

Minutes of the Planning Commission meeting held on Thursday, November 5, 2015, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Buck Swaney, Vice Chair
Tim Taylor
Karen Daniels
Scot Woodbury
Travis Nay
Gary Dansie
Tim Tingey, Administrative and Development Services Director
Jared Hall, Community & Economic Development Manager
Brad McIlrath, Assistant Planner
Frank Nakamura, City Attorney
Citizens

Excused: Phil Markham, Chair

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

Buck Swaney opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes from October 15, 2015. Seconded by Mrs. Daniels.

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

CONFLICT OF INTEREST

Mrs. Daniels declared a conflict with agenda items 11 and 12, Hamlet Development, because she does business with the applicant and they have discussed this project. She recused herself from voting on these items. .

APPROVAL OF FINDINGS OF FACT

Mr. Taylor made a motion to approve the Findings of Fact for Mowtivation Company and TAC Educational Services. Seconded by Mr. Woodbury.

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

INNOVATIVE PROPERTY DEV – 4580 South 200 West – Project #15-138

Jason Holt was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow an extended-stay hotel (LU #1512) in the M-G, Manufacturing zone on property located at 4580 South 200 West. Municipal Code Ordinance 17.152.030 allows extended-stay hotels (LU #1512) within the M-G zoning district subject to Conditional Use Permit approval by the Planning Commission. The applicant proposes to remove the two existing homes on this property and develop an extended-stay hotel on the site. The hotel, known as

FlexaStay Suites, is smaller than most with 31 units, all suites of varying sizes. The hotel is specifically designed to cater to clients who need a longer stay, either for work in the area, transition between housing, or for those in need of temporary living accommodation close to the IMC for longer than would be comfortable or affordable at a more traditional hotel. The subject property is 100 feet wide, and over 260 feet deep. There are currently two older homes situated on the property which would be removed. The lot is situated on a significant slope, dropping more than 35 feet from the road to the west lot line.

The applicant's design for the hotel and parking beneath attempts to utilize the lot depth and slope. The applicant has proposed a parking structure built underneath the hotel, with a total of 42 parking spaces on several levels. The parking structure is accessed by a ramp descending from the property line at 200 West. Two parking stalls are located at the front of the hotel, adjacent to the entrance to the small lobby. These spaces need to be redesigned as 90 degree angled parking. The 45 degree parking, as shown, would only be allowed if there were an exit further west on the property. Section 17.72 requires parking for hotels at a rate of 1 space per living unit, plus parking for accessory uses as defined. There are no accessories in this hotel (conference rooms, restaurants, etc.) and the parking provided exceeds the requirement per the standard of 31 stalls. Due to the nature of this proposed hotel, staff feels the additional parking is an asset. The M-G zone requires a 20 foot building setback from 200 West Street, 10 feet of which must be landscaped. Much of the building is setback further than 20 feet, but all portions of the structure meet the requirement. Other setbacks are not required, however there are limited side-yard setbacks and the building is setback 84 feet from the rear property line. Several elevations of the hotel and parking structure have been attached to this report for the commission's review. Different portions of the structure have different heights, but the greatest height of the building from the grade at 200 West is proposed at 33'8". Side elevations provide a good illustration of the difference in grade on the property itself, and the resulting differences in measurement of height for the building. Landscaping plans indicate 11,656 total square feet of landscape on the site, including the frontage landscaping, side yards, and the rear landscaping area containing the retention basin for storm water. The buildable site is 23,721 square feet, meaning that 49% of the site area is landscaped. This is well in excess of requirements for landscaping. The landscape plan will need to comply with Section 17.68 for the frontage of 200 West. There are two proposed accesses, both from 200 West. The first is a 42 foot wide access leading to the ramp down into the parking structure. The second is a smaller, 25 foot wide access leading directly to two parking stalls in front of the lobby entrance at the southeast corner of the building. Sewer and water for the property are being modeled currently to assure that public utilities are sufficient to serve the project. Engineering is evaluating storm drainage for compliance as well. There is no storm drain available, so the retention basin must be capable of handling all storm drainage needs on-site. Positive results for utility modeling and drainage calculations will be recommended conditions of approval. Much of 200 West is not improved with side treatments of curb, gutter and sidewalk. This proposed development will include the dedication of 2,972 square feet of additional right of way (asphalt) and improvements of sidewalk, curb and gutter to match the existing improvements to the south of the property frontage. North of the property there are no improvements. The dedication and installation of right-of-way improvements will be a recommended condition of approval. Based on the information presented in this report, application materials

submitted and the site review, staff recommends approval of the request for a conditional use to allow an extended-stay hotel on the property located at 4580 South 200 West subject to conditions.

Mr. Nay asked if the existing fence would meet the fencing regulations. Mr. Hall responded that the existing fence is in compliance and no new fencing is required.

Jason Holt, 15001 Eagle Crest Drive, Draper, stated he has considered adding an additional level, which would add 15 units and wanted to know if he would have to come back and amend the conditional use if approved. Mr. Holt indicated that he has reviewed the staff recommendations and will comply. Mr. Hall stated that Mr. Holt will need to come back to the planning commission in order to increase the number of hotel units by 15, because it will be expanding the nature of the project.

Ms. Daniels commented that a seventh condition should be added requiring that the two 45 degree parking stalls are to be replaced with 90 degree parking stalls. Mr. Holt stated he would comply with this requirement.

The meeting was opened for public comment. No comments were made and the public comment portion of the meeting was closed.

Mr. Taylor made a motion to approve a Conditional Use Permit for Innovative Property Development, to allow an extended-stay hotel (LU #1512) for the property located at 4580 South 200 West subject to the following conditions:

1. The project shall meet all applicable building code standards and will obtain all necessary Murray City building permits and demolition permits.
2. The project shall meet all applicable fire codes.
3. The project must meet city requirements for utility provision, assuring that impacts to the capacity of the water system in this area resulting from the project are acceptable.
4. The applicant shall provide a right-of-way dedication deed for 200 West frontage as specified by the Murray City Engineer.
5. The applicant shall install right-of-way improvements on 200 West for curb, gutter and sidewalks as required by the Murray City Engineer.
6. The landscaping plan shall comply with all requirements of Section 17.68 of the Zoning Ordinance.
7. Two parking stalls up front be changed from a 45 degree to a 90 degree orientation.

