

Minutes of the Planning Commission meeting held on Thursday, February 2, 2012 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair  
Karen Daniels, Vice-Chair  
Tim Taylor  
Ray Black  
Phil Markham  
Martin Buchert  
Tim Tingey, Administrative Development Services Director  
Chad Wilkinson, Community & Economic Development  
Manager  
Ray Christensen, Senior Planner  
G.L. Critchfield, Deputy City Attorney  
Mayor Dan Snarr  
Citizens

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.

Jim Harland opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Mr. Harland asked for additions or corrections to the minutes of January 5, 2012 and January 19, 2012. Mr. Taylor made a motion to approve the minutes as written. Seconded by Ms. Daniels.

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

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Ms. Daniels made a motion to approve the Findings of Fact for a Conditional Use Permit for Tim Dahle Infinity and the Chen Subdivision (Flag Lot). Seconded by Mr. Buchert.

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

#### OASIS APARTMENTS – 4916 South Center Street – Project #11-99

Tim Soffe, Milt Shipp and Ryan Hale were the applicants present to represent this request. Tim Tingey, Director of Administrative & Development Services outlined the history and background of the area. In particular the Murray City Center District (MCCD) ordinance that was adopted in 2011. This included revitalization of the downtown area. Prior to the MCCD ordinance, the zoning for this proposed site was commercial development conditional (C-D-C). Which means it was a retail oriented

zoning district. After the MCCD ordinance was adopted the zoning was changed to a mixed use, including both retail and commercial. Starting in 2009 and ending in March of 2011 there were 13 public meetings that reviewed the design standards, uses, parking, density, height, setback standards, etc. The ordinance modifications were reworked and the new ordinance was adopted on March 15, 2011. The Redevelopment Agency looked at extending and expanding in this area of the city. The primary components included: differentiating the downtown, pedestrian oriented design, lower level commercial/upper level residential and height (set at 50 feet on the east side of State Street) amongst other standards. The ordinance modifications were reworked and the new ordinance was adopted in March 15, 2011. The proposal tonight is not about those policies and standards as those components were already discussed and the new MCCD ordinance passed. Tonight's hearing is for the Planning Commission to consider the public's input and whether or not this proposal meets the standards of the MCCD ordinance.

Mr. Tingey also addressed the concern of notification of this meeting as it was brought to Staff's attention that some people that live in the surrounding area did not receive notification. To clarify, Staff sent out notices to a radius of 450 feet in and around the proposed site which well exceeds the state requirement.

Chad Wilkinson reviewed the location and request for a Certificate of Appropriateness for Candlelight Homes, LLC (DAI) for a new 64-unit apartment and mixed use building for the property addressed 152 E. Court Avenue and 4916 S. Center Street. This site is zoned MCCD (Murray City Center District). Municipal Code Section 17.170.050 outlines the process for review of applications located within the MCCD. New construction within the MCCD requires the issuance of a Certificate of Appropriateness by the Planning Commission after the project receives review and recommendation from the Design Review Committee. A public hearing is required prior to issuance or denial of the Certificate of Appropriateness. From there, is the ability to appeal the decision to the Board of Adjustments. Municipal Code Ordinance 17.170.080 allows High Rise Apartments within the MCCD zoning district subject to Certificate of Appropriateness approval. The proposed building will have ground floor parking and commercial space along Center Street with residential units on the upper floors. The proposed structure is 50 feet in height which complies with the maximum height standard of the MCCD zoning district within 150 feet from residential zoning. The MCCD ordinance requires that buildings be oriented toward the street with setbacks either immediately adjacent to the property line or within 25 feet of the back face of curb. The proposed structure meets this requirement. The MCCD District does not have a specific minimum landscape standard. Landscaping is required to incorporate native species and to meet the design guidelines. One option the Design Review Committee (DRC) recommended is that there should be some additional architectural landscaping interest provided that includes some columnar style trees. The applicant proposes a mix of one and two bedroom units. Approximately seventy percent of the units will be one-bedroom with the remainder of the units are proposed to be two-bedrooms. The commercial portion of the development will consist of 5,326 square feet of office/commercial space with entrances on Center Street. An entrance connection to the apartments is also included on Center Street. Access to the property is from a single driveway on Court Avenue. The standards of the ordinance require functional entries spaced 75 feet on average. The applicant will need to

provide five entrances along Center Street and Court Avenue in order to meet this requirement. The MCCD standards call for the entrances of the building to be covered by awnings or canopies or to be recessed. The submitted plans show the use of canopies at some of the proposed entries. Each required entry will need to include this element. The submitted site plan shows a combination of 75 on-street, surface and structured parking. The parking indicates spaces attributable to the commercial uses; however, joint use of parking is allowed and encouraged in the area. Peak parking demand for the commercial space is anticipated to occur in daytime hours on weekdays with peak parking for the residences to occur at night and on weekends. On-street parking adjacent to the use is allowed to be counted toward meeting the minimum parking standards of the zoning district. Bicycle parking will also be required in accordance with the standards of the ordinance. A minimum of four bicycle parking spaces is required for the use. Bicycle parking in excess of this minimum may be used to satisfy the minimum vehicle parking standards at a ratio of one vehicle parking space per each five non-required bicycle parking spaces provided. The project will be required to meet the sustainability standards of the ordinance including provision of storm water pretreatment, water conserving fixtures and meeting energy efficiency standards. The applicant has conducted a study to assess the traffic impacts of the proposal on the adjacent street network. A copy of the executive summary of the study is attached to this report. The report indicates that impacted intersections will continue to function at level of service "A" with the traffic from the proposed development. The applicant has proposed to widen both Court Avenue and Center Street adjacent to the property in conjunction with the development. The City Engineer has requested that Court Avenue be widened to accommodate two 11-foot travel lanes with on-street parking and sidewalk in order to accommodate the increase in traffic on the street. In addition, the City Engineer has requested that the traffic from Court Avenue be restricted to right turns only onto Center Street through the construction of a raised structure. This will direct traffic exiting from the site to Vine Street rather than traveling north through the neighborhood. The Design Review Committee reviewed the project on November 29, 2011. The committee recommended approval of the proposed use subject to the following conditions:

1. The applicant shall submit elevations of all sides of the building for Planning Commission review and approval.
2. Entrances shall be covered or recessed in accordance with section 17.170.110.
3. Exterior lighting and parking lot lighting shall be shielded and not spill onto adjacent properties.
4. The applicant shall provide details on the screening of trash receptacles and any exterior mechanical equipment. Screening shall be of compatible materials with the main structure.
5. Provide street furnishings in compliance with the design guidelines.
6. Include a cross section with the adjoining neighborhood with what the visual impact might be.
7. Include additional options on the building façade, including modifications to the architectural features, landscaping, etc.
8. Include detail on lights, signs and awnings.

Several phone calls have been received expressing opposition to the project. In addition, as of the date of this report, three e-mails/letters expressing opposition have

been received. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Certificate of Appropriateness subject to 25 conditions.

