132. The building elevation changes will need to be made for the 4 unit building to show the removal of the hardi-board and show masonry materials such as stone and brick to meet Chapter 17.132. The applicants will need to provide additional documentation and verification procedures will need to be provided relating to how the applicants will meet the affordable housing requirement. The affordable housing requirement will need to be recorded on the deed for the affordable units to alert the next owner to the requirements for affordable

housing. Procedures of how the applicants will qualify renters and potential buyers for affordable housing will need to be provided and a process to allow city verification of the affordable housing compliance for the 50 year time period. The applicant shall include these additional provisions in the CC&R's for the project.

7. 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.

8. All exterior trash containers shall be screened as required by Section 17.76.170.

9. The City Engineer will study the traffic impacts and make a recommendation as necessary.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A _____ Ray Black

A _____ Tim Taylor

A _____ Kurtis Aoki

A _____ Jeff Evans

A _____ Sheri Van Bibber

Motion passed, 5-0.

Jeff Evans made a motion to send a positive recommendation to the Mayor for preliminary and final subdivision approval for the Avonlea Subdivision located at 639 & 643 East Vine Street subject to the following conditions:

1. Meet the requirements of the Murray City Engineer including drainage plans for the site. Meet the requirements of the Murray City Engineer for recording the plat at the Salt Lake County Records Office.

2. Show utility easements on all of the lots to meet the subdivision ordinance regulations.

3. The project shall meet all applicable building code standards.

4. The Murray Fire Department requires compliance with current building and fire codes.

5. Comply with Murray City Power and Water and Sewer Department requirements.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A _____ Ray Black

A _____ Tim Taylor

A _____ Kurtis Aoki

A _____ Jeff Evans

A _____ Sheri Van Bibber

Motion passed, 5-0.

OTHER BUSINESS

Chad Wilkinson commented that there has been interest in allowing chickens in the city and that discussion will be forthcoming to the city council. Mr. Wilkinson asked the planning commission their opinion generally on this subject and their desires regarding this issue. He stated currently the A-1 (agricultural) zoning district is the only zoning that allows for chickens.

Sheri Van Bibber asked if the staff will provide information for allowing chickens and the pros and cons for such an ordinance change, whether it is a noise ordinance, etc. She stated that she has several neighbors who have chickens. Mr. Wilkinson responded that if the city council is in favor of such an ordinance, it will need to be brought before the planning commission and staff will do an analysis potentially have a citizen task force committee to review the issue. He stated that many cities throughout the valley have recently adopted chicken ordinances.

Tim Taylor stated that IFA sold 5,000 chickens in 2009 and 10,000 in 2010 and has grown considerably in popularity.

Jeff Evans stated that he is not opposed to having chickens in the city as long as it is regulated and well maintained.

Tim Taylor stated that he would be in favor of considering allowing chickens. He stated that he is not in favor of allowing roosters.

Mr. Wilkinson stated that the general consensus is that the planning commission is interested in looking at the possibility of allowing chickens in the city.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development