Seconded by Mrs. Daniels.

Call Vote recorded by Brad McIlrath.

A_____Buck Swaney

A_____Tim Taylor

A_____Karen Daniels

A_____Scot Woodbury

A_____Travis Nay

A_____Gary Dansie

Motion passed, 6-0.

WAGSTAFF BROTHERS – 4645 South 360 West & 4661 South Cherry Street – Project #15-147

Jim Wagstaff was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit approval for a crane operations company to be located at the properties addressed 4645 South 360 West and 4661 S. Cherry Street. Municipal Code Ordinance 17.152 allows specialized construction trade services (LU# 6630) within the M-G zoning district subject to Conditional Use Permit approval. The applicants are proposing to expand their existing crane operation business to the subject properties. The expansion will include the addition and restriping of employee and customer parking. The proposed site will include a crane yard for the storage of cranes and equipment; the existing buildings will be used for storage, offices and a minor repair shop. All major crane repairs and maintenance will be done at a separate business location that specializes in such repair.

Parking for this type of use is calculated at the rate of 4 parking spaces for each 1,000 square feet of net office space and 1 space for each 750 square feet of net floor area. According to the application, the total square footage of buildings on the properties is 42,111. The applicants did not provide specific square footage calculations for separate office and warehouse space, however based upon the submitted materials and a site visit the majority of the buildings appear to have limited office space. Therefore based upon the calculation of 1 parking space for every 750 square feet of net floor area, a total of 56 parking spaces should be provided for this use. According to the site plan, a total of 65 parking spaces are proposed for this site which staff determines to be sufficient for the proposed use. According to Chapter 17.72 of the Murray Municipal Code, parking spaces are required to be 9 feet wide by 18 feet deep. The parking spaces on the submitted site plan are larger than this minimum requirement. Due to this larger size, a few parking spaces encroach into the minimum 24 wide aisle width required behind each stall. Based upon staff analysis, parking spaces that meet the minimum depth and width requirements (9'x18') will not encroach into the minimum aisle width required by ordinance. Therefore, in order to maintain the proposed parking layout, staff recommends that the applicants strip parking spaces no larger than the minimum width and depth requirements mentioned above. The site plan shows 3 ADA parking spaces located at the north end of the proposed office & warehouse building. According to Chapter 17.72 for every 51-75 total parking spaces, 3 of the total parking spaces must be designated as ADA parking spaces and that one (1) in every eight (8) ADA spaces must be designated as a van accessible ADA parking space. According to the submitted site plan, the proposed ADA parking spaces comply with the minimum standards required by ordinance. The existing buildings appear to comply with the minimum setback and

height requirements of the M-G Zoning District. The property complies with applicable landscape standards. Access to this location is by two different drive accesses. The north entry provides access from Jensen Lane and is limited to smaller non-commercial vehicles. Signage is posted at the entrance of that access driveway prohibiting larger work vehicles and requiring them to use the Cherry Street access. The Cherry Street access is located at the south end of the properties and is able to accommodate larger vehicles such as cranes. Wagstaff Crane uses another property as a storage yard addressed 4594 S. Cherry Street. In order to continue to use that property as a storage yard, the applicants will also need to obtain a conditional use permit for that property. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of a conditional use permit for Wagstaff Brothers Properties to operate a crane operations company at the properties addressed 4661 S. Cherry Street and 4645 South 360 West subject to conditions.

Mr. Nay asked if there were weight limits on 4800 South and Jensen and if there were signs posted about the weight limits. Mr. McIlrath stated that there are weight limits and the cranes would only be able to exit or return onto Cherry Street and head North, they would not be able to head south on 4800 South because the pavement is not thick enough to handle the weight. Mr. McIlrath stated that there are currently no signs posted and if staff noticed that the cranes were cracking the streets staff would see what they needed to do to get it fixed.

Jim Wagstaff, 4670 South Wander Lane, Salt Lake City, stated that he has been driving down Cherry Street in his cranes for over 30 years and they have never had any problems. Mr. Wagstaff stated that all the cranes are different sizes but the axel weights stay similar because the manufacture know they have to meet certain bridge requirements. Mr. Wagstaff indicated that he has reviewed the staff recommendations and will comply.

Mr. Nay asked Mr. Wagstaff if the city engineer is recommending that there are no cranes on 4800 South, would Mr. Wagstaff be able to comply with that. Mr. Wagstaff stated that they been using 4800 South for over 30 years, why that would change. Mr. Woodbury stated that it is not a condition it is just a recommendation. Mr. Wagstaff stated he would be glad to comply, he doesn't think there has ever been or would be any damage to 4800 South. He stated if they have a job that is located on 4800 South State Street or in that area, they would have to use 4800 South Street. He stated they are willing to comply with this request, but in some instances it may not be possible and there has not been any damaged caused by their cranes in the past 30 years.

Mr. McIlrath stated that regarding 4800 South, he hasn't seen any damaged caused by the cranes using 4800 South Street. He stated that prohibiting the crane use on 4800 South Street is not a condition of approval, but is a recommendation from the city engineer.

The meeting was open for public comment. No Comment was made and the public comment portion of the meeting was closed.

Mr. Woodbury made a motion to grant Conditional Use Permit approval for Wagstaff

Brothers Property for a crane business located at 4645 South 360 West and 4661 South Cherry Street subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicants shall obtain a Murray City Building Permit for any remodeling of the existing buildings. A building permit shall also be obtained for any demolitions of existing buildings.
2. The project shall meet all current fire codes.
3. All parking spaces shall be striped with a minimum width of nine (9) feet and depth of eighteen (18) feet. A minimum twenty four (24) foot wide aisle width shall be maintained behind each parking space and no parking space shall encroach into a drive access.
4. The applicants shall comply with all Murray City Power Department requirements including the relocation of an existing power line.

