

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

Present: Karen Daniels, Vice-Chair
Tim Taylor
Ray Black
Phil Markham
Vicki Mackay
Scot Woodbury
Chad Wilkinson, Division Manager
Ray Christensen, Senior Planner
G.L. Critchfield, City Attorney
Citizens

Excused: Jim Harland, Chair

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

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

APPROVAL OF MINUTES

Ms. Daniels asked for additions or corrections to the minutes for both August 2, 2012 and August 16, 2012. Mr. Taylor made note that changes need to be made for the minutes of August 2, 2012 on page 5, paragraph 3. The second and last sentence should read "park strip" instead of "residential" park strip. In the August 16, 2012 minutes, page 2, first sentence in paragraph 2 should read "Mr. Tingey" not "Mr. Taylor". Ms. Mackay made a motion to approve the minutes for both August 2, 2012 and August 16, 2012 as amended. Mr. Black seconded the motion.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the August 16, 2012 Findings of Fact for a Conditional Use Permit for John's Place PUD, Blade Finish Carpentry, VM Nutritional Inc., Avonlea Apartments and Scott Van Leeuwen. Seconded by Mr. Woodbury.

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

SEASTONE CABINETS – 5934 South 350 West – Project # 12-103

Carlos Espinoza was the applicant present to represent this request. Chad Wilkinson reviewed the request and location and request for Conditional Use Permit approval for a stone fabrication business at the property addressed 5934 South 350 West. The business will occupy an existing office/warehouse facility at this location. Municipal Code Ordinance 17.152.030 allows stone fabrication in the M-G-C zoning district

subject to Conditional Use Permit approval. The use requires four (4) parking spaces on site based on the size of the building (2,900 square feet). Parking for manufacturing uses is calculated at a rate of one (1) space per 750 square feet for manufacturing areas and four (4) spaces per 1,000 square feet for office areas. There is 900 square feet of space, and per the site plan there is no office space on site. The 900 square feet of warehouse space requires two (2) parking spaces. The landscaping complies with the current landscaping code. Access to the property is off of the 350 West. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Carlos Espinoza, 5934 South 350 West stated that he will be able to comply with the 6 conditions set forth by staff.

Mr. Black asked Mr. Espinoza if they will be doing the fabricating of the granite at this location and if the stone will be stored inside or outside. Mr. Espinoza stated that he will be cutting the stone indoors and every now and then there will be some fabrication done. Mr. Espinoza stated that all storage will be inside.

Mr. Markham asked Mr. Espinoza if he has applied for a plumbing permit for the sand trap. Mr. Espinoza responded that he has not applied for that permit as of yet. Mr. Markham reiterated that in order to open up this business in that location, he must obtain a plumbing permit and have the sand trap meet city code.

Mr. Black asked how they will be controlling any dust generated with this business. Mr. Espinoza stated that he uses water, therefore there is no dust.

Mr. Salem, 777 East South Temple is an additional applicant for Seastone Cabinets, LLC. Ms. Daniels asked Mr. Salem if he has had a chance to review the conditions. Mr. Salem responded that he has not reviewed the conditions. He then reviewed the conditions and stated they would be able to meet all standards.

The meeting was opened for public comment. No comments were made by the public and the public comment period was closed.

Mr. Black made a motion to approve a Conditional Use Permit for Seastone Cabinets, a stone fabrication business at the property addressed 5934 South 350 West, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. A plumbing permit will be required to insure sand trap meets current code.
4. The project shall meet all Sewer and Water Department standards.
5. The four (4) parking stall required for the business shall be striped according to city requirements, and the one (1) ADA parking stall required for the site

shall be installed.

6. The trash container shall be screened as required by Section 17.76.170.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Christensen.

A _____ Tim Taylor

A _____ Karen Daniels

A _____ Ray Black

A _____ Phil Markham

A _____ Vicki Mackay

A _____ Scot Woodbury

Motion passed, 6-0.

