

Minutes of the Planning Commission meeting held on Thursday, February 7, 2013 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Chair  
Jim Harland  
Phil Markham  
Scot Woodbury  
Chad Wilkinson, Division Manager  
Ray Christensen, Senior Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

Absent: Tim Taylor  
Vicki Mackay

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.

#### APPROVAL OF MINUTES

Mr. Markham made a motion to approve the minutes for the meetings held on January 17, 2013. Mr. Woodbury seconded the motion.

A voice vote was made: Motion passed 4-0

#### 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 Findings of Fact for a Conditional Use Permit for Main Auto, LLC and Stella Beauty Salon from the meeting on January 17, 2013. Seconded by Mr. Harland.

A voice vote was made. Motion passed 4-0.

#### LINDA JOHNSON – 6311 South Castlefield Lane – Project #13-17

Linda Johnson was the applicant present to represent the request for a Conditional Use Permit for an accessory dwelling unit (ADU). Chad Wilkinson reviewed the request and location at the property addressed 6311 South Castlefield Lane. Municipal Code Ordinance 17.78.030 allows approval of an accessory dwelling unit within any single family residential zoning district subject to Conditional Use Permit approval. The applicant's tenant recently applied for a business license and in reviewing the application staff became aware of an ADU located in the basement of the existing home that had not received Conditional Use Permit approval. The ADU ordinance allows for the approval of a second dwelling unit in a single family residential zone providing the owner resides at the property as their principal

residence and meets several design standards. The standards for accessory dwelling units require an additional two off-street parking spaces, in addition to those required for the principal unit and in no case less than 4 spaces. The submitted plan shows adequate space available for off-street parking. The building meets the required setbacks for the R-1-8 zoning district. The ordinance limits the size of accessory dwelling units to 1,000 sq. ft. or 40 percent of the square footage of the primary structure whichever is less. The plan indicates that the unit is less than 1,000 sq. ft. The primary residence is 5,911 sq. ft. and the proposed ADU is approximately 917 sq. ft. The proposed unit includes 2 bedrooms which is the maximum allowed by the ordinance. The ordinance requires that separate entrances to accessory units be located to the side or rear of the structure to maintain the single family dwelling appearance and character. The entrance for the ADU is located on the rear (east side) of the structure. The ordinance prohibits the installation of separate utility meters for accessory dwelling units in order to maintain the single family residential character of neighborhoods. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Linda Johnson, 6311 South Castlefield Lane, indicated she is the owner of the residence and has lived in the dwelling for approximately 13 years. She indicated she would like to obtain an approval for a basement apartment rental. Ms. Daniels asked Ms. Johnson if she has reviewed the four conditions of approval and if so, is she able to comply with those conditions. Mr. Johnson stated she will be able to comply with all conditions stated.

The meeting was opened up for public comment.

Kate Sturgeon, 569 East 6295 South, stated she is a neighbor of the applicant. Ms. Sturgeon asked about the parking situation if a rental is approved and the impact it will have on the neighborhood. She stated the applicant has a three car garage, however; there are always vehicles in the driveway. Ms. Sturgeon's assumption is that the renter will have a vehicle as well.

The public comment portion of the meeting was closed.

Mr. Wilkinson stated for an accessory dwelling unit, two additional parking spaces are required in addition to what is required for the home. Garage spaces count towards those required parking spaces. Typically four off street parking spaces are required, provided those parking spaces can be accommodated in the driveway.

Mr. Woodbury asked Ms. Johnson if she feels the four off street parking spaces are sufficient. Ms. Johnson stated they will be moving a trailer that is currently parked on their property, which would open up some additional space.

Mr. Harland made a motion to approve a Conditional Use Permit for an accessory dwelling unit at the property addressed 6311 South Castlefield Lane, subject to the following conditions:

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

2. The units will be required to have hard wired interconnected smoke detectors and carbon monoxide alarms per R314.3 and R315.1
3. The project shall meet all current fire codes.
4. The applicant shall submit an affidavit stating that they are the owner of the property and that they will live in either the primary or accessory unit as their principal residence. Once the affidavit has been approved by City staff, it shall be recorded against the property. A copy of the recorded affidavit shall be provided to Community and Economic Development Staff.

Seconded by Mr. Woodbury.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 4-0.