Seconded by Mrs. Daniels.

Call vote recorded by Mr. McIlrath.

A_____Buck Swaney
A_____Tim Taylor
A_____Karen Daniels
A_____Scot Woodbury
A_____Travis Nay
A_____Gary Dansie

Motion passed, 6-0.

PHLEBOTOMY TRAINING SPECIALISTS – 649 West 5300 South – Project #15-150

Carmen Rich was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for a phlebotomy training facility to be located at the property addressed 649 West 5300 South. Municipal Code Ordinance 17.160 allows educational services (LU #6800) within the C-D zoning district subject to Conditional Use Permit approval. The applicant proposes to operate a phlebotomy training school at the proposed location with classes offered Mondays through Thursdays with ten (10) students in each class. Classes on Mondays and Wednesdays will be held from 6:00 o'clock P.M. to 10:00 o'clock P.M., while classes offered on Tuesdays and Thursdays would be held from 10:00 o'clock A.M. to 2:00 o'clock P.M. The 1,500 square foot unit will include five (5) tables with two (2) chairs at each table, a whiteboard and a podium for instruction. The commercial unit also includes a storage room and unisex restroom. Parking for schools is calculated at the rate of one (1) parking space for each three (3) students of driving age and one (1) parking space for each employee. Although this parking requirement is applied to all schools for parking, staff foresees that the parking demand for this type of use could be greater than the estimated demand addressed by this parking standard. It is important to note that this specific parking standard refers to elementary schools, school auditoriums, arenas or stadiums which are more

common elements of K-12 schools, therefore staff determines that parking for this use should be determined based upon the maximum amount of employees and students attending the training classes. Based upon this determination and the submitted application materials, a minimum of eleven (11) off-street parking spaces should be provided for this use. All businesses at this location use a shared parking arrangement and based upon a site visit, staff determines that sufficient parking is provided for this new use. There are currently three (3) ADA parking spaces provided adjacent to the pedestrian walkway of this commercial and office center. According to the staff site visit, only one (1) of the three (3) ADA parking spaces includes an access aisle. In order to comply with the minimum standards of Chapter 17.72 of the Murray Municipal code and the Americans with Disabilities Act, the remaining two (2) ADA parking spaces will need to be provided with an adjacent access aisle. Each access aisle should be free of parking blocks in order to remove a tripping hazard for disabled persons and one (1) of the spaces will need to include a van accessible access aisle measuring eight feet (8') in width (see Section 17.72.070). The existing building complies with the minimum setback and height requirements of the C-D zoning district.

This property includes interior landscaping and perimeter landscaping along the Allendale Drive frontage. Municipal Code Chapter 17.68 outlines landscape standards for front setback areas which are applicable along Allendale Drive. Based upon aerial imagery and a site visit performed by staff, the existing front setback landscaping along Allendale Drive will need to be modified in order to comply with current landscape standards. Current code standards require that for every one hundred linear feet (100') of frontage (excluding drive accesses), front setback landscaping must consist of three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs. Based upon staff calculations the property frontage along Allendale Drive is two hundred and thirty-four (234) linear feet (excluding drive accesses). The following table shows the minimum amount of plant materials required for this front setback landscaping:

Allendale Drive Frontage Landscaping			
Linear feet:	Trees	5-Gallon Shrubs	1-Gallon Shrubs
234	7	12	23

It is important to note that the three (3) existing trees will count towards meeting the requirement for trees, leaving four (4) additional trees to be planted. Due to the season and difficulty in planting new landscape materials at this time, the property owner may work with Murray City Staff in order to complete a deferral agreement. This will allow the business to begin operating and will allow the property owner to provide the landscaping modifications during a season that is more conducive to planting new plant materials. Access to this facility is provided from Allendale Drive, 5300 South Street, and 700 West Street with multiple points of access provided along each street. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the proposed phlebotomy training facility located at the property and unit addressed 649 West 5300 South subject to conditions.

Carmen Rich, 3151 W Willow Bend, Lehi, stated she is representing this proposal, but has the business owner, Mr. True, on the phone to assist in answering the questions.

She indicated that the applicant, Mr. True, has indicated that they will work with the landlord to install the landscaping and ADA parking requirements.

The meeting was opened for public comment. No comment was made and the public comment portion of the meeting was closed.

Ms. Daniels commented that the ADA parking spaces are required to be installed because it is closer to the building rather than utilizing the ADA parking stalls currently located nearer to the Smith's store. Mr. McIlrath responded the ADA parking stalls are required to be installed at this location because it is on its own property which is separate from the Smith's property, but here is a shared parking agreement between the two properties. He stated that disabled parking stalls are required to be located at the closest possible location to the building entrance.

Mr. Taylor made a motion to grant Conditional Use Permit for Phlebotomy Training Services located at 649 West 5300 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. The property owner shall complete a deferral agreement for the landscaping improvements required in the front setback landscaping area along Allendale Drive. When installed, the front setback landscaping shall include:
 - (i) Seven (7) trees;
 - (ii) Eleven (11) 5-gallon shrubs;
 - (iii) Twenty-three (23) 1-gallon shrubs

All landscaped areas shall comply with the minimum standards outlined in Chapters 17.160 and 17.68 of the Murray Municipal Code.

4. The existing ADA parking spaces shall be modified to include an access aisle for each space, with one (1) of the three (3) spaces provided with an eight foot (8') wide van accessible access aisle. The existing parking blocks shall be removed from the new access aisles in order to remove a tripping hazard for persons using the ADA parking spaces.
5. The applicant shall obtain a Murray City Business License prior to the commencement of business operations.

Seconded by Mr. Woodbury.

Call vote recorded by Jared Hall.

