

Minutes of the Planning Commission meeting held on Thursday, August 16, 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
Phil Markham
Vicki Mackay
Tim Tingey, Administrative & Development Services Director
Ray Christensen, Senior Planner
Joshua Beach, Assistant Planner
G.L. Critchfield, City Attorney
Citizens

Excused: Ray Black
Scott Woodbury

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 July 19, 2012. Ms. Daniels made a motion to approve the minutes of July 19, 2012 as written. Mr. Taylor seconded the motion.

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

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Taylor made a motion to approve the Findings of Fact for a Conditional Use Permit for P.S. Auto. Seconded by Ms. Daniels.

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

AVONLEA – 639 & 643 East Vine Street – Project #12-95

Reid Dickson of Infinity Consultants was the applicant present to represent this request. Tim Tingey reviewed the location and request for Conditional Use Permit approval for a nine unit apartment development for the properties addressed 639 and 643 East Vine Street. Municipal Code Ordinance 17.116.030 allows multi-family apartment dwellings within the R-M-10 zoning district subject to Conditional Use Permit approval. Municipal Code 17.132.050: The R-M-10 zone allows seven units

per acre, but allows densities greater than seven units per acre in increments up to a maximum of ten units per acre in compliance to Incentive Density Bonus Requirements found in Municipal Code Chapter 17.132. The plans for this apartment project show two buildings with five units in one building and four units in the second building for a total of nine residential units. The driveway accessing the nine units is located near the center of the property connecting to Vine Street. There is a storm water retention basin shown on the plans at the southwest side of the property. The applicant is requesting Commission approval for the maximum density of ten units per acre. The .94 acre parcel allows nine residential units based on compliance to the density bonus criteria listed in Municipal Code 17.132.050 with the three units per acre increase. To gain bonus density in any multiple-family zone, the project shall meet the criteria established under urban design/neighborhood compatibility, energy efficiency, structure design, landscaping, affordable housing, and parking facilities. The applicants have submitted a written statement describing how their project complies with the incentive density bonus requirements and have submitted some materials samples and colored drawings. The general project complies with the Incentive Density Bonus requirements with the exception of the affordable housing documentation. The applicant stated he will make the required changes and provide additional information regarding compliance to the affordable housing requirement and documentation of the procedures for compliance. Each unit has a two car covered garage and paved driveway. There are five additional parking stalls in the parking lot area to the east including two RV parking stalls for compliance to codes. The buildings comply with the minimum setback requirements for the R-M-10 zone. The applicant indicated that 40% of the site will be landscaped and comply with the incentive density bonus requirements for the site. Access to the property is from Vine Street. The units will be accessed from the private driveway connecting to Vine Street. Based on the information presented in this report, application materials submitted and the site review, staff recommends Planning Commission approval of the Conditional Use Permit subject to conditions.

Mr. Tingey stated that staff received an email from the Little Cottonwood Tanner Ditch Company stating they have reviewed the project and have indicated that if there is any storm water drainage into Little Cottonwood ditch, they will need to address those elements.

Mr. Harland asked Mr. Dickson if he had the chance to review the staff report, the 15 conditions of approval and the email from the Little Cottonwood Tanner Ditch Company. Mr. Dickson responded in the affirmative with the exception of the email which he had not yet seen, but that he understands what it is about and does not have a problem with the additional condition pertaining to storm water discharge.

Reid Dickson, 6639 Fairfax Drive, stated he is representing Infinity Consultants and is the engineer/planner for this project. He stated they have worked hard to create an efficient site plan that offers a good amount of open space/landscape area. Around the perimeter there will be heavy landscaping, providing between 2-3 times the amount of landscaping material that is required. In addition there is a "pocket park" and an area that will allow for additional visitor parking. Water, sewer and a storm drain will be within the private access road. He stated this project has been designed so that it drains to the south. The detention basin has been integrated with the

landscape plans, so as not to look like a detention basin. The exterior will be maintenance free stone, stucco and brick. The project will have very strong CC&R's that will regulate the practices (noise, odors, lighting, parking, animals, etc.) of the residents that live in the development. The access onto Vine Street is designated as a "right in" and "right out" only. He stated that with only nine units, there won't be a traffic issue.