MEDISTAR CORPORATION – 4252 South Birkhill Blvd – Project # 12-05

Julie Berreth was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit Amendment in order to modify the approved site plan to eliminate some of the sidewalks in the parking lot area. The request would modify the original approval for a long term acute care facility currently under construction. The Murray Planning Commission approved a Conditional Use Permit and site plan for the 49-bed long-term acute care facility on November 6, 2011 that will provide 24-hour skilled nursing care to patients. Municipal Code Ordinance 17.168.050 allows for a long term care facility within the TOD zoning district subject to Conditional Use Permit approval. The project is currently in process of construction. The applicant is requesting an amendment to the approved site plans to eliminate some of the sidewalks in the parking lot area relating to the conditional use permit previously approved for a long-term acute care facility. The previous plan showed sidewalks in landscaped islands in the parking lot area and adjoining a future parking lot area. Section 17.168.120 of the TOD ordinance requires that "Each parcel shall have a system of pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, sidewalks, parking areas, open space and public trails." The new plan eliminates some of the sidewalks, but there appears to be adequate sidewalks remaining from the parking lot to the building to meet the needs of pedestrians. If the parking lot is expanded in the future, additional sidewalk may be required. Additionally, the applicant has provided several walkways, and entry plaza and patio. 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. As a tradeoff for eliminating some of the sidewalks, staff is recommending that additional trees, shrubs and vegetation be installed at the areas where the sidewalks are removed and a new landscaping plan be submitted with the building permit. Access is proposed via 3 driveways on Gilbride Avenue. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the proposed site plan change subject to conditions.

Ms. Daniels asked Mr. Christensen if the 17 conditions that were on the original Conditional Use Permit are still in force. Mr. Christensen responded in the affirmative.

Julie Berreth, 2505 Parley's Way, stated is with Architectural Nexus and is representing the applicant. Ms. Berreth stated that the location of the sidewalks looks good on a plan, but in reality they won't be used and she feels the landscaping will be of greater benefit to the overall site.

Ms. Daniels asked if they will be able to comply with the one condition recommended by staff. Ms. Berreth responded in the affirmative. Ms. Berreth asked where they should submit their revised landscape plans. Staff indicated that the revised landscape plans should be submitted to the building division using the same building permit which is currently under review.

The meeting was opened for public comment. No comments were made by the public and the public comment period was closed.

Mr. Taylor made a motion to approve a Conditional Use Permit Amendment for the modified site plan change for Medistar located at 4252 South Birkhill Blvd., subject to the one condition:

1. The applicant shall provide revised site plans and landscaping plans for inclusion with the approved building permit set. Additional trees, shrubs and vegetation shall be installed in the areas where the sidewalks are removed. The approved landscaping shall be installed as approved prior to occupancy.

Mr. Woodbury seconded the motion.

Call vote recorded by Mr. Christensen.

A _____ Tim Taylor
A _____ Karen Daniels
A _____ Ray Black
A _____ Phil Markham
A _____ Vicki Mackay
A _____ Scot Woodbury

Motion passed, 6-0.

D. RUSSELL CONSTRUCTION – 4195 South 500 West #65 – Project # 12-106

Dennis Russell was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a contract construction business for the property addressed 4195 South 500 West #62. The applicant has indicated that the site will mainly be used for storage with occasional woodworking. Municipal Code Ordinance 17.152.030 allows contract construction in the M-G-C zoning district subject to Conditional Use Permit approval. The floor area of unit #62 is 900 square feet and the zoning code required 1 space for every 750

square feet for warehouse, therefore the unit will be required to have two (2) spaces including one (1) ADA parking space on site. The landscaping complies with the current landscaping code. Access to the property is off of the 500 West. Murray City does not provide water service to this area of the city. The Building Official requested that the applicant provide building plans for review and approval. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Dennis Russell, 3212 Majestic Drive, stated he did not have any comments to add.