A____Buck Swaney
A____Tim Taylor
A____Karen Daniels
A____Scot Woodbury
A____Travis Nay

A_____ Gary Dansie

Motion passed, 6-0.

AWAKEN STUDIOS – 6168 South 1300 East – Project #15-155

Joe & Anne Hansen were the applicants present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow a studio for fitness classes (Awaken Studios) for the property addressed 6168 South 1300 East. Municipal Code Ordinance 17.156.030 will allow Fitness Classes, (LU #6830) within the C-N zoning district subject to Conditional Use Permit approval. The applicant is requesting conditional use approval to allow the operation of a fitness studio offering classes in Pilates, yoga and other dance and movement style exercises. There is no weightlifting or other gym equipment involved. The proposed floorplan indicates several large areas designated as different studios for different exercise styles. The applicant proposes to convert the existing building on the site which was formerly a Family Dollar store. No additions or changes to the overall site are necessary for the fitness class studio's use of the building, and none have been proposed with the exception of cutting several windows into the south-facing wall of the structure.

This subject property is located in the C-N, Commercial Neighborhood zone. The C-N zone's purpose is to provide non-residential uses and services which are both convenient and appropriate in character and scale to the surrounding residential areas. The proposed use in this application fits well into this category, and the building and site conform to the standards for setbacks, height and buffering found in the C-N zone. The site is served by 61 parking stalls, including the required 3 ADA compliant stalls, one of those being van accessible. Parking is shared between the Family Dollar building and the Woody's Drive-In building. The restaurant requires 25 total stalls. The existing Family Dollar building has a floor area of 7,020 square feet. Most standards for parking exercise or dance studios require 1 space for every 200 square feet of gross floor area devoted to exercise. In this case, the proposed floor plan has 3 larger studio rooms devoted to various exercise styles, two small offices, a small daycare, a lobby and some area devoted to storage. If the entire 7,020 square feet of the subject building (6,620 square feet of usable space, less the mechanical and storage area) is calculated at 1 space per 200 square feet, the resulting required parking is 34 stalls. There are 35 available in addition to the 26 required by Woody's Drive-In. Staff has determined that the parking provided at this location is sufficient to meet the demands of both businesses. The site is surrounded on all sides by residential zoning and uses. The north, south and west perimeters of the property have landscape buffers and solid fencing, and the building maintains a 20 foot wide setback from the north and west property lines. The landscape buffers and fencing appear to be in good condition. There is a 10 foot wide landscaping area adjacent to 1300 West. The landscaping is in good condition and contains several shrubs and 8 trees. With 231 feet of frontage, Section 17.68 would require 7 trees. The addition of some shrubs may be required, but as stated the landscaping is in very good condition currently. There are three parking lot light poles on the site: One at the north entrance to the parking lot, one at the rear of the parking lot area on the west, and one in the parking area between the two buildings. All three are approximately 18 feet high, and are hooded to prevent light pollution. There are hooded, wall-mounted lights on the building as well. The site should be well lit and safe, but shouldn't be a problem for

adjacent residential uses. There are separate dumpsters for the buildings, both are screened and enclosed per the regulations of the zone. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the request for a conditional use allowing a studio for fitness classes, Land Use #6830 for the property located at 6168 South 1300 East, subject to conditions.

Joe Hansen, 2332 E Willow Hills Drive, Sandy, stated they feel this use will provide a good benefit for the surrounding residents. He stated he has reviewed the staff recommendation and conditions and will comply.

The meeting was opened for public comment. No Comment was made and the public comment portion of the meeting was closed.

Mr. Nay made a motion to grant Conditional Use Permit approval studio fitness classes for Awaken Studios located at 6168 South 1300 East subject to the following conditions:

1. The applicants shall obtain a Murray City building permit for all interior remodeling, and the project shall comply with all current building codes.
2. The applicant shall obtain a Murray City business license before beginning operations.
3. The project shall meet all current fire codes.
4. The landscaping along the frontage of 1300 East shall comply with the requirements of Section 17.68.

Seconded by Ms. Daniels.

Call vote recorded by Mr. McIlrath.

A____ Buck Swaney
A____ Tim Taylor
A____ Karen Daniels
A____ Scot Woodbury
A____ Travis Nay
A____ Gary Dansie

Motion passed, 6-0.

COMMERCE DRIVE BUSINESS CENTER – 4895 & 4897 South Commerce Drive & 272 West Berger Lane - Project #15-149

Brian Smith was the applicant present to represent this request. Brad McIlrath reviewed the location and request for preliminary and final subdivision plat approval for a two lot subdivision located at the properties addressed 4895 & 4897 South Commerce Drive and 272 West Berger Lane. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with

recommendation from the Planning Commission. Representatives of Commerce Drive Business Center are requesting subdivision plat approval for a two lot subdivision. The properties cross over Little Cottonwood Creek. The purpose of the subdivision is to clean up property boundaries which cross over Little Cottonwood Creek. 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 project must comply with Murray City Engineer requirements as noted in the conditions of approval. The project must comply with all Murray Fire Department requirements. The project must comply with Murray Power Department requirements. The project must comply with Murray Water and Sewer Division requirements. 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 of Commerce Drive Business Center subject to conditions.

Brian Smith, 4331 Courtney Court, West Jordan, stated the biggest reason for this subdivision review is that there were parts of both properties on the other side of the river and this proposal will make it clean with one parcel to the south of the creek and one parcel to the north of the creek. Mr. Smith stated he has reviewed the staff recommendation and will comply.

The meeting was opened for public comment.

Jean White, 377 East 5300 South, stated she is familiar with people who have lived in this area and questioned whether there would be potential flooding from the creek.

Hamid Janverson, PO Box 71471, Cottonwood Heights, 84171, stated he is the other property owner of this proposed subdivision and has the property across the creek. He stated they have been working on this subdivision for a while. He stated that Mark Falkner, the other property owner of the subdivision, contacted him about 2 years ago. He stated that he thought they had taken care of the problem when they built on the property but apparently that is not the case. He stated that he asked the Falkner's to provide him a plat map and a property description so he can have it reviewed to ensure that his rights have been addressed correctly. He stated that has not been done. He stated the plat that was emailed to him this afternoon is different than the plat map shown this evening.