CROSSFIT POSSE – 5524 South Van Winkle Expressway – Project #13-19

Ryan Birdsley was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a Gymnasium/Athletic Club located at 5524 South Van Winkle Expressway. Municipal Code Ordinance 17.160.030 allows Gymnasiums, Athletic Clubs, and body building studios in the C-D-C zoning district subject to Conditional Use Permit approval. The property is located in an existing commercial building. The portion of the property proposed for the new gym use has 3,570 sq. ft. of floor area and 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 sq. ft. At this rate the gym will be required to have a minimum of 18 parking spaces. Murray City zoning code section 17.72 does not define the number of parking stalls that this type of business requires. 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. There are a total of 707 parking spaces on site with 14 being allocated for this particular unit at a rate of 4 per thousand. The site is able to accommodate this parking because the site includes 4 more parking spaces than is required. The landscaping complies with the current landscaping code. Access to the site is off of Van Winkle Expressway and 5600 South. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Harland asked if the space used to be a bowling alley. Mr. Wilkinson responded in the affirmative.

Ryan Birdsley, 3185 Tolcate Hills Drive, stated that any outside activities (i.e. sprints) would be done at Cottonwood High School and that he would be able to comply with the conditions of approval. Ms. Daniels asked if all the equipment will be kept inside the business. Mr. Birdsley replied in the affirmative.

The meeting was opened up for public comment.

Barbara Mitchell, 1378 Old Maple Court, asked if there are any plans to increase the building height in any way.

The public comment portion of the meeting was closed.

Mr. Birdsley stated there are no plans on changing any of the exterior of the building. All improvements will be done on the inside.

Mr. Woodbury made a motion to approve a Conditional Use Permit for a Gymnasium/Athletic Club at the property addressed 5524 South Van Winkle Expressway, 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. Landscaping on site must meet the requirements of Chapter 17.68 of the Murray Municipal Code.
5. All business operations/classes must be held inside the building.

Mr. Markham seconded the motion.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 4-0.

HENRY WALKER HOMES – 4243 Birkhill Boulevard – Project #13-09

Benson Whitney, representing Henry Walker Homes was the applicant present to represent this request for a temporary Conditional Use permit for a mobile sales office trailer. Ray Christensen reviewed the request and location at the property addressed 4243 Birkhill Boulevard. Municipal Code Ordinance 17.56.100 (A) allows a temporary mobile sales office use within the Transit Oriented District (TOD) zoning district subject to Conditional Use Permit approval. The planning commission may approve a

mobile office trailer business use for a six month time period. The planning commission may extend the temporary conditional use permit for one additional year. The applicant is requesting a temporary Conditional Use permit for a mobile sales office to be located near the northwest corner of Main Street and Gilbride Avenue. Parking for the mobile office is located on the street frontage west of Main Street and on the north side of Gilbride Avenue. The required setback for the mobile office is 30 ft. from the top back of curb on Main Street and 20 ft. from the top back of curb on Gilbride Avenue. This site is currently vacant and will not be landscaped until this phase of the development is completed. Access onto this property for the mobile office is from Gilbride Avenue. Based on the information presented in this report, application materials submitted and the site review, staff recommends temporary Conditional Use Permit approval for 6 months until August 6, 2013 and subject to conditions.

Ms. Daniels asked for clarification on the address of the project. Mr. Christensen noted that the correct address to be used is 4243 Birkhill Boulevard.

Mr. Markham asked if the building department requires the applicant to do anything with the property surface for the temporary trailer. Mr. Christensen responded that the building department did not specify any specific paving requirements, but there would be requirements for anchoring of the trailer.

Mr. Markham asked if the parking would be on-street. Mr. Christensen responded in the affirmative. Mr. Woodbury asked if sidewalks were required. Mr. Christensen directed the question to the applicant. Mr. Harland asked if there was going to be any signage. Mr. Christensen again directed the question to the applicant.

Benson Whitney, 13767 Blue Admiral Drive, stated they prefer not installing a hard surface for the trailer to rest on, simply because the trailer is temporary and will be taken down. He indicated they would have gravel, a pathway, and use temporary trees to make the trailer inviting. He indicated there will be signage on the trailer, but it is unknown what that signage will be at this time. They will be working with the city to make sure the signage follows all city codes.

Ms. Daniels asked Mr. Whitney if he has been able to review the five conditions of approval and is able to comply. Mr. Whitney responded in the affirmative.

The meeting was opened up for public comment.

Ashley Rolf, 4260 South Main Street, indicated she is a resident in the area. Ms. Rolf asked what the price will be for the units, and will the units be comparable to her unit, the size of units, and will the units be part of that same HOA or will they be operating separately. Mr. Wilkinson noted the decision on the Conditional Use Permit should be addressed first as the questions just asked by Ms. Rolf might be answered with the next item on the agenda.

Jack (AJ) Pate, 1246 East 700 South, Provo, stated that he works at a law firm that is also a tenant in the Birkhill building. Mr. Pate stated that he feels the parking requirements should be looked at as there is currently quite a bit of congestion in that

area.

Paul Burrows, 11 West Gilbride Avenue, indicated he is a resident in the area. Mr. Burrows stated that the Main Street off-street parking lot is currently filled with construction worker vehicles, and that UTA buses frequently park on the street for up to 5-10 minutes, leaving the area congested.