Mr. Buchert brought up the question of defining street entrances. Mr. Wilkinson pointed out that the requirement is to have functional entries every 75 feet on average.

Tim Soffe, ASWN Architects and Planners, 5151 South 900 East, indicated that he is the architect representing Candlelight Homes, LLC. He wanted to thank all that have been involved with him for the last eight months in the planning of this development. In regards to pavement width, they have tried to minimize the presence of the building and to pull it back from both streets roughly 10-12 feet and increasing the ground landscape treatment. They have also provided for off-street parking on both streets. They were asked by the DRC to increase the commercial area on the lower level. Currently 65% is designated for such space. In terms of entrances, they anticipate having seven which will meet the minimum number easily. Decorative landscaping and paving with benches depicted in the drawing will closely depict what it looks like at the Fireclay project. The project does comply with the MCCD zoning ordinance as well as the design guidelines.

Ryan Hale, Hales Engineering, indicated that they are the firm that completed the traffic engineering study on this project. He explained that the study was done by counting the traffic on the street and exiting intersections during peak periods in both a.m. and p.m. The traffic analysis was conducted in December of 2011 and the streets and intersections involved were; Court Avenue/Center Street, Elm Street/Center Street and Vine Street/Center Street. The hours between 4pm and 6pm tended to be the busiest. The first study was designed to understand how the intersections function at their current condition. Each level of the intersections functioned at a level "A", which represents the average delay per vehicle that comes through that intersection. Currently the number of trips on Center Street is at 925 vehicles per day. It is anticipated that on a daily basis the traffic volume will increase to 1,100-1,200 vehicles per day, less than 20% increase. It is recommended that there is a right-turn only coming from eastbound Court Avenue onto southbound Center Street. That would help some of that extra traffic move toward Vine Street. Another recommendation would be that a sign be placed directing traffic to a right-turn excluding a left-turn movement rather than a "pork chop island". Mr. Taylor asked what the longest back up of cars were during the peak hours at Vine Street. Mr. Hale responded by saying the longest queue was 2-3 vehicles at the maximum and that they counted the traffic going in each direction.

Milt Shipp, partner in Candlelight Homes, LLC of 1099 West South Jordan Parkway stated that his firm has had over 21 years' experience in development and they take pride and sensitivity with the different cities and neighborhoods in which they develop. He and some of his partners actually went door to door to the neighbors that live near the proposed site and were able to contact ten out of the ten that live in the immediate vicinity. The summary of those visits was positive. No one had an opposition and indicated that all their questions had been answered by the developer. There were two individuals that asked that their issues be communicated. Those were Alta Airport

Transportation and G T Welding. Those businesses requested that the city give them the city owned parking lot to use for their businesses. Overall the firm feels that this project has met all the ordinances and guidelines and they are looking forward to a good relationship with the City. Mr. Taylor made note that the packets they received indicated that the project will be roughly 70% one-bedroom units and the remainder are two-bedrooms. However, it was also stated in the packet that there would be studio units. Mr. Soffe responded by saying, originally they had studios, but the plans have since been modified to one and two-bedroom units.

Mr. Harland stated that there had been several written comments in opposition to this proposal. Those letters came from Mr. David Wilde, Linda and Ed Fox of 4928 South Wasatch Street, Ms. Sage Fitch of 215 East Maple Street, Mr. Brain Dahle of 4877 South Wasatch Street, Mr. Tim Schneider owner of Alta Airport Transportation, Ms. Carolyn Smith, Mr. Bruce Parsons of 120 East 4800 South and Ms. Stormie Nielson of 4883 Center Street. One letter that came in that was in favor of the project from Mr. Brent Winget of 395 Holstein Way.

The meeting was opened for public hearing.

Mr. Gary Smith, 208 Elm Street and 4933 Center Street, indicated that he is unclear about the boundaries. He stressed he had concerns that the proposed project was too large for the lot. It seems that the project is proposing to house far more people than that space can provide. Mr. Taylor clarified the boundaries for Mr. Smith on the overhead site plan. Mr. Smith is concerned that if the proposed project goes in, the area will no longer be considered a family oriented area.

Mr. Bruce Parsons, 120 East 4800 South, expressed that he feels the proposed project is going to create a lot of problems. He doesn't think that the people involved realize the effect the project will have by increasing the numbers of people on Center Street. Existing housing units on the full length of Center Street total 34. This project will increase that number to 64, doubling the number of housing units and people on Center Streets. He urges the members of the Planning Commission to vote against the project.

Ms. Linda Fox, 4928 South Wasatch Street, made note that all the requirements are being met, but the sign that was posted on the property never changed when they decided to go from townhomes to a 64-unit apartment complex. She wanted to know if the project was designed for low income. She also brought up that there is already a problem with traffic on Vine Street when you need to make a turn on Wasatch Street. She is concerned that the proposed project of 64-units is slated to only have 80 parking spaces that are meant to handle both residential and business. She is also concerned about the aesthetics of the landscaping as well as the increase of traffic for the school and kids in the neighborhood.

Ms. Sage Fitch, 215 Maple Street, stated that once she received notice of the proposed project she and other residents canvassed the neighborhood with a petition for people to sign that are in opposition of the project. She was able to obtain 103 signatures, representing people that live in that area. Her biggest concern is the height, scale and the setback in the general proportion of the neighborhood. She

knows that the project meets all the MCCD requirements, but feels that the project only looks good on paper. However, this single family, low density, historic neighborhood is quiet and quaint and this project is completely inappropriate for this neighborhood. She feels that the impacts of this project will be increased traffic and inadequate parking. She supplied some statistics from the Institute of Transportation Engineers, stating that the average parking supply is 1.4 spaces per unit and the average number of vehicles per household is 2.4 vehicles. With those statistics she understands that the project meets the requirements of this zone, but realistically, unless the complex limits the number of residents that live there to only one vehicle, there will not be adequate parking. These numbers do not account for the businesses and their customers either. She is asking the Planning Commission to take that perspective into consideration. She feels that the community would like to see the parcel developed, but with something that is more to proportion, size and scale to the neighborhood. In regards to Mr. Wilkinson's comment about how this project is going in the direction of City's General Plan, she feels that the project is in direct conflict of that plan, because that plan recognizes the need to protect historic neighborhoods and to not allow incompatible land uses to creep within this neighborhood. She feels that this project is in conflict with the R-N-B and MCCD zoning ordinance language.

Scott Patterson, 4852 Wasatch Street, stated that in the last two years he's seen his neighbors make improvements to their properties and he feels that a project like this will greatly decrease the value of the area and create more crime. In the developer's presentation they failed to mention the square footage of each unit. Mr. Taylor responded that a 2-bedroom unit is 1,175 sq. ft. and a 1-bedroom unit is 773 sq. ft. Mr. Buchert wanted to know if the square footage of the units changed when the studios were dropped from the plans. Mr. Patterson asked the rental rates and if it is to be a low income property.