Mr. Markham asked Mr. Russell if he will be storing anything outside the facility. Mr. Russell stated that all of the equipment and materials will be kept inside.

The meeting was opened for public comment. No comments were made by the public and the public comment period was closed.

Mr. Markham made a motion to approve the Conditional Use Permit for D. Russell Construction at the property addressed 4195 South 500 West #62, subject to the following conditions:

1. The project shall meet all applicable building code standards. Provide building plans for review and approval.
2. The project shall meet all current fire codes.
3. The trash container shall be screened as required by Section 17.76.170.
4. The property shall maintain existing parking including all ADA spaces.

Ms. Mackay seconded the motion.

Call vote recorded by Mr. Christensen.

A _____ Tim Taylor

A _____ Karen Daniels

A _____ Ray Black

A _____ Phil Markham

A _____ Vicki Mackay

A _____ Scot Woodbury

Motion passed, 6-0.

PURE WORKOUT – 5946 South 300 West – Project #12-109

Aaron Dokos was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use Permit for a gymnasium and athletic club at the property addressed 5946 South 300 West. Municipal Code Ordinance 17.152.030 allows gymnasiums, athletic clubs, and body building studios in the M-G-C zoning district subject to Conditional Use Permit approval. The property is

an existing office/warehouse facility that houses a number of businesses in the same building. The business has been operating prior to approval of a Conditional Use Permit. The City has received complaints from adjacent businesses related to parking and use of the parking lot for gym related activities. The property has 3,450 square feet of floor area and the applicant has indicated that there are 5 parking spaces available for his use on site. The parking generation manual from the Institute of Traffic Engineers calculates that average parking demand for a Health/Fitness club during a weekday is 5 vehicles per 1,000 square feet. At this rate the gym will be required to have a minimum of 18 parking spaces. The applicant has indicated that they will have a maximum of 15 customers on site at any given time. Murray City zoning code section 17.72 does not define the number of parking stalls that this type of business requires, however the number of customers anticipated is consistent with the demand described in the ITE manual. Section 17.72.070 gives discretion to the Planning Commission when the specific use is undefined in regards to parking requirements. Therefore, based on analysis of similar uses, staff recommends a minimum of 18 parking spaces for the gym use. The Code allows for shared parking, subject to planning commission approval, if the parking is located within 200 feet of the parcel to be served. The applicant has provided a letter from Towers Plumbing to the west indicating that they are willing to allow for use of up to 15 parking spaces during the hours of operation for the gym. Should the agreement be revoked for any reason in the future, the applicant will need to provide for off street parking in another location. Customers of the gym will need to use these parking spaces and not the spaces of other adjoining businesses. In addition, it has been brought to staff's attention that there has been outdoor use of the property for workout operations in conjunction with the business. The setup of the location, including the parking and other characteristics of the site does not provide adequate room outside of the building to conduct workouts without interfering with adjoining businesses. Upon review in the business licensing department, it was found that the business was operating without a business license. In order to continue operations penalty fees will need to be paid in addition to the business license renewal fee. The landscaping complies with the current landscaping code. Access to the property is off of the 300 west. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Ms. Daniels asked for clarification as to how the parking agreement would work and if another business came into the Pure Workout location, would the new tenant need to renew a parking agreement with another business. Mr. Wilkinson responded in the affirmative, stating that if the same type of business came in, they would need to have some type of agreement with a neighboring business to provide the adequate amount of parking needed.

Mr. Woodbury asked if the enforcement of the parking would be left up to Pure Workout. Mr. Wilkinson stated that the applicant would be the first enforcer, and the other businesses have the option to call the city if there is an issue with parking.

