

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

Present: Karen Daniels, Chair
Tim Taylor, Vice-Chair
Jim Harland
Maren Patterson
Phil Markham
Scot Woodbury
Tim Tingey, Director of Administration & Development Services
Brad McIlrath, Assistant Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: 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. She reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes of October 17, 2013 as presented. Seconded by Mr. Taylor.

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

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda. Ms. Daniels mentioned that she has worked with Marvin Hendrickson, but there are no current business deals occurring now.

APPROVAL OF FINDINGS OF FACT

There were changes made to the Findings of Fact. Mr. Taylor made a motion to approve the Findings of Fact and Conclusions for Forest Creek PUD, Massage by Myla, Wilson Construction and Spring Creek Cove. The following correction was made to:

- 1. Forest Creek PUD; Correction made to the spelling of Mickeal Dahle's name*

Seconded by Mr. Harland.

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

YOUR KIDS SUCCESS – 4634 South Atwood Blvd – Project #13-168

Dortha Jill Weight was the applicant present to represent this request. Tim Tingey reviewed the location and request for a major home occupation at the property addressed 4634 South Atwood Boulevard. Major Home Occupations are home occupations which either requires a client to come to the home or which may result in neighborhood impacts if not properly managed. These uses may be authorized as an accessory use through a major home occupation permit pursuant to the standards specified in Murray Code Section 17.24. Because of potential impacts, Major Home Occupations require signatures of approval of all abutting and adjacent property owners indicating that they consent to the use of the property as a major home occupation. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the planning commission to be considered as a major home occupation. If all the required signatures are obtained, the director or designee will approve, approve with conditions, or refer the application to the planning commission to be considered as a major home occupation. Because the applicant couldn't get the signatures of all abutting and adjacent property owners to conduct an educational services business as a major home occupation, she has requested that the application be referred to the planning commission for review. The business provides one-on-one tutoring, small class instruction, educational consultation, and production of educational materials. On occasion, a person may be sub-contracted for a period of time, for services based on business needs and individual expertise. Your Kid's Success provides one-on-one tutoring services using a variety of research-based educational practices, individualized to the needs of each student. It also provides small group instruction in the areas of reading, math, science, social studies, art, and test preparation. Your Kid's Success meets with students, parents and educators in one-on-one and small group settings to consult concerning school performance, parenting issues, and ways to strengthen children from a home and/or school perspective. Lastly, it provides materials for activities to strengthen and reinforce various academic and social skills. All services are provided during the hours of 9:00 a.m. and 6:00 p.m. Monday through Saturday. Occasional exceptions are given from 7:00-9:00 a.m. and 6:00-9:00 p.m. based on individual needs. Students range in age from kindergartners to those who are attending college. Uses classified as major home occupations must comply with the standards of section 17.24.030 of this chapter, which shall be considered minimum standards. The planning commission may require additional conditions to mitigate impacts of the use on adjacent properties. These conditions may include, but are not limited to:

- Limits on hours of operation;
- Limits on numbers of clients per day/hour;
- Provision of adequate off street parking;
- Other conditions related to mitigating adverse impacts resulting from the use.

Dortha Jill Weight, 4634 South Atwood Blvd. Murray, Utah. Ms. Weight read a written statement explaining the intention of Your Kids Success. Your Kids Success is an educational services business which provides one on one tutoring and small class instruction. Ms. Weight stated that Your Kids Success is a sole proprietorship owned and run by her and on occasion an individual may be subcontracted for a period of time for services needed based on business needs and individual expertise. Ms.

Weight explained that the business provides tutoring services using a variety of research based educational practices individualized to meet the needs of each student and provides a small group of instruction in the areas of reading, math, science, social studies, art and test preparation. These small classes provide enrichment while strengthening basic educational skills. Ms. Weight stated that it is her belief as a former educator in the Granite School District and a long-time resident of Murray that Your Kids Success can provide a grand opportunity and community service as we have helped children in the past. She expressed that for many years she has been a tutor and has enjoyed the opportunity to help children improve grades and meet high educational expectations. Ms. Weight stated that she has no desire to exceed eight students, the physical disability that she has does not allow that. Ms. Daniels asked Ms. Weight if she has read the seven conditions of approval and if she can comply with them. Ms. Weight responded in the affirmative.