Rebecca Westenskow, 236 Mountain View Drive, indicated that she lives in the neighborhood. She commented that there are many cars that already parked on Center Street, Wasatch Drive and Rainbow Drive. As it is, it's single lane driving on a daily basis.

Ms. Kathy Elton, 4874 South Center Street, stated she lives five houses north of the project. She commented that one thing she loves about the area is that children actually are able to get out and play in the streets. She is concerned that on the plans, there is no grass for the landscaping and questioned where the kids will play that live in the complex. She feels that if this project were to be located in the middle of the City, it would fit well, but being next to single family residential is a big mistake.

Ms. Mary Jane Jex, 4893 Center Street, stated she has lived in her home for 47 years. Her home is on the Murray Historic Registry and she feels that this project is totally inappropriate, too big, unsightly and pushing the density up too high for a historic area of Murray. On the weekends there is no parking due to the Desert Star Play House.

Ms. Gloria Spriggs, 4940 Center Street, stated she has lived there since 1950. She commented that this project is too big for the area. She is okay with a two-story building, but four stories takes away from her back yard. She doesn't appreciate that

people will be able to look down in to her private yard.

April Richardson, 4943 South Wasatch Street, stated she has been in Murray for 7 years. She feels that she and her neighbors were under the assumption that the proposed parcel was to be developed into a craftsman style townhome complex, not a 64-unit apartment building. There is still a sign posted on the property showing a picture of craftsman style townhomes that says, "Project for Sale." Because of that, no one in the neighborhood felt it necessary to attend any of the previous historic district redevelopment meetings, because they were okay with that. Her concerns are traffic, parking and over-crowding of area schools. She feels that if this project is approved, she will have no other choice but to live anywhere but Murray. She asked the Planning Commission to vote against the project.

Mr. Jeff Swain, 4892 Center Street, stated that he is the owner of the duplexes across the street. He is opposed to the project and is very concerned about the speed of traffic. He stated that if the project is approved, he would at least like to see an island be mandatory on Center Street.

Ms. Janice Strobell, 4912 Wasatch Street, feels that the project does not fit the current neighborhood. She is wondering if the area really needs more retail space, when there is a strip mall close by that is over half empty. The nearby apartment complex of Lost Creek Apartments is not filled. She does not feel that the area needs 64-more units.

Mr. Brent Wingett, 395 Holstein Way, stated he has lived in Murray for close to 60 years. He recognizes the need for growth within the city. He originally purchased the property five years ago with plans of developing townhomes, but he was unable to get financing. He wanted everyone to know that he did everything he could to make that project happen. He stated that if we look to the future of downtown Murray, it has to start somewhere and for the community and its commercial aspect to survive you need to bring in more people. Mr. Harland asked Mr. Wingett why the sign saying, "Project for Sale" is still there. Mr. Markham asked Mr. Wingett to address the issue of price point for the apartments. Mr. Wingett responded by saying that he did not have that information and would need to ask Mr. Soffe that question.

Ms. Camilla Dahle, 4877 South Wasatch Street, stated she has lived in the neighborhood for 2½ years. She has been a drafter for six years and knows what kinds of mistakes are made in design work. Seeing a drawing in a picture and then seeing what it actually will look like are two completely different things, like reading a book and then going to go see the movie. She feels that re-zoning needs to be addressed in order to protect the neighborhood. She is in favor of everything that has been said thus far in the meeting in opposition of the project.

Ms. Stormie Nielson, 4883 Center Street, stated her home is on the Murray Historic registry. She wants to know when the construction for this project starts, what kind of damage will be done to the historic homes and who will pay to fix them. She feels that all the money and hard work that she has put into her home for the last 20 years will be damaged and would ask that the Planning Commission consider that aspect.

Mr. Benjamin Brown, 4705 Rainbow Drive, asked about the density of the area. Mr. Harland responded by saying that it is a commercial zone. Mr. Brown stated that for all practical purposes, Court Avenue is not a road, it's a parking lot. It's an easement that goes through a strip mall development. He also wanted to verify who Mr. Hale of Hales Engineering was hired by. It was confirmed that he was hired by the developer and his work was confirmed by the City Staff. Mr. Brown feels that the entire city within the MCCD is a flawed plan. Another 64-unit apartment complex in Murray is Westwood Apartments and Mr. Brown feels that most of the phone calls that are made to the Murray City Police Department come from there. He is worried that this complex will bring in that kind of activity and will become a "ghetto". One example he gave was State Street not having any vision, but instead it has become a dereliction of housing. Murray City and the Planning Department need to decide what Murray should be; multi-family or single-family, historic or not. He is worried that just because the City wants to grow, doesn't mean they should take on inappropriate projects. He brought up that on-street parking is currently too much, especially with the Desert Star Playhouse in the area. He asked if this will be Section 8 housing and if so, there will need to be an increase in police, medical and fire protection. He is hoping that the Planning Commission will look at all the current open office and retail space on State Street and decide if we need to continue to add to all of that. He stated that a tattoo shop or a smoke shop could go in the commercial/office space.

Mr. Jayson Tyson, 4769 South Box Elder Street, has a child that goes to day care on Center Street. He is concerned about the increase of traffic being a hazard to the children in the area. He wants to know why there needs to be a development in this neighborhood when the Fireclay development sits empty. He feels that there is no need for this development.

Ms. Lenna Hampton, 4867 Center Street, asked for clarification on the MCCD re-zoning. She was unaware that the west side of Center Street was zoned for both residential and commercial. Mr. Wilkinson stated that it is zoned for Mixed Use (M-U). The strip mall west of this area is empty with the exception of two or three businesses. She questioned the numerous vacancies in the strip mall and the ability to lease the space for this project. She indicated her opposition to this project, because she feels that this is a family neighborhood and the business spaces won't be occupied.

Ms. Marybeth Powell, 4905 Center Street, commented that crime will increase and she doesn't want her view to be an ugly apartment complex. She quoted Mr. Tingey by saying he talks about "minimizing, mitigating and masking the size of the building" and suggest a general conformance. Ms. Powell questioned that this proposal might meet the rules, but is it appropriate for the area? She feels the job of the City is to protect the residents, not put in commercial directly across the street. She feels that the people that will move into the project will be transient. She hopes that the Planning Commission will protect Murray and keep it how it is.