Mr. McIlrath stated with regards to flooding issues, Salt Lake County Flood Control has easement from the creek which is standard. He stated that flooding issues were not brought up by the city engineer, but any flooding issues would be addressed with a proposal for new structure. Mr. McIlrath stated if Mr. Janverson is one of the

property owners for the proposed subdivision, his signature would be required for plat recordation. He stated that if Mr. Janverson is not agreeable to the subdivision plat, then the plat could not be recorded. Mr. McIlrath stated that any and all owners of this subdivision would need to sign off on the plat in order for it to be recorded. If there is a property boundary dispute, that would need to be worked out prior to signing and recording of the plat.

The public comment portion for this item was closed.

Mr. Woodbury stated that he is not comfortable sending a recommendation of approval to the Mayor if there is a property boundary dispute. Mr. Nay concurred. Mr. Swaney asked if a formal survey has been completed and is it part of this record. Mr. McIlrath responded that the plat presented this evening is based on a formal survey that was done. Mr. Swaney asked that the applicant respond to this issue.

Mr. Smith stated he cannot address specific conversations between the property owners in the two lot subdivision and he has not been involved in those specific conversations. He stated that they have been working on this subdivision proposal for a couple of years and he understood that Mr. Janverson has some specific issues which have been addressed in this plat regarding some of the boundaries and it was a simple division. He stated that they have offered to pay for any of the review service and he has not responded to those offers. Mr. Smith stated that originally there were two different plots and two different houses.

Mr. Woodbury stated if Mr. Janverson is one of the property owners of the proposed subdivision and he has indicated that he is not okay with this proposal, that the commission should not recommend approval of the subdivision. Mr. Hall stated that the commission could approve, deny or recommend to continue this proposal to another date.

Mr. Nay stated he wants to see the plat with the names of the property owners on the plat prior to making a recommendation for approval of the subdivision.

Mr. Tingey, Director of Administrative Development Services, stated if the commission recommends approval of this proposed subdivision, the issues would have to be addressed and the appropriate owner signatures obtained prior to recordation of the subdivision. He stated that a positive recommendation from the commission would still require that the owner signatures and approvals must be obtained.

Mr. Dansie stated he is uncomfortable that one property is making decisions for the other property owner. He stated he would like to see this item be continued until those issues as stated by Mr. Janverson are resolved.

Mr. Taylor stated that the issues between the property owners does not change the decision that the commission has to make. This is a simple property line adjustment and the issues between the property owners would need to be resolved prior to the property owners signing the plat. He stated that he is comfortable moving this forward based on the fact that the property owners must sign the plat to record it. Mr. Woodbury stated he is comfortable with approving this proposal based on clarification received from Mr. Tingey. If one property owner does not sign the plat, the proposed

subdivision is dead.

Mr. McIlrath stated this is the first that staff has heard that there is a property boundary dispute between the property owners of the proposed subdivision. He stated if the commission were to recommend approval to the Mayor for the subdivision, the issues stated would still need to be resolved. The Mayor is the last signature required prior to recording the plat, and if the property owners do not sign the plat, it will not get recorded.

Mr. Swaney stated that based on the conditions required for recordation of the plat, and the property owners signatures are required for that recordation, he feels comfortable in having a motion made on this issue.

Mr. Taylor made a motion that a positive recommendation be forwarded to the Mayor for preliminary and final subdivision approval of the Commerce Drive Business Center, 4895 & 4897 South Commerce Drive & 272 West Berger Lane, subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office.
2. Comply with the subdivision ordinance regulations including utility easements.
3. The project shall comply with Murray Fire Department requirements for all applicable building and fire codes.
4. The project shall comply with Murray Power Department requirements including easements.
5. The project shall comply with Murray Water & Sewer Department requirements.
6. The applicant shall provide a drainage plan that meets Engineering Division requirements.
7. Upon receiving Planning Commission approval, applicant shall submit a PDF file of the subdivision plat and improvement plans to the Murray Engineering Division for review.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Mcilrath.

A _____ Buck Swaney
A _____ Tim Taylor
A _____ Karen Daniels
A _____ Scot Woodbury
N _____ Travis Nay
N _____ Gary Dansie

Motion passed, 4-2 (Nay votes from Mr. Nay and Mr. Dansie).

SPRING CREEK COVE – 5070 South 1100 East – Project #15-151 & #15-153

Matt Scott was the applicant present to represent this request. Jared Hall reviewed the location and request for preliminary subdivision approval, preliminary planned unit development and Conditional Use Permit approval on 5.36 acres for Spring Creek Cove, which is a seventeen lot residential planned unit development. The property is located within the R-1-8 zoning district located at the properties addressed 5070 South 1100 East. Municipal Code Permit Ordinance 17.100.030 allows a planned unit development within the R-1-8 zoning district subject to Conditional Use Permit approval. The proposed single family residential planned unit development has 17 total lots and common areas on the site. The residential lot size areas range from 6,546 sq. ft. to 15,105 sq. ft.

Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. Section 17.60 requires planning commission review for subdivision approval of a planned unit development. Municipal Code Ordinance 17.100.030 allows a planned unit development within the R-1-8 zoning district subject to Conditional Use Permit approval.

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.

A wetlands area is shown on the plans at the east area of the property. The property is accessed from Wesley Road. The new interior street has cul-de-sacs at the north and south ends of the property. The south cul-de-sac is planned to be temporary, which will restrict the development of one or two dwellings, until the adjacent property to the south is developed with a through street. Sidewalks are shown at both sides of the interior subdivision streets which will connect to the Wesley Road sidewalks. The plan shows common areas at the entrance to the property and the wetlands area. The City Engineer has reviewed a traffic study prepared for this development. The summary/conclusion of the traffic study indicates the proposed residential development will not have significant impact on traffic operations in this area. The Murray City Engineer received a geotechnical study for subdivision review of this property. The applicant has submitted an Army Corps of Engineers document approval with a Section 404 permit.