Ms. Daniels asked Ms. Weight how many students are currently enrolled in the program. Ms. Weight answered that they currently service fifteen students but at any given hour there are only two students.

Mr. Harland asked if Ms. Weight is currently operating now. Ms. Weight answered that they have been although they realize that they are out of compliance in that regard so she is anxious to get in compliance. Mr. Harland asked Ms. Weight regarding condition five, the business related parking, how many cars could be parked there? Ms. Weight answered that there could be six cars parked there if needed. We would rather not have six but there is space for six.

Mr. Woodbury was curious about the signatures, one option is going around and asking neighbors for approval, and there were five signatures provided. Mr. Woodbury asked Ms. Weight what the feedback and the responses were from the neighbors. Ms. Weight responded that when she went around gathering signatures, the neighbors across the road and to the south gave her a hardy recommendation. Ms. Weight stated that these neighbors are all very much aware that she has always be a self-sustaining individual, those neighbors felt that this is a great way to be able to use my talents and still provide for myself. When she went to see Mr. Fitzgerald, with a former student, Ryan Thacker, he did not sign the form because he does not feel that this was something he could support so she did not pursue his father who owns the property behind.

The meeting was opened for public comment.

Adam Fitzgerald, 4626 South Atwood Blvd, Murray. Mr. Fitzgerald stated that he has resided and owned the home at this address since January 2004. After a few years after moving in, Ms. Weight moved into the home to the South. Generally there have been cordial neighborly relations and understandings. Mr. Fitzgerald stated that they have differing opinions in respect to this business application. He gave some background about himself and stated that for about six or seven years he has been a licensed real estate sales agent recognized by the State of Utah, former realtor, sold land and residential market. Mr. Fitzgerald expressed that he looks at this business application not only as a neighbor but also looks at it with his experience in real estate. He voiced that he also has a background in insurance and has concerns with

issues of liability. Mr. Fitzgerald stated that he will have to change some of his comments as he did not previously see the conditions of approval; some of the comments were based around the accessory structure that in the past has been used as a classroom. Mr. Fitzgerald read a written statement: Bluntly put we are unable to pretend tonight that the proposed major home occupation is new for us, we have had the experience with the same for three and a half years. Based on the accumulative experience we have been unable to support this proposed for the following reasons, although admitting that the conditions of approval are improving, in our opinion this repose does not seek to preserve the character of the street or the neighborhood, rather it appears to be an attempt to bring a change in use via some conditional means. There has been an overall lack of adherence to all applicable codes which felt if ignored, will directly harm our interests. There has been a pattern of non-existent neighbor communication in respect to this business use. At time there have been those who have operated there who are not residents to the property. Neighbors have observed traffic, parking and trespassing violations. Mr. Fitzgerald brought up traffic and safety issues on Atwood Boulevard. He stated that he has many questions regarding the hours of operation. Mr. Fitzgerald voiced that he does not want to be vilified because of his role, he is not proud of this issue but he stated that he has made two code calls in the last three years. Mr. Fitzgerald stated this is not about attacking Ms. Weight, it is about defending property rights and peace and enjoyment of his property.

Jay Weight, 2287 West 8220 South, West Jordan. Mr. Weight stated that the applicant is his sister. Jay Weight stated that the gentlemen that just spoke, Mr. Fitzgerald, has had a long standing vendetta against his sister, Ms. Weight, since she has moved in. Mr. Weight expressed that if Ms. Weight can meet all the conditions, Mr. Fitzgerald will not want her to have the business. So his opinion is if an applicant meets the requirements of the City, then they should be able to allow themselves to continue on and pursue their business.