Mr. Black stated that the commission members received a letter from one of the adjoining businesses stating the problems their business has experienced with Pure Workout's clients parking in their spaces. Mr. Black asked Mr. Wilkinson if he has addressed this problem with the applicant. Mr. Wilkinson stated that staff has talked

to the applicant regarding some of the issues stated in the letter, and the recommended conditions of approval are meant to address those issues. For the record Mr. Wilkinson stated there was a letter submitted September 6, 2012 from Tim Erickson, owner of Viking V-Twin, a neighboring business owner expressing concerns.

Ms. Daniels stated the commission also received a letter from Ken Barker representing the Hostess Corporate Office stating they were not opposed to the application for the Conditional Use Permit.

Aaron Dokos, 5946 South 300 West, stated he is the owner of Pure Workout. Mr. Dokos stated that he has talked with the city on the phone and Mr. Erickson, owner of Viking V-Twin. He stated that his business has put up signs and the parking issues have diminished. Mr. Dokos also mentioned that since being asked by Mr. Erickson to stop doing workouts in the parking lot, they have stopped the larger workouts outside. His business lets the clients go outside to run, but other than that all workouts are done inside the building.

Ms. Daniels asked Mr. Dokos if he has reviewed the six conditions and is willing to comply. Mr. Dokos responded in the affirmative.

Mr. Woodbury asked how many clients Pure Workout currently has and if they anticipate future growth. Mr. Dokos stated they have 100 clients on the books, but that as they start growing they will keep their classes to 15 people per class. Classes run for approximately 45 minutes. Mr. Dokos stated that their classes run from 5 a.m.-8 a.m. and 5 p.m.-8 p.m. He stated that the owner of Towers Plumbing has agreed to let them use their parking spaces during those hours.

Mr. Black asked if his unit is vacant during the day or if there is any other business operating during the day in this unit. Mr. Dokos responded in the affirmative. He stated that his wife will be working as a massage therapist during the daytime and that she has only one client come at a time. She conducts business out of that location 2-3 hours out of the day.

Mr. Woodbury asked Mr. Dokos how long he has the agreement with Towers Plumbing. Mr. Dokos responded that his parking agreement started recently when the city told them they needed to get an exclusive parking agreement from the property owner, rather than from just a tenant such as Hostess. Mr. Woodbury asked if Mr. Dokos clients have been parking in those designated spaces. Mr. Dokos responded that he was waiting to see what was going to happen at this meeting and if he needs to start enforcing the parking situation, he will do so.

Mr. Woodbury asked Mr. Dokos how he plans to enforce the parking situation for his clients. Mr. Dokos stated that the neighboring business that has had complaints about the parking has put up no parking signs.

The meeting was opened for public comment.

Tim Erickson, 15 West Creek Drive, is the owner of Viking V-Twin and is the

neighboring business that submitted the letter of concern. He stated that Pure Workout has been a nuisance since they moved in. He stated that he is a very cordial neighbor, but was forced to put up no parking signs and forced to enforce the parking issues. Mr. Erickson stated that in the beginning he talked to Mr. Dokos to try and nip the parking situation in the bud. He stated that he is allotted 5 parking spaces for his motorcycle repair business and would like to have those spaces in front of his business available for clients. Mr. Erickson made note that he feels Mr. Dokos has a great business, it's just not the venue for that type of business. Some of Mr. Dokos clients are parking in front of the building, making it inaccessible to park in the designated parking spots. Mr. Erickson has talked to the landlord and was told to tow the vehicles that are in violation. He stated that in order to enforce the no parking in front of his business, he would be towing all day long. Mr. Erickson stated that he set up an appointment with Spencer Knight of Knight Realty along with Mr. Dokos and a tow truck driver to discuss the issues, but five minutes before the meeting Mr. Dokos called to cancel. Mr. Erickson's landlord told Mr. Erickson to just tow any cars that are parked in his spots. Mr. Erickson's argument is that he needs to be working not babysitting the parking issues in front of his business. Mr. Erickson stated that he started to put post-it notes on the cars letting the car owners know that they are not allowed to park there or they will get towed. After getting one of those notes, Mr. Dokos clients came into Mr. Erickson's shop and confronted him. The owner of the car crumpled up the note, used some profanity and threw the paper at Mr. Erickson and told him never to touch his car again. At that point Mr. Erickson called the Murray Police. Officer Scott Brummer responded to the call and clearly stated that this is a parking violation. Officer Brummer then turned the issue over to Dave Rowland who is a Murray City Code Enforcement Officer. Mr. Erickson stated that there is a landscaper that comes in after hours that has pulled his trailers in the lot afterhours to do his work and been blocked in. There have been Wonder Bread trucks that have tried to pull into the delivery area of Hostess business, but had to maneuver around the cars of Mr. Dokos clients. Mr. Erickson stated that the Wonder Bread truck driver has told him that the owner of that car told him, if he ever came that close to his car again, he would rip his head off. Mr. Erickson realizes that this is all hearsay, but the driver could not be at the meeting. In addition the applicant has boxes and tires stacked outside of his unit. There are three employees and five spots. Mr. Erickson stated that Mr. Dokos's wife is also doing massage out of the space and the landlord is unaware of.