The public comment portion of the meeting was closed.

Mr. Wilkinson stated there is no specific parking regulation for a temporary sales trailer. He stated that the commission has the ability to add any additional conditions for mitigation of impact for approval.

Mr. Woodbury asked Mr. Wilkinson what the timeline on the surrounding projects are. Mr. Wilkinson stated the anticipated timing on the Landmark Acute Care Center will be this summer and Phase 1 of Birkhill will be next week (mid-February). Mr. Wilkinson also commented that there will be a parking structure that will house tenant and construction parking for the project to the east. Mr. Wilkinson stated that on-street parking is allowed in the TOD area.

Mr. Harland asked if they were to require the applicant to provide parking, what the size and scope of that would be and would it require ADA parking. Mr. Wilkinson stated that since there are no specific regulations for a temporary sales trailer, he would have to defer to the building code.

Ms. Daniels asked Mr. Whitney if parking does become a problem, would he be willing to do some mitigation. Mr. Whitney responded in the affirmative and referred to other projects where they have done some mitigation. At this point he feels that if they get one or two people walking into the trailer per day, they would be happy. Most of the traffic that will be coming through will do so on the weekends.

Mr. Harland stated he would feel more comfortable adding another condition requiring some parking in conjunction with the building code. Mr. Markham stated his main concern is having a hard surface for parking. Mr. Wilkinson again pointed out, this is a temporary structure (6 months) and based on the numbers that are to be expected, they wouldn't recommend requiring something that is difficult to remove like a hard surface parking lot.

Mr. Harland made a motion to approve a temporary Conditional Use Permit for a mobile sales office trailer for the property addressed 4243 Birkhill Boulevard for a 6 month timeframe, expiring August 6, 2013, subject to the following conditions:

1. The mobile office shall meet all applicable building code standards.
2. The mobile office shall meet current fire codes.
3. The mobile office shall comply with the City Engineer requirements for placement of the mobile office on the property.
4. The mobile office shall comply with Murray Water and Sewer and Power

department requirements.

5. The applicant will need to apply for a time extension to be approved by the Planning Commission before August 6, 2013 or remove the mobile office from the property by the expiration date.

Mr. Woodbury seconded the motion.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Karen Daniels

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Scot Woodbury

Motion passed, 4-0.

#### BIRKHILL PHASE 1 – FOURTH AMENDMENT – Project # 13-08

Benson Whitney, representing Henry Walker Homes, was the applicant present to represent this request for a fourth subdivision amendment for Birkhill at Fireclay Phase 1. Ray Christensen reviewed the request and location at the properties addressed 41, 43, & 47 West Gilbride Avenue, 4257, 4259, 4261, 4263, 4267, 4269, 4271, 4273, & 4277 South Birkhill Boulevard. 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 proposed subdivision amendment will reduce the number of townhome units from eleven units to nine units. Many of the individual unit sizes are larger with the proposed change and average size about 1,000 sq. ft. per unit. The Murray Redevelopment Agency reviewed the proposed changes for the Birkhill Phase 1 amended development and recommended approval. A number of the units proposed will be live-work units allowing for possible business use on lower floors and the north-west corner unit will be a commercial unit on the lower level. The TOD zoning district requires setbacks based on the adjacent street curb. The proposed structures were reviewed for compliance with setback requirements during the building permit review. The proposed structures meet the required front yard setbacks called for in the TOD zoning standards. Landscaping in accordance with TOD design standards and landscaping regulations will be approved as part of the building permit review and will be required to be completed in conjunction with the construction of the units. Vehicle access to the townhomes is proposed via the existing parking area to the rear of the proposed units. Each of the units includes a garage within the proposed footprint. Based on the information presented in this report, application materials submitted and the site review, staff recommends the commission send a recommendation for approval to the mayor subject to conditions.

Benson Whitney, 13767 Blue Admiral Drive, stated he has read over the conditions and will meet all 8 conditions. The buildings will look very much the same as the surrounding buildings. All of these units will have 2 car garages and there will be fewer units, but they will be larger than the original proposal. Mr. Harland wanted to

reiterate that the amendment is just changing the number of units from the original proposal. Mr. Whitney responded in the affirmative.

The meeting was opened up for public comment.

Ashley Rolf, 4260 South Main Street, indicated she is a resident in the area. Ms. Rolf asked the price ranges for the units, and will her unit be a part of that same HOA or will they be operating separately.