Mr. Markham asked if the drainage area will be landscaped with turf and if the pocket park will have any type of apparatus. Dickson responded in the affirmative. Mr. Dickson stated that the idea is for it to have benches and some sort of play equipment for children, but that hasn't been specified as of yet. Mr. Dickson stated there will also be guest parking as well as two spots across from guest parking for RV's. The project also has more than 2 times the amount of parking that what is required.

Mr. Markham asked Mr. Tingey if the city has the right to examine the CC&R's. Mr. Tingey stated that staff typically gets a copy and reviews them, but any enforcement of the CC&R's is not done by the city.

The meeting was opened for public comment.

Don Page, 633 Springhouse Lane, stated he is a resident of the neighborhood. He expressed concern with the safety of the entry/exit area. He stated that the intersection of Vine Street and 5300 South is already very intense and tends to back up during heavy traffic periods. He suggested modifying the entry onto Vine Street to use the entry of the property that is adjacent to this projects property. This entry is primarily used for entry into the golf course. By doing this, that would give a chance for the backed up traffic to clear out. He suggested widening the road at the bus stop area.

Robert Barr, 5279 Springhouse Lane, stated he is resident of the neighboring condos. Mr. Barr stated that he was present at the previous meetings for this development when it was approved for 9 townhouses and this application is now for an apartment complex. He asked if each building will be housing one or two families. Mr. Barr expressed concern about the drainage into the detention basin as it is on the highest part of the property and concern with the distance between the Springhill Condo property line and this development. He stated that the swimming pool at the Springhill Condo's will be too inviting for people and suggested that the new development build them a high wall for separation.

Jeanne Barney, 4416 West 6165 South, stated she is the manager of the 4-plex located at 640 East Vine Street which is directly across Vine Street from this project and representing Steven Kent who is the owner of that 4-plex. Ms. Barney stated that Mr. Kent's concern is where the heavy equipment will be unloaded and where all the construction people will be parking. She stated that Mr. Kent would like an iron-clad agreement in writing before this project is approved that there will be no parking in his lot. Mr. Kent sent a letter to the Planning Commission via email last October expressing his concerns, but never got a response from the city in regards to the letter. Mr. Harland asked Ms. Barney for the copy of the letter.

Susan Davis, 616 Spring Hill Drive, stated she is an apartment community manager and knows the pros and cons of having apartments next to where people own their homes and what can happen to property values. She expressed frustration about the project, stating that the owners have shown no good faith since the purchase of the property. She stated she has had to call the city numerous times in regards to weeds, rats, raccoons and vandals. She stated that affordable housing is non-other than low income housing. Ms. Davis asked who the management company will be. She commented that renters do not sign CC&R's, they sign rental agreements and rules and regulations. Ms. Davis stated that her property backs up to the fence on the west side and that persons living in the apartments will be able to look into her bedroom. She stated that originally the plan was for townhomes that were going to be purchased and have owners, people with pride in their homes. She stated that the project is providing extra parking, but to her, extra parking means more people climbing over fences, throwing trash and vandalism. Ms. Davis feels this project will be very detrimental to the value of her property and in her opinion, the owner does not care about the surrounding property owners.

Kathy Goodfellow, 642 Spring Hill Drive, stated that she was present at the meeting where this project was first proposed as a condominium community and now it has turned into an apartment development. She commented that Murray has a high number of apartment dwellings and that apartment residents tend to move more frequently than those that make a financial commitment in buying a home or condo. She stated that it is good to have a property development, but questioned whether or not they really want another apartment development in Murray.

Gordon Mauss, 621 Springhouse Lane, stated he lives on the property adjacent to this project. He expressed concern about enforcement of the CC&R's and management. He stated that there have been security issues in the condo community where he lives and he is concerned that this development may add to that. Because this property is between two condominium developments, it commented that it would be an inconsistent use of the land to have an apartment development. He expressed concern about the privacy at their swimming pool which backs up to the proposed project and asked about any buffering landscaping. In the past they have had incidences where unauthorized people have scaled the fence and used the swimming pool. He questioned why this development will have 39 parking spaces when there are only 9 units. Affordable housing concerns him when it comes to the type of tenants that will be occupying the units. Mr. Mauss stated he is a board member of the Spring Hill Condominium Complex, representing 63 homeowners.