The applicant has provided dwelling floor plans, elevations of various homes to be constructed in the planned unit development. A Declaration of Covenants, Conditions, and Restrictions and final building materials and colors will need to be

provided with final planned unit development approval. Wetlands area is shown at the east area of the property. Each lot is required to have a minimum two covered parking stalls per dwelling unit. The approved minimum dwelling setbacks for the Spring Creek Cove P.U.D. are:

Front Yard Setback- 20 Feet to Garage, 15 ft. to Dwelling
Rear Yard Setback a minimum of 25 ft. on lots 3-8 (Or more to clear the hillside retaining structure on each lot)
Rear Yard Other Lots- 15 Feet
Side Yard- 7.5 Feet
Corner Lot Side Yard- 15 Feet

Landscaping/irrigation plans will need to be submitted for the entire lot areas with final planned unit development review to comply with Municipal Code 17.68. Based on the information presented in this report, application materials submitted, the site review, and original conditions of approval, staff recommends conditional use permit approval for Spring Creek Cove Planned Unit Development subject to conditions.

The Murray Power Department noted power is provided by Rocky Mountain Power Company. Street lighting will need to be approved by the Murray Power Department. Murray City does not provide water or sewer services in this area. The Murray Fire Department noted to comply with all applicable building and fire codes and provide adequate roads and cul-de-sac size to support fire apparatus. The building division requires compliance to building and fire code requirements. The applicant shall provide a stamped and sealed soils report from a geo-technical engineer. The applicant shall provide plans stamped and sealed from appropriate design professionals. The building official will require site grading, retaining wall and building pads permits to be issued separately. The City Engineer noted the site will require substantial grading (cut/fill), tree removal and retaining walls will be needed on nearly every lot. Some of the proposed grading will extend into existing wetlands and will require U.S. Army Corps of Engineers permits. Also, Spring Creek has high storm water flows and will need channel grading improvements to convey the flow through the site.

Based on the information presented in this report, application materials submitted and the site review, staff recommends preliminary planned unit development subdivision approval for Spring Creek Cove P.U.D. and Conditional Use Permit approval for the Planned Unit Development located at 5070 South 1100 East subject to conditions.

Mr. Woodbury asked for clarification regarding road names in the proposed development. Mr. Hall responded that he was unsure regarding the names of the proposed streets, and the names may change before final subdivision approval.

Matt Scott, 1148 W Legacy Crossing Blvd, Suite 400, Centerville, stated he is representing this proposal. Mr. Scott stated he has reviewed the staff report and will comply with all the conditions as outlined.

The meeting was opened for public comment.

Jane Garvey 5066 South Wesley Road, stated she owns two properties on Wesley

Road. She stated five years ago a proposal was presented to develop this property and at that time the contractor was proposing to demolish the existing home which is located on wetlands and there are artesian wells all over this area. She stated that at the south end of the property there is a dead end roadway, but the road is made to continue on down and through the rest of the property and come out onto Wesley Road, but that project was denied five years ago. She stated that 17 houses is a lot of traffic on their roads and the neighbors don't want that. The road that comes into Wesley Road from either direction goes in front of an elementary school to get into this area. She stated the utilities have been brought onto the property with temporary power through a trailer park and the older houses on Wesley Road and may be the only way to access the permanent utilities. She questioned the ability to have phone lines installed at this location because her daughter lives across the street at 5065 South Wesley Road and she cannot get a new phone line and the internet service is limited. The irrigation ditch runs behind all the homes on Wesley Road to the east. She asked if the irrigation ditch will be covered, will it be fenced in and made into a weed patch between the two fences, and there is an easement to the ditch for the homeowners to use the ditch. She questioned if the surrounding property taxes will raise because of this development. She asked how the construction trucks will access the site and potential tracking of mud.

Jody Findley, 5096 South Wesley Road, stated she is Vicky Peterson's daughter. She stated their home will be directly impacted by the traffic of the proposed street. There will be constant traffic, vehicle lights shining into their home, vehicles sliding into their property and ruining their landscaping and potential home. She stated her mother purchased this home 50 years ago, on a very quiet street wonderful neighborhood.

Max Reese, 977 East 5600 South, stated he is the secretary of the Little Cottonwood Tanner Ditch which is the ditch that runs along the east side of the property. He stated this property has been in limbo for several years. He stated that Barbara Boss tried to develop the property and they worked with her regarding the ditch. Henry Walker Homes tried to develop the property and eventually gave up. He stated that they will be required to pipe the ditch, cut away the hillside and put it down into the low area and all the developers have had the idea that they can leave the ditch sitting on a shelf. He stated that occurred with the subdivision that Ivory built at 5290 South and the pipe started leaking, it is sitting on a shelf, they had to crawl down the pipe and grout it. He stated that something that is manmade, isn't going to last. The last developer suggested they use rocks for a retaining wall. He stated that rocks will not work for a retaining wall because when the pipes leak, sitting on a bench, the entire ditch will go down, and it has happened before. He stated he has not been contacted for six months on this project and he has seen no drawings. He stated, representing the ditch company, that this proposal should be continued because they have not been informed or reviewed the plans. Mr. Reese stated that Bob Wright used to be on the Tanner Ditch Company, and board and knew the property well and was an excavator, stated that some property should not be developed and this is one that should not be. He stated the subject property is wet, it's steep, it's not stable and there may be better uses such as a park similar to what has been done at Woodstock Park.

Lucy Baty, 5053 South Wesley Road, stated she is impacted with this proposal

because it is located behind her property. She asked if there is a meth house on the property, it will be removed by way of Wesley Road and past the church and school. The existing trees are 150 years old and should be preserved. She stated the turnaround at the south side of the project is an open end for additional development which would add additional homes onto Wesley Road. She stated that 70-90 notices should have been sent to the residents in this area for this proposal.