Mayor Dan Snarr, 5223 South Spring Clover Drive, stated he is a citizen of Murray and also Mayor of Murray. He stated he has spent much time and effort towards moving Murray City into the future. The last 14 years he has spent analyzing cities that have failed and cities that have been able to re-invent themselves to bring downtown core areas back to life. He's attended seminars, served on the regional



board committee for the State of Utah and looked at communities that are planning for the future. For example Herriman is advertising on the radio for people to come to "downtown Herriman City Center", which is a mixed use development of townhouses, condominiums, single family homes and apartments. There have been world renowned consultants working with them on this project to help not only this area but others like it to come back to life. He has spent some time in Sugarhouse looking at the challenges that they have. They are currently tearing down three, three-plexes and replacing them with 34-units. Some people in the area don't want it, but it will help with the housing for Westminster College located nearby. He supports growth and development. There are places like the Fun Dome in Murray that are far too expensive, even for a bank owned property. Anything that goes in there will have to be super high density. There is hope that it will turn out to be mixed use property with apartments, because people need a place to live. He stressed that he does care about his community and does have a passion for what it takes to keep it clean and desirable. Mayor Snarr relayed an instance where there was a house on the east side of 1300 East that sat vacant with the walls and roof caved in. Nobody was willing to do anything about it, they just wanted to walk away from it. The neighbors came to him and asked him to sue the owner. Mr. Snarr's response was, if they would just let him work through the problem, he would solve the problem. Once the property was sold and a new house built, the neighbors were thrilled, until they received their next year's property tax notice. All of their taxes had gone up because the house that was built was appraised much higher than they anticipated. At the end of the day what needs to be looked at is the input that was given, the process that was taken and direction that has been given to make downtown Murray come alive again. This is the future whether people like it or not, water is the determining factor of growth. High density housing will be the future in the historic district. If everyone that has ever gotten mad at him or has threatened that they will never vote for him again got their way, there would not be a hospital, Costco or the commercial development located at 5300 South State Street. He did not succumb to that negativity surrounding those projects, because he wants to see Murray City have the future it deserves.

Ms. Robyn Nielson, 5209 Clover Meadow Drive, stated that she hears all the comments from the public saying that they think the project will look bad and that the occupants are going to be low income. She commented that the current business buildings on State Street they are run down and don't look very nice and it would be more appealing for a business to come to a brand new space that isn't run down. The residents present tonight live a block away from State Street, which is a commercial zoned and part of the city and having commercial on the first floor with residential uses above seems to work well in many places. The residents of the Gateway in down town Salt Lake City for instance, shop at those stores. She commented that a lot of people that rent are "good people" and a lot of people that have lost their homes, live in apartments. Ms. Nielson stated that she is in favor of the proposed development.

The public comment portion of the meeting was closed.

Mr. Soffe stated that this project is not low income, is not Section 8 and is not a subsidized project; it is a full market rate project. He stated that Jeff Neese of Western States Multi-Family Developments is the appraiser and did a full market study for this

project. He looked at the zoning, the mix, the rent rates and all the parameters that would make this project successful. The reason for the change from studios to one-bedrooms was a matter of income. Rent will be anywhere from \$850-\$1200/month for an interior loaded, park under, elevator, interior hallway, secure, mid-rise mixed use building. The developer, Candlelight Homes, LLC (DAI) is willing to go into an area that hasn't seen development in many years and put several million dollars into the area. Through his experience, when someone puts several million dollars into a project, it has a positive rippling effect. The type of employment in the general vicinity is geared directly toward the hospital employees and this project is walkable and is close to a bus route and geared for those types of employees. There isn't a lot of good rental housing in the vicinity, which is why there is such a high percentage of one-bedroom units in this project. The property will be a professionally managed property with a portion of the rents being reserved each month for upkeep of the property. This asset is an appreciating asset and more and more people are choosing to rent as oppose to owning.

Mr. Harland asked Mr. Soffe if he could clarify the parking and scale of the building as it relates to the MCCD requirements. Mr. Soffe stated that the parking is as crucial to the developer as anyone and if there is not enough parking, they will lose tenants. Parking requirements in this zone are intentionally low so as to encourage the use of mass transit and pedestrians, which is one of the reasons for the particular design of the streetscape. He stated because of the high percentage of one-bedrooms, they are not anticipating a lot of children or cars. This type of project is already working in other transit oriented developments (T-O-D).

Mr. Harland asked where the children could play who live in the apartments. Mr. Soffe responded that typically projects with less than 125 units do not have play areas. There are just too few units to pay for that type of amenity and with the close proximity of Murray Park there really isn't a need for a play area. This is downtown, urban type living, not suburban living.

Mr. Buchert asked if the development team visualizes a historical character architecturally of the adjacent neighborhood as a draw for tenants. Mr. Soffe responded by saying that he thinks the draw to living there is due more to the projects proximity to employment, services and shopping.

Mr. Wilkinson clarified some questions asked previously by the public. He stated that as far as the size of the site, the project will include an existing duplex which was not shown on the original approval, therefore increasing the size of the lot. The existing sign is a project development sign, and not a public notice sign. Having the sign up doesn't necessarily restrict this project to what is posted on the sign, the zoning for the area dictates that. Concerning the Murray City General Plan, this particular area calls for a specific general plan. In 2003 the General Plan was adopted with a Mixed Use (M-U) designation for this district. There is a balance wherever there is a zone district, there is always a boundary where one side of the street is one zone and the other side is another zone. In those cases the City comes up with standards to try and mitigate impacts. The 50 foot height limit for this project was a standard that was adopted to mitigate. During the drafting of the ordinance, the City received feedback from the consultants saying that a 50 foot height is a good base within 150 feet of

residential to provide a transition as the existing zoning across the street, R-1-8, allows for a 35 foot high building. Staff felt that was appropriate for a transition. An example of a 50 foot height is the Mount Vernon Academy on Vine Street where the steeple is roughly 50 feet.

Regarding questions on parking for this project; the parking standard is consistent with design guidelines. The process that was taken to create those guidelines included engaging a consultant that is an expert in mixed use developments. It was determined what would be appropriate for those areas in regards to parking. The ratio that is listed is different with downtown Salt Lake City and Salt Lake City requires less parking than Murray City. There is easy access to various types of mass transportation such as the Trax and bus routes. Good access, transit and commercial services are some of the considerations when looking at different types of developments. Therefore, this project is appropriate in keeping with the city's general plan.

Other considerations for mitigating impacts are conditions such as the traffic control device directing traffic to the south. Another condition of approval will be for Court Street to be widened because the proposal provides on-street parking. The widening of the street would come from the applicant's property, not the surrounding residents.

Mr. Wilkinson commented that he had been given a letter from the History Board Chairperson which addressed some of the concerns they had relating to the potential development.

Mr. Harland asked Mr. Soffe if they have reviewed all of the conditions for approval and if they can comply with those conditions. Mr. Soffe responded in affirmative, with the exception of widening Court Street. He stated that most of the conditions have already been addressed.

Mr. Soffe commented on the traffic engineer's report and the concerns that they had regarding installing a "pork chop" island on Court Street. He stated that larger vehicles may try to turn there and the "pork chop" island could cause an impediment.

Mr. Markham stated that based on all the information given tonight, if the project is in compliance with zoning. Mr. Harland replied that it was in compliance. Mr. Markham reiterated that the project had received approval from Staff, City Engineer and Design Review. He himself is interested in the neighborhood and understands the feelings of the public comments, but he wants to make sure that it is understood that the decisions made by the Planning Commission are based on the project meeting all of the requirements. Therefore, he feels that the Planning Commission is really charged with issuing a certificate of "compliance", rather than "appropriateness".