Ann Kronawitter, 5249 Spring House Lane, would like clarification in regards to the approved color(s) and the appearance of the units.

Mr. Dixon stated the road to the east that was previously suggested to be an access for this development is actually designed for the golf course and is not a public right-of-way. He stated that their proposed design seems to be the best layout for the property. Each unit is designed for one family. He explained that the parking is as follows; two car garage units have two parking spaces in the garage and two in the driveway and one car garage units have one parking space in the garage and one in the driveway. In addition there are five parking spaces in the rear of the property. The

storm drain detention basin is located in the front right corner of the property. He stated that the rear of the property is lower in grade, so one side of the property will be cut down approximately 4-5 feet and the opposite side of the property will be raised that amount. There is an area near the park that will not drain to the front, but will retain any water in the park area. The remainder of the project will drain into the storm drain detention basin. Those storm drain plans have been shown to the city engineers. There is a 25 foot setback per the ordinance and the other three sides will have solid 6 foot privacy fencing in addition to the landscape screening which is in compliance with code. That should provide privacy for those inside the project and for those outside the project. He stated that all of the construction equipment, activity and staging will be confined on-site.

Mr. Harland asked if the on-site parking will be able to accommodate the construction workers. Mr. Dixon responded in the affirmative. Mr. Dixon stated in his opinion, this project will increase property values in the neighborhood. The existing vacant buildings have had problems with rats, raccoon and vandalism. He stated, the owner of the proposed project isn't interested in negligent tenants, so there is a high interest in keeping the project clean, well maintained, well managed and to have strict rules regarding activities throughout the development.

Mr. Harland asked Mr. Dixon to address questions regarding CC&R's. Mr. Dixon made a correction and said that Ms. Davis was correct when she stated that renters do not have CC&R's. He explained that each tenant will be signing a rental agreement and there will be penalties assessed for not abiding by the rules. Mr. Harland asked if the elements of a CC&R would be contained in a rental agreement. Mr. Dixon responded in the affirmative. Mr. Harland asked Mr. Dixon to address the property value issue. Mr. Dixon indicated that the issue of property values comes up in almost every hearing he's ever been to and it's very difficult to assess due to the high number of multi-family housing in the area. This is a new development that will be using high quality materials and providing 2-3 times more landscaping than is required. He stated that they aren't interested in building an inferior project as they need to compete on the market and this project should be an asset to the community.

Mr. Harland asked if the units are likely to remain apartments, or is there a chance they would ever become townhomes. Mr. Dixon replied that it is likely they will become townhomes. He stated that the final engineering and final building permit drawings are not yet completed but the materials are brick, stone and stucco, the general colors that were shown on the exhibit, the elevations, floor plans, perspectives and site plan all are indicative of what will be built, but are not final. The zoning ordinance allows for multi-family apartment dwellings within the R-M-10 zoning district. Mr. Dixon stated that the side yard setbacks are 20 feet and 25 feet at the rear of the property.

David Brown, 13592 South Aintreehill Cove, indicated he is the builder for this project. He stated that these apartments are not your typical apartments and are above average square footage originally designed as townhomes, but as an investment property for the owner it made sense to have them as apartments. The units are very nicely designed apartments and the estimated budget is approximately \$220,000 per unit. The owner is focusing on medical professionals from the hospital as tenants. Mr.

Harland asked Mr. Brown if he would be the one to monitor the construction activity and make sure that everything stays on-site. Mr. Brown stated he is not concerned about there being enough room to accommodate all the heavy equipment as well as the parking for workers.

Susan Davis, 616 Spring Hill Drive, stated that no doctors are going to be able to qualify if this is meant to be affordable housing. Affordable housing means you have to make under a certain income to live in the project. She feels there is still no answer to why this project is being rented as apartments and not sold as townhomes. She asked how the tenants are going to be qualified and what the rents will be. She feels that the current owner has shown no interest in the community due to the current neglect of the property.