Jack (AJ) Pate, 1246 East 700 South, Provo, stated his law firm is a tenant in the Birkhill building and is also representing UIE Properties (the landlord). Mr. Pate pointed out a dumpster enclosure that blocks off traffic from getting around the end of the parking structure. He feels if this is approved, the new units become landlocked and the drive way to the new development will become a parking lot. The waste truck that accesses the dumpster is currently having trouble getting in and out. Mr. Pate also pointed out that the access to parking depends on an easement across their parking space.

The public comment portion of the meeting was closed.

Mr. Whitney stated this new project will be a part of the same HOA. Therefore, moneys will be coming in for any maintenance, snow removal, wear and tear, etc. The price point will be in the high 100's to the mid 200's depending on size, type of unit and upgrades. Mr. Whitney stated he does not have any concrete answers in regards to the positioning of the dumpster.

Mr. Wilkinson made note that the buildings on the original drawing are somewhat more to the east than what the construction will actually end up like. There needs to be clarification on the exact placement of the buildings. Mr. Wilkinson stated the drive is not a cul-de-sac.

Mr. Whitney stated that their intent is to meet all codes. He stated that moving the building closer to the street would make construction easier. Mr. Whitney asked if the Commission would be able to add any conditions they feel necessary at this meeting, so that things can move forward.

Ms. Daniels noted that with this project being in the TOD, that the idea is for the buildings to be set closer to the street. Mr. Wilkinson concurred. Mr. Wilkinson did state there is a utility easement and there are options on placement.

Mr. Markham asked if the placement of the dumpster containment area is an issue the HOA will need to deal with. Mr. Wilkinson noted they have several options available on this issue.

Mr. Harland asked Mr. Wilkinson if it is possible to move the building west towards the street. Mr. Wilkinson responded in the affirmative, saying it could be dealt with by adding another condition of approval by the planning commission.

Mr. Markham asked if there were any way to shorten up the garage canopy on the



north end to allow for egress. Mr. Wilkinson responded in the negative. Mr. Markham noted it would be nice to have ingress and egress in the area behind the new units.

Ms. Daniels addressed the commission members asking if it would be a good idea to add a condition requiring a vehicle egress out of that area proposed to be blocked. Mr. Wilkinson stated the difficulty with a condition to that effect would be that it needs to be based on a code standard. He stated that this building also has access on the west side, which is a public street.

Mr. Woodbury asked Mr. Wilkinson if they would be able to move on this project by placing a condition requiring the new project to build closer to the street on the west side without any specifications. Mr. Wilkinson stated they are able to add a condition that states the applicant needs to work with staff to adjust the locations further to the west. Mr. Woodbury asked Mr. Pate if that would help with his concerns. Mr. Pate made note that unit #1 on the current plat will be in need of some redesign which is the unit that blocks the driveway. He also stated that since the dumpsters are used under the HOA, that becomes an HOA issue. Mr. Pate also confirmed that it would be an improvement to move the project further to the west, allowing for better ingress and egress.

Mr. Harland asked Mr. Wilkinson if the Commission can specify in an added condition that the dumpster needs to be relocated. Mr. Wilkinson indicated that talking about whether to move the project further west than what is shown on the existing plat is appropriate for this meeting, but talking about moving the dumpster area is an issue that will affect multiple plats. The purpose of this meeting is to determine whether the plat should be amended. The dumpster issue will have to be resolved by the HOA.

Ms. Daniels read the condition which she proposes be added which would be that applicant to work with staff to relocate building further west. Mr. Wilkinson asked if they would consider adding the word "practical" when it comes to the utilities as determined by the City Engineer.

Mr. Woodbury made a motion to send a recommendation for approval to the mayor for the fourth subdivision amendment for Birkhill at Fireclay Phase 1, properties addressed; 41, 43, & 47 West Gilbride Avenue, 4257, 4259, 4261, 4263, 4267, 4269, 4271, 4273, & 4277 South Birkhill Boulevard, subject the following nine conditions, having added one condition:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office.
2. Provide plans and install frontage improvements along Birkhill Boulevard in conjunction with construction of the units.
3. Provide escrow bond for all improvements in City right-of- way.
4. Upon receiving planning commission approval, submit a PDF of the plat and improvement plans to the Engineering Division for final review and approval.

5. Prior to recordation of the amendment, the applicant shall provide a copy of the Conditions Covenants and Restrictions for City review and approval. A copy of the approved and recorded CCR's shall be provided to the City.
6. Show utility easements on all of the lots to meet the subdivision ordinance regulations.
7. The project shall meet all applicable building code and fire code standards.
8. The project shall comply with fire codes, Murray Water and Sewer and Power Department requirements.
9. Applicant shall work with staff in relocating buildings further west as far as practical, as determined by the City Engineer.

Mr. Markham seconded the motion.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 4-0.

OTHER BUSINESS

There was no other business to discuss.

Meeting adjourned.

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Chad Wilkinson, Manager  
Community & Economic Development