Kevin Collotzi, 5950 South 300 West, stated he is a neighboring business. His main concern is the parking, and that the Pure Workout clients are working out in the parking lot and related safety issues. Mr. Collotzi stated that he has witnessed the clients of the gym in the parking lot running wind sprints at 6:00 a.m. while his business is loading trucks. He stated that Pure Workout's business is a good business and as long as the parking is taken care of, and they keep their clients inside the gym, he doesn't have a problem. Mr. Collotzi is mostly concerned with someone getting hurt in the parking lot.

Ms. Daniels asked Mr. Dokos how he plans on addressing his clientele regarding the parking issues as well as working out in the parking lot and attitude towards the neighboring businesses. Mr. Dokos responded by stating that his clients have seen how Mr. Erickson has treated the Pure Workout staff as well as how his staff has

treated Mr. Erickson. Mr. Dokos stated that the landlord addressed himself as well as his clients to not talk directly with Mr. Erickson or it will be grounds for Pure Workout to be kicked out. When it comes to his clients, he will do his best to inform his clients not to talk to or respond to Mr. Erickson. Mr. Dokos indirectly knows the manager at the Hostess facility and he has not received any complaints from them. As far as parking goes, he will have his clients and staff park in the Towers Plumbing spaces and leave the 5 spaces in front of the business open. Mr. Dokos stated that his clients haven't parked in front of the building in over a month, but he will be out there with parking cones and lights if that is what it takes. As far as unloading materials into his unit, he will use the roll up doors that are provided for that purpose. Mr. Dokos stated that he will have his clients run on the sidewalk and avoid the parking lot. He stated that since Mr. Erickson posted his five no parking signs, the violations have been drastically reduced. The only client he has seen violating the parking is actually a friend of Mr. Erickson and has been told by Mr. Dokos not to park there, but that client responded by stating Mr. Erickson indicated it was fine for him to park there.

Mr. Markham wanted to know what makes this an ideal location for Pure Workout to conduct business. Mr. Dokos stated that during the winter it is great to have an open space. Size and the cost of rent are the key factors.

Mr. Woodbury asked how long he has been in that location. Mr. Dokos stated that they started doing demolition of August 2011. The reason they didn't have a business license for the current location is because they had their business license at their other location which was only a block away. Mr. Dokos asked his landlord, Mr. Knight if he needed to renew his business license at this new location. Mr. Knight told Mr. Dokos that since he just recently renewed his license at the old address, he would probably be okay, but in hindsight he should have checked on that himself. He stated that he was unaware that he needed to obtain a Conditional Use Permit because at his prior location a block away he did not have to have one.

Ms. Daniels asked Mr. Dokos if his clients are still running wind sprints in the parking lot. Mr. Dokos stated that the last time was about a month ago, but he will make sure it doesn't happen again.