Mr. Black concurred with Mr. Markham's comments. He stated that he also feels that everything has been addressed with the MCCD code and meets those requirements. This project being the first of its kind in the MCCD zone creates a lot of discussion. That being said, the charge of the Planning Commission is to see that the developer meets all of those code requirements and as of this meeting, they have.

Ms. Daniels asked about condition #10 regarding compliance on specific materials and colors presented by the Design Review Committee and Planning Commission. She asked the type of materials and colors. Mr. Soffe responded that he can address materials more than colors. Colors will come further down the road. There will be a mix of metal glazing, brick and Dryvit. However, they would like to request some variation in colors so that the building could be made as attractive as possible. The structure has a flat roof with a treated cornice that has a very good street presence, mainly made of brick. Ms. Daniels asked if it is comparable to the rendering that has been submitted. Mr. Soffe responded by saying that it is in comparable.

Mr. Buchert asked Mr. Soffe if the cable railings are still going to be included as the rendering specifies. Mr. Soffe responded by saying, yes they would be, but would consist more of an iron rail.

Mr. Harland suggested that in the event this application be approved, Mr. Soffe work closely with Staff on condition #10 regarding colors that are selected. Mr. Soffe made the suggestion that his company submit a color board with samples, so that everyone knows going forward what the materials and colors will be.

Mr. Taylor asked about item #18, the raised island. He stated that he is a Traffic Operations Engineer by profession and wanted to point out that the type of raised islands that is being discussed is so small, that they end up doing almost nothing. They have a high rate of violation and there are problems with snow plows hitting it. Over a period of 5 years or so, it most likely will be all busted up. He does not concur with Staff's recommendation to include that as a condition.

Mr. Markham stated that he likes the idea of having something that prohibits large trucks being able to come from the other business area onto Center Street, Mr. Taylor stressed that the reality is, a raised island won't prohibit that movement and that a truck will just be driven over the island. Mr. Markham suggested that this issue may need to be an enforcement issue for the police. Mr. Taylor commented that if it were a "no left turn" sign, then it could be enforced.

Mr. Buchert made comment that he is confused by the issue prompting the restriction on the traffic movement. Mr. Taylor reiterated that the traffic study projected there would be 2-3 cars at the most wanting to make a left turn from Court Street onto Center Street. Mr. Harland pointed out that in the staff report it states that with the construction of a raised structure (island), this would direct traffic exiting from the site onto Vine Street rather than traveling north through the neighborhood. Mr. Taylor reiterated that a raised island will not stop traffic from turning.

Mr. Harland stated that all the minimum requirements, with the exception of parking, have been complied with.

Mr. Buchert asked about the design guidelines requiring the project scale to the existing residential. Mr. Wilkinson responded stated that there are standards for both sides of the street. Based on the 35 foot height that is allowed in the R-1-8 zoning district, Staff feels that the new project is compatible with the surrounding residential area.

Mr. Black made a motion to approve a Certificate of Appropriateness for the Oasis Apartments located at 152 East Court Avenue and 4916 South Center Street subject to the proposed conditions. Mr. Taylor requested that the motion be amended and state that condition #18 would provide prohibitive signing to restrict east bound traffic on Court Street to right turns only. Mr. Black and Mr. Buchert agreed to that request.

1. The project shall meet all requirements of the MCCD zoning district standards and all other applicable standards of the zoning ordinance.
2. The project shall meet all applicable building code standards.
3. The applicant shall provide a stamped and sealed soils report from a Geotechnical engineer when submitting for a building permit.
4. The applicant shall provide plans stamped and sealed by appropriate design professionals to include a code analysis noted on the plans.
5. The project shall meet all current fire codes.
6. A formal landscaping plan meeting the requirements of Chapter 17.68 and 17.170.160 of the Murray Municipal Code shall be submitted with the building permit for approved by the Murray City Forester and be installed as approved prior to occupancy.
7. Meet all Murray Power Department requirements.
8. Meet all requirements of the Murray Water and Sewer division.
9. A lighting plan will be required to be submitted and approved prior to building permit issuance. In accordance with the MCCD Standards, exterior lighting and parking lot lighting should be shielded and should not spill onto adjacent properties.
10. The applicant shall comply with the specific materials and colors presented for review and approval by the Design Review Committee and Planning Commission.
11. The plan shall include a total of five functional entries along Court Avenue and Center Street. Each entry shall be covered with a canopy/awning and/or recessed.
12. The applicant shall provide details on the screening of trash receptacles and any exterior mechanical equipment. Screening shall be of compatible materials with the main structure.
13. Provide street furnishings in compliance with the design guidelines.
14. Provide a minimum of four bicycle parking spaces meeting the requirements of the Code.
15. Provide the information required by the ordinance related to joint use of parking.
16. The project shall comply with the minimum parking standards of the ordinance.  
**Note:** Review of existing on-street parking in the neighborhood to the north and east by the Traffic Safety Committee may be appropriate.
17. Widen Court Avenue to accommodate two 11 foot travel lanes, on-street parking, and sidewalk.
18. Provide prohibitive signage to restrict east bound traffic on Court Ave. to right turns only onto Center. All street improvements shall meet the requirements of the City Engineer.
19. A Land Disturbance Permit will required if the area disturbed by the development is 1 acre or greater. The SWPPP will need to be in booklet form and approved prior to building permit issuance.
20. A subdivision plat or amended plat is required. An escrow bond agreement is required for all improvements in the City right-of-way.

21. Road dedication will be required on Center Street and Court Avenue.
22. Meet City engineering and drainage requirements.
23. The project shall incorporate pretreatment of all storm water run-off.
24. The existing irrigation ditch along west property boundary may need to be relocated and will require ditch company approval.
25. The asphalt surface on Court shall be resurfaced to handle the increased traffic.

Seconded by Mr. Buchert.

Mr. Harland reaffirmed the motion to approve a Certificate of Appropriateness for a 64-unit apartment mixed use building located at 152 East Court Avenue and 4916 South Center Street with conditions 1-25, amending condition #18 stating that provide prohibitive signing to restrict east bound traffic on Court Street to right turns only.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Martin Buchert  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Ray Black  
A \_\_\_\_\_ Jim Harland

Motion passed, 6-0.