Vern Staub, 5139 South Wesley Road, asked if an environmental impact study is required for this proposal and it seems to him that one should be required. He stated the subject property is an animal habitat and there is a herd of deer with 7-8 deer along with all kinds of other animals. He asked what will happen to the wildlife if the property is developed. He asked about the extent of involvement with the Army Corp of Engineers regarding the wetlands and that it has been at least 2 years since the last proposal for development. He stated the home that is proposed to be demolished in order to accommodate the access road into the subdivision has not been maintained and is a blight for the neighborhood. He stated that the developer should take an interest in the neighborhood and maintain the home.

Carl Jurer, 968 East 5205 South, asked about the traffic study conclusions. He commented that many of the roads in this area do not have sidewalks and with the extra traffic generated from this proposal, those vehicles will be driving along the many roads that do not have sidewalks causing a nice quiet neighborhood to become an unsafe situation. He asked that this proposal be denied.

Elizabeth Chipman, 5162 South Wesley Road, expressed concern for her neighbors across the street from her will become peering zones from people who are in houses right behind them. She stated the roadways will be a mess and the equipment has gone through to such an extent that they have ruined the 5290 South Street. She stated she values the beauty of this area and the wildlife. She does not like the density that this proposal brings into the neighborhood. She stated she did not purchase her home thinking this would be a piece of Los Angeles and would be a calm residential area. She stated the children in the area will be at risk with the additional traffic. She stated this property would make a lovely park and asked that it not be developed to the extent proposed.

Art Fenstermaker, 5090 South 1000 East, expressed concern with the temporary turn around on the south end of the project. The adjacent property has had prior hearings and there are irrigation ditch problems associated with that property and wetlands. He stated the proposed temporary turn around should be a permanent turn around that it not extend to the property to the south.

Susan Meyers, 5053 South Wesley Road, asked about the extensiveness of the traffic study for this project.

Lucy Batey, 5053 South Wesley Road, stated that 900 East and 1300 East have become like freeways and now 5290 South Street has become a constant traffic freeway. She stated this proposal is not a good idea.

Mr. Swaney read an email from Bruce Dube received by the Planning Commission. The email stated he is a resident at 5226 South Wesley Road. He stated that Wesley

Road is a busy street and the proposed 17 lots will bring 17-51 more vehicles to the area. Those vehicles coupled with visitors and service traffic will make the road even busier. More traffic aside, his biggest concern is that the 25 mph speed limit is virtually ignored by those traveling in the area. He stated he does not oppose to the subdivision if a 25 mph speed bump or solar powered flashing speed warning sign is installed in the area of the L.D.S. ward house. If neither one of those conditions is met, then he objects and will protest the proposed subdivision.

Elizabeth Chipman, 5162 South Wesley Road, stated that maintaining the wetlands is a loose term. She has spoken with the people at the Army Corp of Engineers, which have their specifications, but don't seem to have a lot of clout, nor do they do into a lot of detail when she inquired. She stated if the wetlands are to be maintained, then specifics should be done and she doesn't want to see wholesale cutting of all the trees. She stated she didn't want to see just lawns and cactus planted in the project.

The public comment portion for this item agenda was closed.

Mr. Swaney asked that the staff address the comments made. Mr. Hall that the city engineer has included condition #8 that requires there be a Level 1 traffic study conducted including the development, Wesley Road, 1045 East and the intersections with 5290 South Street. He stated that the traffic study has been done. Another condition of approval is that the applicants also required that the Army Corp of Engineers permit be updated. That must be done. The ditch company issue has been addressed with rock retaining. Another condition of approval from the city engineer is that those easements be maintained, that there be a recognizable solution reached, but was unsure whether that has been completed at this time. Access to utilities have made it a requirement and should not be an issue. He stated the question regarding a gas line is being addressed. Mr. Hall stated regarding density, that in this proposal 15 of the 17 lots conform to the current zoning which is R-1-8. Two of those lots are just under 8,000 sq.ft. The project as a total average over 11,000 sq.ft. and this project does not increase the density that is allowable under the current R-1-8 zoning and actually decreases it somewhat.

Mr. Dansie asked about the side yard setbacks being less than the typical single family home. Mr. Hall stated that in a planned unit development lesser setbacks can be reduced as one of the allowances provided. He stated because of the rock retaining wall, the rear yard setbacks vary as indicated in condition #22.

Mr. Swaney stated that there have been many comments regarding 17 units in addition to 15 units. Mr. Hall stated that he was unaware of the previous property subdivision or how many were proposed in the property to the south, that ultimately was turned down.

Mr. Nay clarified that lots #1, 16 and 17, which are on the south end of the property cannot be developed until the road either goes through or becomes a permanent turn around. Mr. Hall stated that the temporary turn around must be built at the city standards in case that the property to the south does not get developed, and there is no time limit for developing the adjacent property. Under the current restrictions the property would not be able to get a variance for the turnaround requirement.

Mr. Swaney asked if staff is satisfied with the professionalism of the traffic study, with its methodology, with its conclusions, etc. Mr. Hall stated that he is not qualified to interpret the traffic study, but the city engineer has signed off on the traffic study that was conducted. Mr. Taylor commented that he is a traffic engineer, and is very familiar with the company that conducted the traffic study. He stated the company is all licensed engineers, very professional, and he reviewed the traffic study and it was done very well. He stated, in his opinion, the traffic study represents accurately the impacts that the 17 units will have on the development and area. The traffic study shows a service level A prior to construction and a service level after construction that is considered more than acceptable for a road, which is the highest standard.

Mr. Swaney asked about the letters from Jordan Valley Water District and Cottonwood Improvement District indicating that there should be no issues to provide service for this proposal and the school district is actually encouraging the development. Mr. Hall concurred. Mr. Hall stated that this property clearly has its challenges with the slope etc., but the recommended conditions of approval should mitigate those challenges.