Ryan Thacker, 250 East Mountain View Dr. Mr. Thacker indicated he is a former tutoring student of Jill Weight. Mr. Thacker stated that Ms. Weight is an outstanding citizen in the community. Mr. Thacker voiced that when he accompanied Ms. Weight to Mr. Fitzgerald's home to ask for a signature, it seemed like there was a vendetta against Ms. Weight. Mr. Thacker addressed some of Mr. Fitzgerald's concerns regarding trespassing and human traffic. As far as everything else regarding the hours before and after school most of those hours are because kids are in school. The hours that Ms. Weight is referring to, 7:00 to 9:00 or 4:00 to 6:00 or possibly even later than that are because kids can go to these tutoring and class activities so that Ms. Weight is able to take care of them and take care of the needs. It is very difficult to pull kids out of school to tutor them when they should be in school. Mr. Thacker recommends support for Ms. Weight's endeavor to get licensed as a business.

Ephania Fitzgerald, 4626 S Atwood Blvd, Murray. Ms. Fitzgerald stated that their concerns are not because they dislike kids, the concerns are because for three years we have seen this business operating; we understand why our neighbor is working in this business. The point is that in the summer time when she teaches outside in the garden, it is trespassing. There really isn't a good fence, there is no privacy. Ms. Weight's property is deep, but not wide, when she teaches outside in the garden there

is a lot of noise. Ms. Fitzgerald stated that she doesn't mind when Ms. Weight teaches inside her home, the problem is when Ms. Weight teaches outside in the garden during summer months.

Tawnya Stephens, 198 E Mt. View Dr. Ms. Stephens stated that she has been to Ms. Weight's home, just like every other neighborhood, you can hear Ms. Weight's neighbors to the North outside talking just like everyone else does. Ms. Weight voiced that the school people are referring to is only eight children at a time, there might be more with summer coming and leaving but there are just the eight at that certain time. Ms. Stephens stated that eight students might be fun but a neighbor might have eight children. She expressed that it can't really be valid because you can't expect your backyard to always be quiet unless you put a sound proof fence in yourself.

Monica Giles, 4744 S. Rainbow Dr. Ms. Giles stated that her two sons have been attending Ms. Weight's program for the last year. Ms. Giles expressed that the good Ms. Weight does extends far beyond the academics, she teaches children what they are and in a way that is an addition to what a parent can do, every child needs more than just their parents to see the good in them.

The public comment portion of the meeting was closed.

Ms. Weight stated that she has listened and has been overwhelmed by the thoughts that have been shared at this meeting. If Your Kids Success is guilty of anything, it's that we didn't license. Ms. Weight stated that she knows that she should have licensed and in the past when she tutored she viewed herself as a piano teacher who brought in one or two children a day and taught a lesson, the piano teachers she knew were not licensed, she stated that she is guilty of ignorance in this regard. Now that she knows that this is in place, she desires to put things right. Ms. Weight expressed that she appreciates that people think she does a good job. Ms. Weight stated that she does not understand the term school when she hears it, the summer program that she has operated in the last three years has consisted of the neighborhood children, no more than eight at a time, to come and share the experiences of rock camp, astronomy and art together. Last summer, in a desire to increase personal income Ms. Weight offered one class each hour Monday, Tuesday, Wednesday and Thursday from 9:00 a.m. or 10:00 a.m. and finished the last class at 3:00 p.m. There was interest in a 1:00 p.m. class or 2:00 p.m. class but not every class was filled. Ms. Weight expressed that she appreciates peace and quiet as she lives alone and has never been married or had children but she has always lived around neighbors with dogs and children and noise, which is part of living in the world in which we exist. Ms. Weight stated that there have only been two events that she can recall that may have been disruptive to her neighbors, and these events only lasted twenty minutes maximum. Ms. Weight stated that she hopes the City will allow her to continue using her skills in the way that she knows and hopes that as she complies with the requirements that the City has set forth that they will be able to support her in this business endeavor, as she desires to support herself financially and not ask taxpayers to support her.