OXFORD CREEK SUBDIVISION – 5786 South Erekson Lane – Project #12-08

Nick Mingo was the applicant present to represent this request. Ray Christensen reviewed the location and request of Ivory Development for preliminary subdivision approval for a single family residential development with 19 lots and Conditional Use Permit for a flag lot #118, located at the properties addressed 5785 & 5786 South Erekson Lane and 760 East Vine Street. All of the lots in Oxford Creek Subdivision comply with the lot area requirement. There applicant will need to verify the lot width on two of the lots #104 and #105 in order to comply with the minimum 80 ft. lot width at the 25 ft. setback on the curve of the setback line and if needed to adjust the subdivision plat to comply with the minimum lot width. Zoning on this property has been changed from agricultural to R-1-8 single family residential. Parcel B shown on the plan has an existing home on this property with a barn and accessory structures. There are two parcels of property that are labeled as Parcel A and C on the plans. Parcel C is a portion of property to the west that Shawn Bradley plans to purchase and tie into the Bradley Subdivision with a boundary adjustment. Parcel A is a portion of property that is planned for a boundary adjustment to tie in with a lot in the Ridge Creek Subdivision. Before final approval of the Oxford Creek Subdivision both parcel A and parcel C will need to have boundary adjustments to tie the parcels into the adjoining subdivisions. Lots #111, #114 and #115 are double frontage lots and adjoin two streets with Vine Street to the east and Erekson Lane to the west. The subdivision ordinance requires double frontage lots to comply with requirements for a solid masonry wall on the Vine Street frontage and related landscaped improvements. A detailed plan shall be submitted with the application for final subdivision approval for

the masonry wall and a landscaping/sprinkler system plan. The applicant shall provide written CC & R's for recording with the plat for a home owners association which will provide for water and maintenance of the trees and landscaping as required to meet Municipal Code 16.16.140, or the applicant provide written provision how the adjacent property owner(s) shall maintain the required landscaping. A landscaping plan will need to be submitted with the building permit for the flag lot #118 to comply with the flag lot landscaping requirement. All the dwellings shall be required to comply with the setback requirements of the R-1-8 zone. Access to the site is from Erekson Lane and Walnut Brook Drive. Based on the information presented in this report, application materials submitted and the site review, staff recommends preliminary subdivision approval and Conditional Use Permit approval for the flag lot #118 subject to conditions.

Mr. Harland asked if condition #1 would include all of the City Engineer comments and requirements. Mr. Christensen responded in the affirmative. Mr. Harland also wanted to confirm that this applicant is requesting preliminary subdivision approval for a single family residential development with 19 lots and Conditional Use Permit for a flag lot #118. Mr. Christensen responded in the affirmative.

Mr. Nick Mingo, 978 East Woodoak Lane, stated he is representing Ivory Development. He stated that two of the lots that were shown at the last re-zone hearing have been eliminated from this proposal. He stated that they will meet the conditions of approval and Ivory Development has no problem complying.

Mr. Harland wanted Mr. Mingo to reiterate that they can comply with conditions 1-8. Mr. Mingo said, "yes". Mr. Harland also wanted to make note for the record that there have been some written comments that were received in the mail. One letter in particular came from concerned neighbor, Tim Simonsen. Photos were included.

The meeting was opened for public comment.

Ms. Robyn Simonsen, 657 Walnut Brook, has been a resident of Murray for 23 years. Several years ago when the Bradley's purchased 3 acres, the neighborhood met regarding the future development of the Ivory owned acreage. She indicated that Weston Daw, who has since passed away, was a lifetime resident of Murray and home owner on Walnut Brook Drive told everyone at the meeting that the Shawn Bradley home set a precedence of future homes. If that ended up not being the case, and several homes are built with the current access, the entrances would have to come up Vine Street. There are currently 88 homes using Erekson Lane as well as 575 East for their entrance and exits. Both entrances and exits are dangerous and there has been at least one death that she is aware of at the corner of 5600 South 575 East intersection. Erekson Lane currently has no sidewalks, which makes children and cars share the road. With the additional homes, traffic will increase by at least 90 more cars, several times a day which becomes a safety problem and concern. She believes there will be 29 homes on the property as opposed to the 19 shown on the plan for the following reasons:

1. The whole property, with the exception for the portion that Forest Baker currently owns was changed from A-1 zoning to an R-1-8. She believes that

Mr. Baker would have kept his A-1 zoning for parcel B if he were going to really purchase this back.

2. The notice dated January 20, 2012, stated the meeting is for the Oxford Creek subdivision. However, with the inclusion of parcel B it is not divided into two sections. Therefore, it is not a subdivision.
3. Ivory would not have purchased the "whole piece" if there wasn't a "whole piece" as part of their master plan.
4. She believes that if there was going to be two separate parcels instead of one big parcel, Ivory Development would have used two different names. They would not name two separate parcels the same name, Oxford Creek.
5. It's easier for Ivory Development to put 19 homes on their plans using the current accesses of Ereksom Lane rather than trying to push through 29 or more homes.

Ms. Simonsen has gone around the neighborhood and gathered 94 signatures that would like to see the access come off Vine Street. She feels Ivory Development does a nice job with their developments, but also feels that they make quite a profit doing so. She would like to see the access changed for safety reasons.

Ms. Marjorie Tuckett, 5815 South Royalton Drive, stated that she lives adjacent to the proposed flag lot and has enjoyed living next to the forest for 22 years. She asked how they will access the flag lot with sewer, power and water without tearing up the existing residences. She stated that when they moved there 22 years ago, they were told that there were enough homes on the egress and there would never be any more. Their sewer line is part of Cottonwood Conservancy District, not Murray City. All the lines come up from under the creek and are pumped to a pump station at the end of Ereksom Lane. With the addition of 5 homes in her neighborhood, she has witnessed sewer back up in her front lawn. She is concerned that additional homes will create a problem.

Ms. Linda Secrist, 628 East Walnut Brook, stated she was asked by Tim Simonsen to deliver what their group has collectively come up with. She stated that they would like to see an access put in on the 500 feet of frontage that the subdivision has on Vine Street in addition to the access on Ereksom Lane. Ereksom Lane was given a variance at the time it was developed and just because there was a variance given doesn't mean that the current code can't be followed. There is no reason that children should be walking the streets without sidewalks. She says that the community is accepting of Ivory Development as the developer and is looking forward to new neighbors. All they are asking is for them to make the traffic flow in the new development safer by adding another access onto Vine Street. She stated their main points of concern:

1. Ereksom Lane comes out to a blind spot and is very unsafe. On one side there is a six foot wall and on the other there is a large pole that blocks vision. Whether you are looking from the north or south, there is a blind spot. Yet there is 500 feet of frontage on Vine Street that could provide a much safer entry/exit access.
2. For the safety, sanity and privacy of the residents they would like to make sure



that the construction traffic goes through the entrance onto Vine Street.

3. They are also concerned about the water pressure as it is in serious need of updating. Adding new homes prompts concern as to how the water will flow. How will the new development impact those homes that already experience low water pressure and where will the water come from?
4. In December's meeting they were told that flag lots would no longer be allowed as it was denied, yet there is a flag lot in these plans.

Her main point is that she would hope the ingress/egress would come off Vine Street.

Ms. Denise Winslow, 615 East 5640 South, expressed concern for safety issues with this development. She stated that the roads are small, there are no sidewalks and it is difficult for snow plows to get through. She stated that 50 % of the traffic that is going to go in and out of this new subdivision will pass by her home. In her research to try and understand traffic flow she found that a single family detached home can generate an average of 10 trips per day. Going to and from somewhere would be considered one trip. With those numbers, she sees an increase of 190 trips per day. Her request is that the developer be required to complete a traffic impact study. She would like the study completed for not only the homes in this new development, but any homes that could be developed in the future development of the subdivision. She has seen many different accidents happen at 575 East. She asked the city staff to look at the recorded accidents at 575 East, Ereksen Lane and Vine Street and take that into consideration. Through the years this parcel has changed zoning from A-1 to R-1-8. She wanted to know if there is any mitigation that should be required by the developer as a result of zone changes. She feels that with this subdivision they are losing productive land for plants and animals, so she is hoping that the layout of the subdivision and landscaping will be balanced for all to enjoy.