Mr. Woodbury asked if he had any parking issues at his previous place of business. Mr. Erickson responded that he has not had prior parking issues.

Ms. Mackay asked if he has considered putting a sign up himself directing clients to the appropriate parking area. Mr. Dokos stated now that Towers Plumbing has agreed to let his client's park in their spaces, he will likely put some up.

Mr. Black asked Mr. Dokos if he is indeed going to put up parking signs. Mr. Dokos responded in the affirmative and stated that he has a client in the process of making them. Mr. Black commented that it might be a good idea to also have a sign inside the building as a reminder. Mr. Dokos stated that currently he has several signs up telling his clients not to park in front of Mr. Erickson's business as well as noting the parking rules on his website. Mr. Black stated that two small businesses in the same area trying to sabotage each other is not the best idea. It would seem to make sense that two adult business owners could sit down and work this out in a relatively short

time and is far better than the next step which would be involving attorneys.

Mr. Woodbury asked Mr. Dokos if he ever has clients there past 8 a.m. Mr. Dokos responded that he does not have clients past 8 a.m. Mr. Woodbury asked what the hours of business are for Mr. Erickson and Mr. Collotzi. Mr. Erickson responded that his hours are 8 a.m.-6 p.m. Mr. Woodbury asked when most of the parking violations are happening. Mr. Erickson stated that it has been going on since they opened and escalating since then. He feels that through all the talks he's had with Mr. Dokos and the work he has done with code enforcement, very little has been accomplished. Mr. Collotzi stated that his business is open from 6 a.m.-5:30 p.m. and mostly consists of employees using the parking spaces not customers. He doesn't really experience any of the parking violations. His main concern is the safety of Pure Workout's clients working out in the parking lot.

The public comment portion of the meeting was closed.

Mr. Taylor made a motion to approve a Conditional Use Permit for Pure Workout, a gymnasium/athletic facility at the property addressed 5946 South 300 West, subject to the following conditions

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The trash container shall be screened as required by Section 17.76.170.
4. The applicant shall provide 18 parking stalls on site including one handicap ADA accessible parking stall or shall provide evidence of a parking agreement showing exclusive use of parking spaces needed to meet the minimum requirement of 18 off street parking spaces. Off street parking shall be available for use during the hours that Pure Workout has customers on site.
5. All elements of business operations/classes include no physical activity outside of the building and are conducted only inside the building.
6. The business will be responsible for paying a penalty fee for operating without a license.

Ms. Mackay seconded the motion.

Call vote recorded by Mr. Christensen.

A _____ Tim Taylor
A _____ Karen Daniels
A _____ Ray Black
N _____ Phil Markham
A _____ Vicki Mackay
N _____ Scot Woodbury

Motion passed, 4-2. The two Nay votes are Mr. Markham and Mr. Woodbury.

G.L. Critchfield, Murray City Deputy Attorney, commented that there is still a question open on condition #5 as to whether outdoor running is considered an activity and/or operation of the business.

Ms. Daniels re-opened the discussion pertaining to condition #5.

Mr. Wilkinson made note that the intention with condition #5 is that there be no gym related physical activity outside the facility, because of the conflicts that have come about. Mr. Black made note that his vote of "yes" was based on that intent. Ms. Daniels reiterated that condition #5 needs to read, "Business operations include no physical activity outside of the building". Mr. Wilkinson stated that there should be a re-vote.

Mr. Taylor withdrew the first motion and made a new motion to approve a Conditional Use Permit for Pure Workout, a gymnasium/athletic facility at the property addressed 5946 South 300 West, subject to conditions 1-6. Making note that in condition #5 all elements of operations/classes will take place inside the building.

Ms. Mackay seconded the motion.

Call vote recorded by Mr. Christensen.

A _____ Tim Taylor
A _____ Karen Daniels
A _____ Ray Black
N _____ Phil Markham
A _____ Vicki Mackay
N _____ Scot Woodbury

Motion passed, 4-2.