Mr. Harland stated that the issue of noise is the primary issue, regarding condition seven, Mr. Harland clarified the restrictions of the code include noise of the backyard

area. Ms. Weight asked Mr. Harland, talking about noise in condition seven, will there be notification given of what the noise limitations will be? Mr. Tingey stated that this will be communicated as it is all part of what the noise ordinance is in the code, there are restrictions to hours to have significant noise levels. Ms. Weight expressed that she will be happy to comply with those recommendations when they are given to her.

Mr. Woodbury asked a question regarding fence height, it was determined that the fence between the two properties is a chain link, standard fence.

Ms. Patterson made a motion to approve the Major Home Occupation Request for the property located at 4634 S. Atwood Blvd, with conditions 1-7 as recommended:

1. The home shall meet building and fire code standards.
2. Meet all Murray Power, Water, and Sewer Department requirements.
3. The maximum number of students for small group instruction will be limited to eight students at any given time without conditional use permit approval. (9 to 12 students requires conditional use permit approval.)
4. Only one non-resident employee will be allowed to provide consulting services at any given time. The applicant may request additional non-resident employees or consultants through conditional use permit.
5. Any business related parking other than dropping off or picking up students will be provided on site.
6. No business activity will be allowed in the room behind the garage.
7. Outside yard areas may be used for group education uses, subject to the restrictions of the Code.

Seconded by Mr. Markham.

Call vote recorded by Brad McIlrath.

A _____ Maren Patterson

A _____ Phil Markham

A _____ Tim Taylor

A _____ Jim Harland

A _____ Karen Daniels

A _____ Scot Woodbury

Motion passed, 6-0.

MARVIN HENDRICKSON – 5844 South Treasure Farm Circle Lot #3 – Project #13-170

Marvin Hendrickson was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit an accessory dwelling

unit for the property addressed 5844 S. Treasure Farm Circle. Municipal Code Ordinance 17.104 and 17.78 allow accessory dwelling units within the R-1-10 zoning district subject to Conditional Use Permit approval. The applicant is proposing the construction of an accessory dwelling unit (ADU) in the basement of a new single family dwelling at this location. The proposed ADU will consist of one bedroom, one living room and one kitchen. The total area of the ADU will be 950 square feet, which is 27% of the total floor area of the main dwelling. The total allowable area for ADU's is 40% of the main dwelling area and not to exceed 1,000 square feet. There will be a separate exterior entry for the ADU located to the side and rear of the unit, and there will be an access between the main dwelling and the ADU. As part of construction of the new single family residence, an additional 10 feet will be added to the driveway in order to provide sufficient off street parking for main and accessory dwellings. As required by the ADU ordinance, the owner of the property shall live in either the main dwelling or accessory dwelling as their principal residence. Evidence of that occupancy shall be submitted and maintained with Murray City. This evidence is required to be submitted to City staff as the Accessory Dwelling Unit – Owner Occupancy Affidavit. The purpose of this provision is to ensure that the subject property is maintained and that potential impacts to neighbors can be quickly addressed by the owner of the property. The affidavit shall be recorded in order for future property owners to know of the status of the unit, and that the future property owners are required to reauthorize the unit in order to continue the ADU use. The current owner of the property (Marvin Hendrickson) is constructing the new dwelling along with the ADU for a future buyer. The current owner does not intend to establish this home as his principal residence. In order to ensure that future property owners are notified of the status of the accessory unit in title research, the current owner shall submit and record a modified Accessory Dwelling Unit – Owner Occupancy Affidavit. The future property owner and principal resident is required to submit the Accessory Dwelling Unit – Owner Occupancy Affidavit to City staff and have it approved prior to the issuance of a Certificate of Occupancy. The intended residents will need to be the property owner at the time the affidavit is approved and recorded. According to section 17.78.040 of the zoning ordinance, “two (2) additional off street parking spaces shall be provided” in addition to the required spaces for the primary unit. There shall be a minimum of four (4) off street parking spaces provided for the main and accessory dwelling units. All on street parking shall be reserved for visitors only and sufficient off street parking spaces shall be provided for additional occupant vehicles. According to plans submitted by the applicant there will be sufficient parking provided for the main dwelling and the accessory dwelling. A 10 foot wide parking area will be added to the north side of the driveway and residence in order to provide sufficient parking spaces for both dwellings. Tandem parking is allowed for residential dwellings and will be the parking method used within the 10 foot parking area. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Marvin Hendrickson, 4914 Esther Circle, West Valley City. Mr. Hendrickson indicated he is the owner and builder of this residence in Murray. Mr. Hendrickson stated that this process was initiated by Claudia and Bill Ketter, the potential buyers of this residence. Mr. Hendrickson stated that he was not aware that the ordinance was in place; ironically every requirement of this ordinance can be met in the process of this construction of the new residence. Ms. Daniels asked Mr. Hendrickson if he has read