Mr. Merlin Densley, 5674 Shady Farms Lane, asked about an extension of 575 East and is concerned about the traffic situation that has been previously discussed on Vine as well as 5600 South. He thinks that any future buyers in this development would also want an easier access onto Vine Street directly into the development rather than going down Ereksen Lane.

Ms. Ambra Grow, 651 East 5640 South, wanted to point out two recent water main breaks. One of her concerns is that this could become more of a problem with the addition of more homes. The other concern is that Walnut Grove is very shady, rarely plowed and icy all the time. If traffic is to be routed through there, she is concerned about the street safety.

Mr. Michael Grow, 651 East 5640 South, asked why Ivory Development didn't develop the middle and back section of the parcel first and have the access road come in from Vine Street to start, rather than come in from Ereksen Lane.

Etsuko Freeman, 652 East Walnut Brook Drive, stated her objection to the development as a whole. She expressed concern about the safety issues involved with the addition of construction traffic. Her elderly mother lives on the corner and every time a construction vehicle has gone by in the past the house shakes. If there is

approval for Ivory Development to go ahead with the project, then she feels that the current residents of that area are entitled to get something out of it too. In particular, to have access go in and out of Vine Street. She would like to see some action from the government that supports the quote, "for the people, by the people, and of the people".

Mr. Dennis Schlek, 5641 South 675 East, stated that he would like to personally invite every one of the council to come out and physically drive through the neighborhood, look at the trees that turn the street to ice and look at the width of the streets. After looking at the neighborhood, he would like to know if they feel that there shouldn't be an additional access off of Vine Street.

Mr. Mingo addressed the questions and comments from the public. He stated that Ivory Development currently owns parcel B, but Mr. Forest Baker has a contract to purchase that parcel back. In short, he will be keeping the three acre parcel (parcel B) in the middle as well as the southwest side of the property. As part of the city requirements Ivory Development can't show a subdivision without including those pieces in the plat. The 19 lots that are on the plans are the total number of lots that Ivory Development will be developing. The developer does not have control over what Mr. Baker will do with the land that he has kept. That being the said, Ivory Development cannot run an access and/or road from Vine Street through the entire subdivision, because they are unable to go through Mr. Baker's property. Regarding a sidewalk, the developer will be building a sidewalk on their side of Erekson Lane. They can only build on their property. Regarding access to utilities, the developer will build a bridge to the flag lot and under that bridge they will provide the appropriate piping and conduits to carry power, gas, phone, cable, sewer and water. That will require a pump, but all utilities will be integrated onto the bridge. They will not be digging up the yards of neighbors to install the utilities. The sewer system is in the Cottonwood Improvement District and will be connecting at the lift station that is at the end of Erekson Lane. By Cottonwood Improvement District's estimation, there will be more than enough capacity there. The water line is still being looked at, but will probably have to connect to the water line on Sunny Flowers Lane at Shawn Bradley's gate. From there it will continue through the subdivision and if need be, obtain an easement from Mr. Baker to go across his property and connect back to the cul-du-sac, creating a loop which helps with the water pressure and flow. Ivory Developments engineer is working with the water department to analyze that. They have acquired an easement with Mr. Baker to build a construction access point on Vine Street. They are committed to bringing all of their construction access for as long as they can off Vine Street.

Mr. Harland asked why Ivory Development needed a flag lot. Mr. Mingo stated that the only way to utilize that portion of the property is to have a flag lot.

Mr. Harland reiterated that the property in the middle is not owned by Ivory Development, but is owned by Mr. Baker. Mr. Mingo responded by saying that that piece of property is an "option" for Mr. Baker to purchase. The documents are currently in the works in making that transaction effective.

Mr. Harland asked if the developer owns the frontage on Vine. Mr. Mingo responded

by saying that the developer does in fact own the frontage on Vine Street, just not parcel B in the middle. Mr. Harland asked why the developer couldn't make an entrance off of Vine Street. Mr. Mingo responded by saying that, it is possible, they could, but they don't feel that it is the best use of land in the long term. They have talked with the city engineer, the City is fine with the plan and they don't feel that the traffic concerns are warranted.

Mr. Christensen made note that as this project went through the review process, there was a meeting called a Planning Review meeting that has the city engineer and the other department representatives in attendance. Part of the review process is having the city engineer provide a recommendation if there is a traffic study. The traffic study is based on number trips and in order for a residential subdivision to qualify for or warrant a traffic study there must be 100 peak hour trips anticipated. With only 19 lots, it was estimated that there would be only 19 trips, falling short of the 100 trips required.

Mr. Buchert wanted to know why there are no notes in the recommendation from the water/sewer department addressing the potential changes. Mr. Christensen explained that through the review process the water and sewer department deals directly with the developer and provides their recommendations and requirements and that it is under Cottonwood Improvement Districts' jurisdiction. At that point, the developer has to meet the requirements of the water and sewer department.

Mr. Black clarified that flag lots are still allowed in the city.

Mr. Markham commented that it would be nice to see a traffic study, but based on the requirements, it is not necessary.

Mr. Taylor stressed that the challenge with a traffic study is that the result of it will be that yes, there will be an additional amount of traffic. It will not address the issue of a new sidewalk. Unfortunately it won't result in any recommendations that will be of any help.

Mr. Buchert wanted to address the question from the public regarding pedestrian safety. Mr. Wilkinson made note that there is interest from the City's perspective to install a sidewalk from the end of Ivory Developments sidewalk to the existing sidewalk at Vine Street. The challenge being there is not a city right-of-way to physically install the sidewalk at this time. A property owner(s) would have to be willing to sell that land to the City in order for the city to install a connecting sidewalk. Mr. Taylor commented that there is room for a sidewalk, but the residents are not willing to sell that land in order for a sidewalk to be built.

Mr. Harland re-opened public comment.

Mr. Merrill Johns, resident of Ereksen Lane, commented that he would like to hear the response regarding the narrowness of the Ereksen Lane and Walnut Brook. If there is a car parked on both sides of the street, there is only room for one car to drive through while another one waits. Mr. Taylor asked him if he was willing to let the City put a sidewalk adjacent to the road on his property. He responded by saying that

there is already one in front of his house. His concern is in regards to public safety on both of those roads.