Jeanne Barney, 4416 West 6165 South, stated once again that her employer, Mr. Kent has asked for something in writing from the developer that no one will park on his property. Ms. Barney stated that they will have signs up and enforce towing on their property and Mr. Kent would like the city to help them with the enforcement. He would like the asphalt on his property replaced if anyone is caught unloading machinery.

Mr. Brown stated that the entire complex will not be low income housing; only 2 units will be low income housing. This is to accommodate requirements to make the project financially feasible. He stated that the first piece of equipment to be unloaded can occur on the property by pulling into the driveway of one of the existing homes. Mr. Harland addressed Ms. Barney's for something in writing by stating that her owner needs to work with the property owner and the contractor to work out those issues.

Karen Koseki, 5285 South Springhouse Lane, stated she is a resident in the condo complex in back of the subject property. She stated that the engineer and the builder are contradicting one another because the contractor stated the project was slated as a low income property and then the builder stated that there are only 2 units that will be low income. She suggested that a swimming pool be constructed rather than the pocket park. She stated, in her opinion, that if children are going to be living in the apartments they will trespass into their swimming pool. She expressed concern about the added traffic.

Mr. Tingey stated that in the Incentive Density Bonus program of the Murray City Code requires increased landscaping, design elements and an affordable housing component. Therefore, it is a requirement within Murray City Code that 20% of the units will be affordable to people making 60% or less of medium income.

The public comment period was closed.

Mr. Markham asked Mr. Taylor to address the access onto Vine Street. Mr. Taylor stated that Murray City has a qualified city traffic engineer and the city engineer has reviewed the plans, he would support him in his recommendation. He commented that typically the access point is to be as far away from an intersection as possible and with this particular development, the access point is as far to the south as they can put it. He stated that there will be very little traffic generated from this project.

Based on national and local standards the trip average will be half that of a single family home.

Mr. Markham commented that the public in attendance have not had a chance to see the conditions of approval. He asked if the Chair would read those conditions out loud. Mr. Tingey showed the conditions on the overhead monitor and reviewed the conditions.

Ms. Mackay stated that the average square footage for these units range from 2,130 sq. ft. to 2,155 sq. ft. with the two low income units being the smaller square footage.

Ms. Daniels stated that the availability of moderate income housing is an important part of the City and is reflected in the City's General Plan. It is also important for Murray to look for affordable housing options giving anyone the opportunity to live in Murray City regardless of their income. She stated that the contractor and builder are not contradicting each other and the public has not seen all the information that the commission received in regards to their only being two units that would be affordable housing within the project.

Mr. Markham made a motion to approve the Conditional Use Permit for the Avonlea Apartment Development, located at 639 & 643 East Vine Street subject to the following conditions:.

1. Meet the requirements of the Murray City Engineer for dedication of existing Vine Street right-of-way.
2. Replace damaged curb, gutter and sidewalk along the Vine Street frontage.
3. Provide grading, drainage and utility plans for approval by the Murray City Engineer.
4. Combine the two parcels by deed or plat.
5. An excavation permit will be required for work in City right-of-way.
6. Show the utility easements on the property to comply with the subdivision ordinance regulations.
7. The project shall meet all applicable building and fire code standards. Provide stamped and sealed soils report from geo-technical engineer at time of submittal for a building permit.
8. The Murray Fire Department requires compliance to current building and fire codes and no parking is permitted on the private access driveway.
9. Comply with Water and Sewer Department requirements and the Murray City Power Department requirements including utility easements.
10. The project shall comply with the Incentive Density Bonus requirements found

in Municipal Code Chapter 17.132., including the requirement for installing 100% masonry materials, such as stone and brick materials, and limited to 30% stucco on the structures. The applicant will need to provide additional documentation and verification procedures will need to be provided relating to how the applicants will meet the affordable housing requirement. The affordable housing requirement will need to be recorded on the deed for the affordable units to alert the next owner to the requirements for affordable housing. Procedures of how the applicants will qualify renters and verify income for affordable housing will need to be provided and a process to allow city verification of the affordable housing compliance for the 50 year time period will need to be provided for city officials approval with the building permit application. The applicant shall provide a report to the city showing compliance to affordable housing regulations by December every year.

11. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by Murray City officials with the building permit and shall be installed as approved prior to occupancy.
12. Trash containers shall be screened as required by Section 17.76.170.
13. Comply with irrigation ditch company requirements for the irrigation ditch relating to new development on the property. Provide the Community Development a copy of a letter of approval from the irrigation ditch company with application for a building permit.
14. Provide a fence plan to show compliance with fence code regulations for the site with building permit application. The fence at the south side of the property may need to be reduced to three ft. height for the front 25 ft. setback.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Beach.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Phil Markham
A _____ Vicki Mackay
A _____ Tim Taylor

Motion passed, 5-0.

SCOTT VAN LEEUWEN – 4680, 4688, 4700, 4732, 4740, 4750, 4756, 4764 South Commerce Drive and 330, 332, 333, 334 West Martin Lane – Project # 12-99

Jon Reimann was the applicant present to represent this request. Tim Tingey reviewed the location and request for a Conditional Use Permit for a gymnastics business use in the M-G-C zone and site plan approval for new office warehouse buildings for multiple parcels of property. Municipal Code Ordinance 17.152.030

allows a gymnastics business use within the M-G-C zoning district subject to Conditional Use Permit approval. The business consists of gymnastics instruction for ages 1 ½ to 18 years ranging from beginner to advanced students. The days and time of peak operation is Monday to Friday from 5:00 p.m. to 8:00 p.m., but the applicant indicated they may operate the business on Saturdays in the future. The proposed south building contains 12,608 gross sq. ft. of warehouse space and 6,800 gross sq. ft. of office space with 39 stalls required and 40 stalls are provided. The proposed north building contains 11,445 gross sq. ft. of warehouse space and 7,200 gross sq. ft. of office space with 37 stalls required and 38 stalls are provided. The total number of stalls required for the two new buildings is 76 stalls with four disabled stalls. For the class instruction use, the zoning ordinance requires one parking stall per employee and one stall for each student of driving age. The zoning ordinance regulations does not list a specific parking requirement for a gymnastics use, but the planning commission has authority to approve parking based on adequate parking provided for the use. The gymnastics business applicant indicated currently there are no students that drive to the current business site. Parents drive the students to the property and about a third of the parents stay and park at the site. Information provided show the total number of students at the peak time will be 45 with 6 instructors. Staff is recommending that 6 parking stalls are provided for the instructors and about half of the student numbers (23) stalls to be provided for parents for a minimum total of 29 required parking stalls on site. Staff can monitor the parking at the business and if adequate parking is lacking and becomes a problem, this can be reviewed again by the planning commission in the future and can require additional parking stalls for the business. The proposed buildings comply with the setback requirements of the M-G-C zone. A preliminary landscaping plan has been submitted with the Conditional Use Permit application. A formal landscaping plan shall be submitted in conjunction with the building permit application for review and approval by Murray City officials. Access to the site is from Commerce Drive and Martin Lane. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use Permit for the gymnastics business and Site Plan Approval for the office warehouse buildings subject to conditions.

Mr. Reimann, 3479 West Rickey Drive, stated he is representing this application. He stated that this project will be upscale office warehouse buildings. These buildings are built to spec, so as of now they are unsure of the occupants. There is a change in grade of 23 feet on one edge and he asked that there be consideration as there has been shown to the adjacent property owners. He stated that this property is adjacent to the interstate which is very noisy and this project will provide a good buffer. The gymnasium is currently located across the street in a warehouse and is too small for their needs and they would like to relocate to a larger facility. They have worked well with Murray City in the past and would like to stay in the community.

Mr. Harland asked Mr. Reimann if he has reviewed the conditions associated with the approval of the Conditional Use Permit and will they be able to comply with those conditions. Mr. Reimann responded in the affirmative with the request for some leeway on some of the conditions. He has already conferred with staff on this and if the project changes he was told that there would be an amendment process. However, they will comply with the conditions as proposed.

The meeting was opened for public comment.

Yvonne Card, 28 East Dorchester Drive, stated she is the owner of a billboard which is located adjacent to the property in question. She stated the billboard property is surrounded with this proposal and asked if she will be able to maintain access to the billboard. Mr. Reimann stated that as noted on the plans Martin Lane will remain as it currently exists. However, in the future they may request the city to abandon that road. Ms. Card's property is a flag lot that will remain as it exists. Mr. Harland asked if the access to the billboard will remain the same. Mr. Reimann responded in the affirmative.