the seven conditions of approval and if he can comply with them. Mr. Hendrickson responded in the affirmative.

The meeting was opened for public comment. There were no comments from the public and that portion of the meeting was closed.

Mr. Woodbury made a motion to approve the Conditional Use Permit for an Accessory Dwelling for the property addressed 5844 South Treasure Farms Circle with conditions 1-7 as recommended:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The project shall meet all applicable development standards for accessory dwelling units found in chapter 17.78 of the Murray City Zoning Ordinance.
4. Separate utility meters shall not be allowed.
5. Landscaping shall be installed within one year to the date of occupancy.
6. The current property owner shall submit and record an Accessory Dwelling Unit – Owner Occupancy Affidavit to City staff in order to ensure that the status of the accessory dwelling unit is connected to this property.
7. The primary residence property owner shall submit evidence that the property is their principal residence and shall submit an Accessory Dwelling Unit – Owner Occupancy 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. The approved affidavit shall be recorded against the property and a copy shall be provided to Community and Economic Development staff prior to issuance of the Certificate of Occupancy.

Seconded by Mr. Markham.

Call vote recorded by Brad McIlrath.

A _____ Maren Patterson

A _____ Phil Markham

A _____ Tim Taylor

A _____ Jim Harland

A _____ Karen Daniels

A _____ Scot Woodbury

Motion passed, 6-0.

KATTT HEALTH & FITNESS – 4131 South 420 West – Project #13-149

Stacey Waggoner was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for a physical training gym for the property addressed 4131 South 420 West. Municipal Code Ordinance 17.152 allows gymnasiums, athletic clubs, or body building studios (LU #7425) within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant is requesting a Conditional Use Permit for a physical training/ cross fit training gym at the property addressed 4131 South 420 West. The applicant is proposing to use a 4,000 square foot warehouse space for personal and small group training. The hours of operation will be from 8 am to 5 pm, Monday through Saturday, with a clientele of 15 people. Each workout session will be between 45-90 minutes long, with a maximum of 20 participants if there is group instruction. The applicant has indicated that there are eight (8) parking spaces directly in front of the building and an additional twelve (12) along the property fence line. A total of 20 parking spaces will be reserved for this business use with one striped ADA space. The applicant has indicated that there is shared parking along the entire fence line and that additional spaces are available for use if necessary. For the two tenants that occupy this portion of the building there are a total of 35 parking spaces with 2 reserved as ADA spaces. Parking standards for this type of use are calculated for each employee and client. The zoning ordinance requires one parking stall per employee and one stall per each client of driving age. The zoning ordinance also requires that for every 26-50 spaces provided, 2 of those spaces shall be striped for ADA use. According to the information that the applicant has submitted, there will be sufficient parking to meet the off street parking standards for this use. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to the five conditions.

There was discussion regarding striping conditions and if there is a dumpster on the property.

Stacey Waggoner, 8971 S. 90 E, Sandy, Utah. Mr. Waggoner stated that this business is self-explanatory and he just needs open space to be able to train. Mr. Waggoner stated that there is one change that he would like to make, when filling out the paperwork he indicated that he would be closing his business by 5:00 p.m. and he would like to change it to no later than 10:00 p.m. Ms. Daniels asked Mr. Waggoner if he has read the five conditions of approval and if he can comply with them. Mr. Waggoner responded in the affirmative.