Ms. Leslie Freedman, 5637 Erektion Lane, stated that there isn't even room for a mailbox or their trash cans. She thinks that to say the narrowness of those streets doesn't matter is ridiculous. She is not willing to tear down her fence to put in a sidewalk. She feels that it is the responsibility for Ivory Development and/or Mr. Baker to put in an access street off Vine Street. Erektion Lane is so narrow that when her husband had his truck parked out on the street, a car went by and knocked the mirror off. Having construction traffic going up and down the lane would not work. Mr. Taylor reiterated that there were letters sent in from residents requesting sidewalks be put in on Erektion Lane, yet no one is willing to give up land to have the City install them.

Mr. Harland closed public comment.

Mr. Harland asked if when the traffic issues were discussed, was there any thought about putting in an access off Vine Street to alleviate some of the traffic. Mr. Christensen noted that there was some discussion based on the letters that were sent in, but due to a limited number of lots and no connection between the two cul-de-sacs, there really wasn't much of a benefit to build an additional access onto Vine Street.

Mr. Buchert asked if the Forest Baker parcel in the center of the property is sub-divided, will an access road be needed to connect to Vine Street. Mr. Christensen stated that for the new sub-division, there is no requirement by the City Engineer that there be an additional access road to Vine Street, because the lots can tie onto the existing cul-de-sacs.

Mr. Harland made a strong recommendation to the developer to consider an access onto Vine Street as he also has concerns about traffic safety. Mr. Buchert agreed with that statement.

Mr. Mingo reiterated that according to the City Engineer, all the traffic requirements have been met and an access onto Vine Street is not warranted. Requiring Ivory Development to do something based on the surrounding residents feelings is different than doing something based on recommendations and requirements from experts.

Ms. Daniels made a motion to approve the preliminary approval of Oxford Creek Subdivision and a Conditional Use Permit approval for a flag lot, lot #118, at the properties addressed 5785 and 5786 South Erektion Lane and 760 East Vine Street subject to the following conditions:

1. The City Engineer noted the following engineering comments and requirements:
  - a) Road dedication is required from Shawn Bradley.
  - b) If parcels A and C are going to be added to other subdivisions, they should be excluded from the Oxford Creek Subdivision, and handled as plat amendments or boundary adjustments to the respective subdivisions.

- c) State and County permits are required for the bridge to Lot #118 and for all new storm water discharges to Little Cottonwood Creek.
  - d) Comply with Murray City subdivision, engineering and drainage requirements.
  - e) Escrow Security bond is required for all dedicated improvements.
  - f) Existing irrigation ditches may need to be relocated and piped and will require irrigation ditch company approval.
  - g) Sunny Flowers Lane from Walnut Brook Drive to the cul-de-sac will need to be renamed. The lane to Shawn Bradley's home will retain the Sunny Flowers Lane name.
  - h) A Land Disturbance Permit is required prior to beginning any site construction work.
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 project shall meet all current fire codes.
5. A landscaping plan shall be submitted with the building permit for the flag lot #118 to comply with the flag lot landscaping requirements.
6. Before final approval of the Oxford Creek Subdivision both parcels A and Parcel C will need to have boundary adjustments to tie the parcels into the adjoining subdivisions.
7. The double frontage lots #111, #114 and #115 shall comply with the Subdivision Ordinance requirements for a solid masonry wall on the Vine Street frontage and related landscaped improvements. A detailed plan shall be submitted with the application for final subdivision approval for the masonry wall, a landscaping/sprinkler system plan. The applicant shall create a home owners association with CC&R's which will provide for long term water and maintenance of the trees and landscaping as required to meet Municipal Code 16.16.140 or the applicant provide written provision how the adjacent property owner(s) shall maintain the required landscaping.
8. The applicant will need to verify the lot width on two of the lots #104 and #105 to comply with a minimum 80 ft. lot width at the 25 ft. setback on the curve of the setback line and if needed to adjust the subdivision plat to comply with the minimum lot width with the final subdivision plat.

Seconded by Mr. Taylor.

Mr. Buchert stated that Mr. Mingo's point is well taken, but he still questions pedestrian and traffic issues. Outside of the control of the developer and the findings of the City Engineer, the reasoning to not require an access onto Vine Street seems short sighted on the side of the City.

Mr. Harland asked Mr. G.L. Critchfield, Deputy City Attorney, what authority the Planning Commission has to making modifications to this preliminary subdivision plat. Mr. Critchfield stated that when you talk about "findings", you are talking about what has been presented to factually be convincing. As an example, if the City Engineer has made a recommendation that the plans are fine the way they are, then there has to be more presented on the opposition's side than was presented at this meeting as to why the developer should have to change that.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Martin Buchert  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Ray Black  
A \_\_\_\_\_ Jim Harland

Motion passed, 6-0.

#### OTHER BUSINESS

Mr. Wilkinson mentioned that they were still looking for one more commissioners to fill the last spot. In addition the City would like to hold a "Planning Commission Retreat" at the Public Services Building conference room (4646 South 500 West) to provide some training on Thursday, March 8, 2012 after hours sometime around 6:00pm, preferably on a non-commission day.

Mr. Critchfield further commented on the Oxford Creek subdivision item, that he was under impression that the developer does not have control of that section right now. If the City starts to require the developer to build across a section they don't have control over, the City can get sued. Typically you can't bring property that's not in the application into the discussion. What you see in front of you is what you have to make the decision on. Mr. Wilkinson reiterated that the City Planners do have an obligation when someone is proposing a development to research the area for traffic safety, etc. Mr. Markham asked if there could more comment from Staff on some of these issues as he does not feel comfortable with blanket statements. Mr. Wilkinson made note that Staff does get comments and feedback from all departments involved and all requirement have been met. Sometimes bringing in too much detail into the decision leads to the use of discretion, but most of the time the decisions need to be based on the facts.

Mr. Harland indicated that in the beginning of the meeting he was confused as to whether or not parcel B was owned by Ivory Development or Mr. Baker, but either way what happens to that parcel is irrelevant at this meeting. Mr. Markham pointed out that the decision that they had to make tonight was solely based on the plans presented.

Mr. Taylor wanted to point out that he understands the concern the residents have when it comes to public safety. It seems that one minute they were talking about an

additional access road being put in and the next they were talking about making Ivory Development add sidewalks the length of Erikson Lane. However, when he asked the residents if they were willing to give up some of their land for a sidewalk to be installed, they all refused.

Mr. Markham said that just because someone lives somewhere for 30 years doesn't mean they have the right to dictate if someone else can develop a property. He said that after the meeting there was a gentleman next to him that started to argue about the narrow access on Erikson Lane. Mr. Markham explained to him that the residents of that area have been using this narrow street for many years, yet this is the first time the Planning Commission has heard any complaints about it. Why not 20 years ago? The man replied, "good point". Mr. Markham responded by saying that if it's so dangerous then give us some land and let us widen it. Mr. Harland feels that the discussion with the commission members was healthy and everyone participated and contributed.

Mr. Harland wanted to be on the record by saying that he wanted to thank both Mr. Taylor and Ms. Daniels during their last year as Chair and Vice-Chair and for a job well done.

Meeting adjourned.

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Chad Wilkinson, Manager  
Community & Economic Development