Tracy Johanson, 2956 Mt. Springs Road, asked Mr. Reimann if he meant to say they were hoping to purchase that road in the future. Mr. Reimann responded in the affirmative. Ms. Johanson stated that a purchase of that road would land lock them. Mr. Reimann made note that when that time comes, they will need to discuss those issues. Mr. Taylor stated that the Martin Lane access is not a part of this request.

Jed Stallings, 3069 East Delsa Drive, owns the office warehouse across the street. Mr. Stallings stated that they are in favor of this proposal and are giving their full support.

The public comment period was closed.

Mr. Taylor made a motion to approve a Conditional Use Permit for the gymnastics business and site plan approval for the office warehouse buildings for the properties addressed 4680, 4688, 4700, 4732, 4740, 4750, 4756, 4764 South Commerce Drive and 330, 332, 333, 334 West Martin Lane subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicant shall provide plans stamped and sealed by appropriate design professionals to include code analysis. The applicant shall provide a soils report from a geotechnical engineer when submitting plans for a building permit.
2. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by Murray City Officials and be installed as approved prior to occupancy.
3. All trash containers shall be screened as required by Section 17.76.170.
4. Adequate parking stalls be paved and striped on site, including disabled stalls with signs posted, to comply with code Chapter 17.72. The plans shall be revised to show a 24 ft. minimum drive aisle width.
5. All fencing installed at the site shall comply with code Chapter 17.64.
6. The applicant shall comply with the Murray City Engineer's requirements for combining the parcels with a subdivision plat and comply with subdivision and plating requirements. A road dedication is required for Commerce Drive (if

needed for a 66' Right-of-Way).

7. Comply with Murray City drainage requirements.
8. The applicant shall install curb, gutter and asphalt along the south side of Martin Lane and install sidewalk along Commerce Drive.
9. A land disturbance permit is required prior to beginning any site grading or construction.
10. Comply with Murray Fire Department, Murray Power Department and Murray Water and Sewer Department requirements.

Ms. Daniels seconded the motion.

Call vote recorded by Mr. Beach.

A ___ Jim Harland
A ___ Karen Daniels
A ___ Phil Markham
A ___ Vicki Mackay
A ___ Tim Taylor

Motion passed, 5-0.

Mr. Harland asked the Boy Scout troop in attendance to introduce themselves.

Kyle Moore, 1962 Eldorado Drive, stated that he is the Scout Master from Troop 384 and are in attendance to work on their citizenship in the community merit badge. Mr. Moore introduced his assistant scout master Joel Thompson and scouts Matt and Marcus.

Mr. Harland thanked them for coming.

BLADE FINISH CARPENTRY, LLC – 143 West 4640 South – Project # 12-101

Preston Tilby was the applicant present to represent this request. Joshua Beach reviewed the location and request for Conditional Use Permit approval for a cabinet shop for the property addressed 143 West 4640 South. Municipal Code Ordinance 17.152.030 allows cabinet shops/woodworking uses within the M-G-C district subject to Conditional Use Permit approval. The applicant is proposing a 2,652 square foot cabinet shop in a multi-tenant warehouse facility. The existing building contains 174 square feet of office space and 2,478 square feet of warehouse space. The property is located behind other office/warehouse buildings off a private lane. The 174 square feet of office space requires one (1) parking space, and the 2,478 square feet of warehouse/shop space requires four (4) parking spaces bringing the total required number of parking spaces to five (5). There are seven (7) parking spaces shown on the site plan. The building complies with the required setbacks for the M-G-C zone. The landscaping complies with the current landscaping code. Access to the site is off

of 160 West onto a private lane. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Tilby, 1334 East Skyview Drive, stated that he is relocating to this space from Salt Lake County. He stated that they manufacture cabinets and finish them.

Mr. Harland asked what type of work he would be doing. Mr. Tilby responded that his work is mostly custom cabinets. Mr. Tilby stated he has reviewed the staff recommendations and will comply.