Ms. Daniels asked Mr. Waggoner if working out and training will be kept inside the building. Mr. Waggoner stated that the only thing that would be outside is if the garage door was open half way to let fresh air into the building, but we will not be in the parking lot working out.

Mr. Woodbury asked Mr. Waggoner what KATTT stands for. Mr. Waggoner replied that each letter stands for the first initial of his children's names. The meeting was opened for public comment. There were no comments from the public and that portion of the meeting was closed.

Mr. Woodbury made a motion to approve the Conditional Use Permit for a physical training gym for KATT Health and Fitness at the property addressed 4131 South 420 West with conditions 1-5 as recommended:

1. The project shall meet all applicable building code standards.
2. Plans shall be provided to the building official, which are drawn to scale, identifying all rooms and spaces. Separate restroom facilities may be required for each gender by the building official.
3. The project shall meet all current fire code standards.
4. Parking shall be restriped and made visible prior to the issuance of a Murray City Business License.
5. The applicant shall obtain a business license prior to the commencement of business operations.

Seconded by Mr. Taylor.

Call vote recorded by Brad McIlrath.

A _____ Maren Patterson

A _____ Phil Markham

A _____ Tim Taylor

A _____ Jim Harland

A _____ Karen Daniels

A _____ Scot Woodbury

Motion passed, 6-0.

AVONLEA TOWNHOMES – 639 & 643 East Vine Street – Project #13-149

Reed Dixon was the applicant present to represent this request. Tim Tingey reviewed the location and request for preliminary and final subdivision approval for nine townhome units at the property addressed 639 and 643 East Vine Street. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. The applicant is requesting preliminary and final subdivision approval for a nine unit townhome development. The plans for this 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 south west side of the property. 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 Murray Planning Commission previously granted Conditional Use Permit approval for a 9 unit apartment development on August 2, 2012. (See the attached minutes). The parcel size 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 applicant submitted a written statement describing how their project complies with the incentive density bonus requirements and has submitted colored drawings. The applicant has provided a Declaration of Condominium, Covenants, Conditions and Restrictions and Affordable Housing Restrictive Deed regarding affordable housing compliance. Seven units have a two car garage and two units have a one car garage plus two parking stalls in each driveway. There are five additional parking stalls in the parking lot area to the east including two RV parking stalls for compliance to parking regulations. Based on the information presented in this report, application materials submitted and site review, staff recommends the planning commission send a recommendation for preliminary/final subdivision approval to the Mayor subject to the nineteen conditions.

Ms. Daniels asked Mr. Tingey regarding the Conditional Use Permit as it was approved previously, in that it had fourteen conditions, are those fourteen conditions re-stated in these nineteen conditions. Mr. Tingey answered that some of these conditions are re-stated but those conditions on the Conditional Use Permit are in place as well as these nineteen.

Mr. Taylor asked a question regarding parking at the end of the street, if all the parking spaces are filled how you would end up turning around at the end of the street. Mr. Tingey responded that this was an issue. The Fire Department has looked over the plans and the distance requirements do not constitute them turning around on that.

Reed Dixon, Infinity Consultants representing the owner and design team, mostly here to answer questions as this was approved before and everything is the same except the individual ownership of the unit's verses one single owner of the whole project. To answer the question regarding turning around on the road, the street is twenty-two feet wide so it would function almost like any parking lot would. Ms. Daniels asked Mr. Dixon about the affordable housing component, the two properties that will be affordable housing, will those be kept as rentals or will those be sold to people who qualify for the affordable housing. Mr. Dixon answered that it is platted for individual ownership they could be owned individually and then rented or owner occupied, either way.

Mr. Harland asked Mr. Dixon a question regarding construction, there was concern about construction with the neighbors regarding traffic and parking on the street is this still an issue or is it under control. Mr. Dixon answered that it will all be contained onsite and there will not be an issue with this.