BIRKHILL APARTMENTS – 16 East Gilbride Avenue – Project #12-115

Hooper Knowlton was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use Permit approval allowing two access gates for a proposed swimming pool. Municipal Code Ordinance 17.76.160 allows swimming pools with two gates within the TOD zoning district subject to Conditional Use Permit approval. The zoning regulations allow one gate access for each swimming pool, unless the Planning Commission approves a second gate. The Murray Building Department has informed the applicant that International Building Code requires two access gates for the swimming pool based on the requirements of occupant exit codes and numbers of occupants using the swimming pools. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Hooper Knowlton, 1445 Canterbury Drive, stated that he works for Parley's Partners and is representing this application. He stated that the city code is misguided and

should be changed regarding the swimming pool gate issue. He stated that the pool area will accommodate up to 56 people. He explained that if the pool area for the fencing was smaller by 4 feet it would only accommodate 50 people; therefore one gate would be sufficient. He explained that the plans that were submitted show two gates, but at that time they were unaware they had to have a Conditional Use Permit to put in the second gate. He stated that both gates will be compliant with security access into the pool.

The meeting was opened for public comment. No comments were made by the public and the public comment period was closed.

Mr. Woodbury made a motion to approve a Conditional Use Permit for a second access gate for a swimming pool on the property addressed 16 East Gilbride Avenue, subject to the following conditions

1. The project shall meet all applicable building code standards for swimming pools.
2. The project shall meet all current fire codes.
3. The project shall comply with Municipal Code 17.76.160 for swimming pools.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Christensen.

A ___ Tim Taylor
A ___ Karen Daniels
A ___ Ray Black
A ___ Phil Markham
A ___ Vicki Mackay
A ___ Scot Woodbury

Motion passed, 6-0.

OAKWOOD 900 SUBDIVISION AMENDMENT – 5480 & 5520 South 900 East –
Project 12-107

Brian Adams was the applicant present to represent this request. Ray Christensen reviewed the location and request of Oakwood 900 Partners, LLC for subdivision approval to amend Oakwood 900 Subdivision to create a new lot at the northwest side of the property addressed 848 East Woodoak Lane. The existing parcel is addressed 5480 South 900 East. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. The applicant plans to sell the new lot. The applicant stated the parking stalls and drive accesses will be shared between the parcels of property at this location. The applicant will need to provide an amended CC&R's document for the shared parking and access on the site. The existing buildings comply with the zoning setback requirements for the C-D-C zone. The existing landscaping complies

with the zoning ordinance requirements at the time of approval of the commercial development. Access to the site is from Woodoak Lane and 900 East Street. The city engineer has not made a condition to require installation of a sidewalk, however; based upon further review it may become necessary. Based on the information presented in this report, application materials submitted and the site review, staff recommends the planning commission send a recommendation of subdivision approval to the Mayor subject to conditions.

Brian Adams, 655 East 4500 South, stated he is with the engineering and surveying company that put this proposal together. Ms. Daniels asked if his client has had a chance to go over the 6 conditions and would they be able to comply. Mr. Adams responded in the affirmative.

The meeting was opened for public comment. No comments were made by the public and the public comment period was closed.

Mr. Markham made a motion to send a recommendation of approval to the Mayor for the subdivision amendment for the Oakwood 900 Subdivision to create a new lot at the northwest side of the property addressed 848 East Woodoak Lane (existing parcel is addressed 5480 South 900 East), subject to the following conditions:

1. Comply with the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office.
2. Upon receiving Planning Commission approval, the plat must be updated with the required Planning Commission comments and resubmitted to the Engineering Department for final review.
3. Show utility easements on all of the lots to comply with Murray City utility company requirements.
4. The project shall meet all applicable building and fire code standards.
5. Provide site plans showing existing buildings in relationship to new property lines.
6. Before the subdivision plat is recorded, the applicant shall submit to the Community Development office a copy of the amended CC&R's document for review and approval, for the shared parking and drive assesses on the properties.