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

Ms. Daniels made a motion to approve a Conditional Use Permit for Blade Finish Carpentry, LLC, a cabinet shop at the property addressed 143 West 4640 South, 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. All of the parking stalls shall be paved and striped, including one disabled stall with sign posted, to meet zoning code.
4. The trash container shall be screened as required by Section 17.76.170.

Ms. Mackay seconded the motion.

Call vote recorded by Mr. Beach.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Phil Markham
A _____ Vicki Mackay
A _____ Tim Taylor

Motion passed, 5-0.

VM NUTRITIONAL INC. – 79 West 4500 South #20, 22 & 23 – Project # 12-102

Steve Evans was the applicant present to represent this request. Joshua Beach reviewed the location and request for Conditional Use Permit approval for an alcohol manufacturing business for the properties addressed 79 West 4500 South, units #20, #22, and #23. Municipal Code Ordinance 17.160.030 allows alcoholic beverage manufacturing in the M-G-C zoning district subject to Conditional Use Permit approval. There is an existing manufacturing facility at this site, and the conditional use permit for alcohol manufacturing would add this type of manufacturing to the existing business. They are not distilling or manufacturing the alcohol, but simply

packaging the product. The use requires eighteen (18) parking spaces on site based on the 18 employees at the business. The applicant has indicated that there are twenty nine (29) parking spaces on site. The landscaping complies with the current landscaping code. Access to the property is off of the 4500 South frontage road. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Steven Evans, 3754 Village Ford Road, stated they are a facility that develops nutritional supplements and ready to drink products. They do a lot of work for MLM's (Multi-Level Marketing Companies) as well as companies that sell retail products. This particular project is a great opportunity for them after a down turn they experienced in 2008-09. They are hoping they will be able to increase their manufacturing capabilities and hire anywhere from 11-15 people to start, with the goal to employ around 57 employees. They already have all the equipment to do pasteurization and are certified by the state. The product has juice in one portion of the bottle and vodka in a smaller detached portion on the bottom. The smaller vodka portion snaps onto the bottom of the top half and has a sleeve over the top. They are then joined together and are packed with 24 to a case. He explained that they are filled with two lines. One line can put out 25,000 bottles a day and the other line can fill 75,000. They project they will fill 200,000 bottles a day and will be done in 10 days per month. He stated that they are strictly regulated and they have to keep track of every gram of alcohol that comes into the facility. He stated that they have met the conditions of approval as outlined. Their hope is to be producing the pilot batches by the end of September or beginning of November.

Mr. Harland asked if they were already packaging the juice portion. Mr. Evans stated that they already package juice for several other companies. Mr. Harland asked how long they have been in business in Murray City. Mr. Evans stated they have been in Murray City for 7 years.

Mr. Markham asked if it is more appropriate to call his business a packaging business rather than an alcohol manufacturing business. Mr. Evans responded in the affirmative and made note that they will only be filling the alcohol into the containers. However, alcohol does need to be stored on site.

The meeting was opened for public comment.

George Krebs, 4634 Box Elder Street, stated that he owns a residential property down the street from this manufacturing facility. He asked about the safety factors and how spillage is handled. Mr. Krebs stated that there is some concern throughout the neighborhood in regards to alcohol being so close to where children live. He stated that he and his neighbors feel that every time they voice their opinions in opposition of something, the project goes through anyway and most of the residents have given up on speaking out. He feels there needs to be some sort of protection in place.

Mr. Evans noted that his business is regulated by the Federal Government, the State Government and by Murray City. They are not a bar and there is no consumption on site. The federal government mandates that if they lose as little as an ounce of the alcoholic product, they need to be able to account for it. His business has spent over

\$100,000 installing an environmentally protective floor with drains that have back flow preventers. He stated that they are not required to do that by any agency, but decided to do that. He stated that the alcohol that comes is brought in 270 gallon totes. The totes will sit in a container called a bladder, so if one sprung a leak they would be able to account for the missing alcohol. The totes are taken into the fill room where the alcohol is distributed into 25,000 bottles. The empty totes are sprayed out and returned back to the manufacturer, where they are refilled with more alcohol and sent back to VM Nutritional. Mr. Evans stated that no one is allowed to take the product from the facility and consume it as all alcohol must be sold through state liquor stores. He stated that all the employees will be signing an agreement stating they will be terminated if they take any product.