Ms. Daniels asked Mr. Dixon if he has read the nineteen conditions of approval and if he can comply with them. Mr. Dixon responded in the affirmative.

The meeting was opened for public comment.

Monica Wood, 5241 Spring Lane, Murray. Ms. Wood indicated she is the President of the Spring Hill Condo Association. Ms. Wood asked the question when this is going to happen. She stated that they have been waiting so long and the two houses are an eye sore, it would be alright if they were to flatten the whole area.

The public comment portion of the meeting was closed.

Mr. Dixon responded that they are eager to start and they will start as soon as the financing is lined up and the construction contracts are all done. Mr. Dixon stated that it should be 90-120 days. Ms. Daniels asked if the demolition will be part of the approval of the loan. Mr. Dixon said they would do it all at once.

Mr. Taylor made a motion to send a recommendation for a preliminary and final subdivision approval to the Mayor for the Avonlea Townhomes addressed 639 & 643 East Vine Street subject to conditions 1-19 as recommended:

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 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 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. The owner(s) of the affordable units shall provide a report to the city showing compliance to affordable housing

regulations by December every year. The applicant shall amend the Affordable Housing Restrictive Deed for to include the reporting requirement.

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 division 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.
15. Meet City subdivision plat requirements.
16. Upon receiving Planning Commission approval, submit a Subdivision Plat application form and a pdf of the plat and improvement plans to the Engineering Division for final review.
17. Obtain a City Land Disturbance Permit prior to beginning any site work.
18. The Avonlea project shall comply with Utah Code, Condominium Ownership Act, Title 57 Chapter 8.
19. Provide the Murray Community Development Division a copy of the recorded Declaration of Covenants, Conditions and Restrictions and Affordable Housing Restrictive Deed prior to issuance of a building permit.

Seconded by Mr. Harland.

Call vote recorded by Brad McIlrath.

A _____ Maren Patterson
A _____ Phil Markham
A _____ Tim Taylor
A _____ Jim Harland
A _____ Karen Daniels
A _____ Scot Woodbury

Motion passed, 6-0.

FASHION PLACE ANCHOR SUBDIVISION – 6227 South State Street - #13-167

Ted Didas was the applicant present to represent this request. Tim Tingey reviewed the location and request for a preliminary and final subdivision approval for a three lot subdivision at the Fashion Place Mall property addressed 6227 South State Street. Murray City Code Title 16 outlines the requirements for subdivision review. The Murray Planning Commission is required by State Code (10-9a-207) to conduct a public hearing and review all subdivisions of property within the City. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the City. The Planning Commission acts as an advisory body to the Mayor and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Commission's review and recommendation of a subdivision application, it will be forwarded to the Mayor for final approval. The plat is then forwarded to the Salt Lake County Recorder's office for review and recording. The Murray building official noted, the covered mall building and attached anchor buildings and parking garages shall be surrounded on all sides by a permanent open space of not less than 60 feet (18, 288 mm). An open mall building and anchor buildings and parking garages adjoining the perimeter line shall be surrounded on all sides by a permanent open space of not less than 60 feet (18, 288 mm). The applicant will need to provide legal agreements noting a minimum of 60 feet shall be maintained around the perimeter of the entire mall, per IBC section 402.1 as noted above. Based on the information presented in this report, application materials submitted and the site review, staff recommends the planning commission forward a recommendation of approval to the Mayor for preliminary and final subdivision approval subject to conditions.

Ted Didas, McNeil Engineering, 8610 S. Sandy Parkway. Ms. Daniels asked Mr. Didas if he has read the seven conditions of approval and if he can comply with them. Mr. Didas responded in the affirmative. Mr. Didas stated that he was in a month ago to present a Conditional Use Permit for the proposed Dillard's. Mr. Didas stated that lot 2 is the lot that General Growth Properties would propose to sell to Dillard's in that transaction and then maintain ownership of parcel's 1 and 3, two smaller parcel's on the East and West end. That is the general purpose of the subdivision, to sell a portion to Dillard's. Ms. Daniels clarified with Mr. Didas the uses of lots 1 and 3.