Mr. Woodbury seconded the motion.

Call vote recorded by Mr. Christensen.

A _____ Tim Taylor

A _____ Karen Daniels

A _____ Ray Black

A _____ Phil Markham

A _____ Vicki Mackay

A _____ Scot Woodbury

Motion passed, 6-0.

BRADLEY SUBDIVISION AMENDMENT – 606 East Sunny Flowers Lane & 5788
Oxford Hollow Court – Project # 12-108

Shawn Bradley was the applicant present to represent this request. Ray Christensen reviewed the location and request for preliminary and final approval for an amendment to combine lot #101 in the Oxford Creek Subdivision into the Bradley Subdivision. Mr. Christensen stated that the properties are addressed 606 East Sunny Flowers Lane and 5788 South Oxford Hollow Court. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. The applicant purchased lot #101 of the Oxford Creek Subdivision and constructed a sports court on the lot. The applicant applied to the Board of Adjustment for a variance on Lot #101 Oxford Creek Subdivision and was approved for a variance to locate the sports court in the front yard area on the Bradley property subject to combining this lot into the Bradley Subdivision. The Bradley Subdivision has a portion of the property zoned A-1 (agriculture) and the east area is zoned R-1-8 (single family residential). The dwelling on the lot complies with the setback requirements. A variance was approved for the location of the sports court. The properties will need to comply with landscaping regulations found in Municipal Code Section 17.68. The properties will be accessed from Sunny Flowers Lane and Oxford Hollow Court. Based on the information presented in this report, application materials submitted and the site review, staff recommends the planning commission send a recommendation of approval to the Mayor for preliminary and final subdivision approval subject to conditions.

Ms. Daniels asked by combining the two subdivision lots (A-1 and R-1-8) will the zoning have to change. Mr. Christensen responded that Mr. Bradley will not be required to change the zoning and part of his property will be zoned A-1 and part will be zoned R-1-8.

Mr. Shawn Bradley, 606 East Sunny Flowers Lane, stated that he has not had a chance to look over the conditions. A moment was taken while Mr. Bradley read over the conditions. After reading over the conditions, Mr. Bradley stated that he would be able to meet all six conditions.

The meeting was opened for public comment. No comments were made by the public and the public comment period was closed.

Mr. Black made a motion to send a positive recommendation to the Mayor for a preliminary and final approval for an amendment to combine lot #101 in the Oxford Creek Subdivision into the Bradley Subdivision at the properties addressed 606 East Sunny Flowers Lane and 5788 South Oxford Hollow Court, subject to the following conditions:

1. Comply with the requirements of the Murray City Engineer for the recording of

the plat at the Salt Lake County Recorder's Office.

2. Comply with the City Engineer's requirements for grading/drainage, utility plans and comply with subdivision regulations.
3. Upon receiving Planning Commission approval, the plat must be updated to include Planning Commission comments and resubmitted to the Engineering Department for final review.
4. Show utility easements on the property to meet the subdivision ordinance regulations.
5. The property shall meet applicable building code standards for structures on the property.
6. Comply with Murray Fire Department requirements, Murray Water & Sewer, and Murray Power Department requirements.

Mr. Markham seconded the motion.

Call vote recorded by Mr. Christensen.

A _____ Tim Taylor
A _____ Karen Daniels
A _____ Ray Black
A _____ Phil Markham
A _____ Vicki Mackay
A _____ Scot Woodbury

Motion passed, 6-0.

OTHER BUSINESS:

Mr. Wilkinson made note there were no applications submitted for the meeting on September 20, 2012; therefore the meeting will be canceled.

Ms. Mackay made mention that she will need to be excused for the October 4, 2012 meeting.

Mr. Markham made a suggestion to rotate the order of the "call vote" for upcoming meetings.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development