The public comment period was closed.

Mr. Markham made a motion to approve a Conditional Use Permit for an alcoholic beverage manufacturing business located at 79 West 4500 South # 20, 22 & 23, 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 property shall maintain existing parking including all ADA spaces.

Ms. Daniels seconded the motion.

Call vote recorded by Mr. Beach.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Phil Markham
A _____ Vicki Mackay
A _____ Tim Taylor

Motion passed, 5-0.

JOHN'S PLACE PUD AMENDED – 108 West Lester Avenue – Project # 12-100

Randy Roberts was the applicant present to represent this request. Joshua Beach reviewed the location and request for an amendment to a Conditional Use Permit for the John's Place Planned Unit Development. The amendment is to change the lot configuration of lots 2,3,5,6 and 7. The properties are addressed approximately 108 West Lester Avenue. Municipal Code Ordinance 17.100.030 allows a residential planned unit development within the R-1-8 zoning district subject to Conditional Use Permit approval. The twin homes on lots 2 and 3 of the original plat will be moved to the original lot 5, and the single family home from the original lot 5 will be moved to original lots 2 and 3. The overall number of lots will remain unchanged. The

applicant is providing adequate parking for the residential use which is a minimum of two parking stalls per dwelling unit. The dwellings will need to meet the required setbacks as permits are issued and the buildings are constructed. Setbacks for John's Place P.U.D. are; front: 20 feet, rear: 15 feet, side: 8 feet (each side), corner side: 20 feet. The properties will need to be landscaped as approved by the city forester. There is an updated plat from the applicant changing some of the landscaping. East of lot 2 there is a section of landscaping that has been reduced from 45 feet 13 feet to add additional parking. This still meets city requirements. Access to the lots is off of John David Lane, a private street. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Randy Roberts, 822 East Lyndy Drive, stated that they changed the parking layout and added more asphalt to allow the residents more room for turning around safely. Mr. Harland asked if that new asphalt is specifically for turning around and not parking. Mr. Roberts responded in the affirmative. Mr. Harland then asked if the total number of lots is remaining the same. Mr. Roberts responded in the affirmative.

The meeting was opened for public comment.

Karla Peterson-Paulson, 106 West Lester Avenue, stated she is a nearby resident. She expressed concern with the weeds on the lot as well the use of dynamite on the site. She stated there are no port-o-potties on site, so the construction workers are doing their business throughout the neighborhood. She suggested that port-o-potties be delivered to the site. She asked how the additional traffic will be addressed. Mr. Harland made note that in the staff report the change was to take lots 2 & 3 and swapping them with lot 5.

Jonathan Betcher, 125 West Lester Avenue, asked about access to lot #1.

Mr. Roberts cannot respond to the explosion that Ms. Peterson-Paulson is talking about as he doesn't know anything about it. He stated that lot #1 is part of the plat, but is owned by the water company, so there will be no building located on that lot. He stated that as soon as construction begins there will be port-o-potties on site.

Mr. Harland asked when construction will commence. Mr. Roberts replied, as soon as possible. Mr. Harland suggested to Mr. Roberts that it is always a good idea to work with the neighbors. Mr. Roberts agreed and noted that he will actually be moving into the subdivision himself.

Ms. Daniels made a motion to approve a Conditional Use Permit to amend the John's Place Planned Unit Development to change the lot configuration of lots 2,3,5,6 and 7, subject to the following conditions:

1. Comply with the Conditional Use Permit approval granted by the commission on August 16, 2007 for John's Place P.U.D. The Conditional Use Permit is located in the file.

2. Meet the requirements of the Engineering Department.
3. Submit a revised landscaping plan for the common areas prior to final plat.

Mr. Markham seconded the motion.

Call vote recorded by Mr. Beach.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Phil Markham
A _____ Vicki Mackay
A _____ Tim Taylor

Motion passed, 5-0.

OTHER BUSINESS

Mr. Beach reminded the Planning Commission of the annual Utah Chapter of the Planning Association Conference on October 4-5, 2012 in Provo, UT. Mr. Beach asked for an R.S. V.P. to the Community & Economic Development department.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development