The meeting was opened for public comment. There were no comments from the public and that portion of the meeting was closed.

Mr. Harland made a motion to send a recommendation for a preliminary and final subdivision approval to the Mayor for a preliminary and final subdivision approval for a three lot subdivision at the Fashion Place Mall property addressed 6227 South State Street with conditions 1-7 as followed:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office.

2. The project shall meet all applicable building code standards. The applicant shall provide legal agreements noting a minimum of 60 feet shall be maintained around the perimeter of the entire mall, per IBC section 402.1
3. The project shall comply with Murray Water & Sewer, Power and Fire Department requirements.
4. Meet Murray City subdivision requirements.
5. Upon receiving Planning Commission approval, submit a .pdf of the plat and a subdivision application to the Engineering Division for final review.
6. Provide easements on the plat as per Murray utility department requests.
7. Before recording the plat, the applicant shall provide the City a copy of the Declaration of Covenants, Conditions and Restrictions or similar agreement, which shall include a shared access and parking agreement between parcels of property.

Seconded by Mr. Woodbury

Call vote recorded by Brad McIlrath.

A _____ Maren Patterson
A _____ Phil Markham
A _____ Tim Taylor
A _____ Jim Harland
A _____ Karen Daniels
A _____ Scot Woodbury

Motion passed, 6-0.

MURRAY COTTAGES P.U.D. AMENDMENT – 4875 South Greenside Place - #13-169

Lyle Buchanan was the applicant present to represent this request. Tim Tingey reviewed the location and request for planning commission approval to amend the Murray Cottages Planned Unit Development to allow a private street gated access at the property addressed 4875 South Greenside Place. The Murray Planning Commission reviewed Murray Cottages for final planned unit development approval and Conditional Use Permit approval at the meeting dated April 1, 2004. The Planned Unit Development Ordinance Chapter 17.60.070 states: A. Upon approval of a planned unit development construction shall proceed only in accordance with the plans and specifications approved by the Planning Commission and shown on the approved plans. B. Amendments to the approved plans and specifications for a planned unit development shall be approved by the planning commission and shown on the approved plans. The applicants are requesting gated access on the private street due to increased traffic into the development by non-residents and for security reasons. The applicant has provided a plan which indicates there will be a telephone

entry system with police/ fire/emergency access box which can be located on either side of the driveway. The police, fire and public services department said the access box can be located on either side of the street. There will also be a pedestrian access gate into the property. The Murray Planning Commission has approved other gates on private streets, such as Murray Grove Subdivision, at 1252 East Matthew Avenue. Based on the above information and findings, staff recommends the Planning Commission approve the request for a gated access on the private street subject to conditions.

Lyle Buchanan, 8045 S. 615 E. Sandy. Mr. Buchanan stated he is the owner of Buchanan Access Systems. The homeowners of Murray Cottages contacted his company earlier this year and due to some vandalism and robberies they wanted to get a gate across their community. We have been working with them and wanted to get approval through the Planning Commission to get things taken care of to get the gate it. Ms. Daniels asked Mr. Buchanan if he has read the two conditions of approval and if he can comply with them. Mr. Buchanan responded in the affirmative.

The meeting was opened for public comment. There were no comments from the public and that portion of the meeting was closed.

Mr. Woodbury made a motion to approve the Murray Cottages Planned Unit Development to allow a private street gated access at the property addressed 4875 South Greenside Place subject to conditions 1 and 2 as listed:

1. Meet Murray Building department requirements for compliance to building code and permit approval.
2. Comply with Police and Fire emergency access for the gated entry box.

Seconded by Mr. Markham

Call vote recorded by Brad McIlrath.

A _____ Maren Patterson

A _____ Phil Markham

A _____ Tim Taylor

A _____ Jim Harland

A _____ Karen Daniels

A _____ Scot Woodbury

Motion passed, 6-0.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 7:48 p.m.

Chad Wilkinson, Manager
Community & Economic Development