Mr. Nay stated that no construction may begin until all 22 conditions are met. Mr. Hall stated that the project would still need to come back to the commission for final subdivision approval, the plat would need to be signed and recorded.

Mr. Swaney asked if there is anything in the City's General Plan that this subdivision is not consistent with. Mr. Hall responded this project is consistent with the general plan.

Mr. Taylor stated that he does not see any issues that have been discussed or is something that as a city we can help ensure health, safety and welfare that is not addressed in the recommended conditions of approval. He stated he feels comfortable with the proposed conditions and there is still a lot of work that must be done. Mr. Woodbury concurred. He stated that the conditions are thorough and there is still a lot of work that has to be done to make this project work. Thorough review of projects by the city help to ensure management of the city's growth.

Mr. Taylor stated that the traffic study actually studied a greater impact than would have been. It was studied using 24 single family homes rather than the proposed 17 single family homes. He stated he would assume by this that the developers are looking to the future of no more than 7 home on the adjacent lot to the south.

Mr. Swaney asked for a motion for the project, a motion for preliminary subdivision approval, planned unit development approval and conditional use permit approval.

Mr. Woodbury made a motion to approve preliminary subdivision for Spring Creek Cove, the property addressed 5070 South 1100 East, subject to the following conditions:

1. Comply with the City engineer requirements, including the applicant shall comply with City regulations and provide the following plans or documentation noted in the conditions noted below.

2. The applicant shall meet City subdivision requirements.
3. The existing utility easements and rights-of-ways through the proposed subdivision need to be vacated. Any new easements should be located along lot property lines.
4. Provide updated Army Corp. or Engineers wetland delineation and all 404 permit documentation allowing for the proposed encroachment.
5. Provide a Spring Creek flow model through site. The Spring Creek 10 year flow is greater than 125 cfs. The channel needs to be cleaned & improved to convey 125 cfs without flooding the subdivision and neighboring properties.
6. Provide a drainage maintenance easement along Spring Creek.
7. Provide updated site geotechnical study based on the planned site grading. The study should include road section design, building pad design and retaining design. The study should also evaluate the stability of any unretained cut and fill slopes steeper than a 2 ½ horizontal to 1 vertical.
8. Provide a level I traffic study. The study should include the development, Wesley Road, 1045 East and the intersections with 5290 South.
9. The development should include continuous sidewalk along both sides of the proposed roads. The sidewalk needs to be 6' wide if no park strip is provided or 4' wide if a park strip is incorporated into the development.
10. Provide a cul-de-sac turn-a-round with a future stub into the undeveloped property to the south. The temporary cul-de-sac needs to be improved to City standards with curb and gutter and sidewalk.
11. Obtain irrigation company approval and pipe the existing irrigation channel through the development.
12. Obtain review and approval for any existing on-site utility relocations including gas and power. Provide any required easements as needed.
13. A grading/retaining permit issued by the City Building Department will be required for site grading, building pads and retaining walls.
14. Provide a permanent fence adjacent to the sidewalk between lot 15 and lot 16 to comply with City Code 16.16.070.
15. Provide a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading work. Include a stabilization plan for exposed slopes.
16. Revise the plans to show utility easements along the front, rear and sides of each lot to comply with subdivision ordinance regulations.

17. Obtain water and sewer service approval from Cottonwood Improvement District and Jordan Valley Water Conservancy District. Obtain easement for sewer connection from adjoining property owner.
18. Comply with Murray Power Department requirements including street lighting.
19. A formal landscaping/irrigation plan for the total lots areas shall be submitted meeting the requirements of Chapter 17.68 of the Murray Municipal Code, with application for final subdivision review, for approval by City staff and shall be installed as approved prior to occupancy of each dwelling.
20. A fence plan shall be provided for all fencing on site to comply with Murray fence code regulations 17.64 and 16.16.070.
21. The project shall comply with all fire department requirements.
22. The minimum building setbacks from the property line to the new dwellings on the lots are:

Front Setback to Dwellings-	15 ft.
Garage Setback-	20 ft. to garage
Rear Yard for lots 3-8-	25 ft. (Or more to be clear of the retaining structure on each lot)
Rear Yard –other lots-	15 ft.
Side Yard-	7.5 ft.
Side Yard Corner Lot-	15 ft.

Seconded by Ms. Daniels.

Call vote recorded by Mr. McIlrath.

A ____ Buck Swaney
A ____ Tim Taylor
A ____ Karen Daniels
A ____ Scot Woodbury
A ____ Travis Nay
A ____ Gary Dansie

Motion passed, 6-0.

Mr. Nay made a motion for preliminary planned unit development for Spring Creek Cove P.U.D., located at 5070 South 1100 East subject to the following conditions:

1. Comply with the City engineer requirements, including the applicant shall comply with City regulations and provide the following plans or documentation noted in the conditions noted below.

2. The applicant shall meet City subdivision requirements.
3. The existing utility easements and rights-of-ways through the proposed subdivision need to be vacated. Any new easements should be located along lot property lines.
4. Provide updated Army Corp. or Engineers wetland delineation and all 404 permit documentation allowing for the proposed encroachment.
5. Provide a Spring Creek flow model through site. The Spring Creek 10 year flow is greater than 125 cfs. The channel needs to be cleaned & improved to convey 125 cfs without flooding the subdivision and neighboring properties.
6. Provide a drainage maintenance easement along Spring Creek.
7. Provide updated site geotechnical study based on the planned site grading. The study should include road section design, building pad design and retaining design. The study should also evaluate the stability of any unretained cut and fill slopes steeper than a 2 ½ horizontal to 1 vertical.
8. Provide a level I traffic study. The study should include the development, Wesley Road, 1045 East and the intersections with 5290 South.
9. The development should include continuous sidewalk along both sides of the proposed roads. The sidewalk needs to be 6' wide if no park strip is provided or 4' wide if a park strip is incorporated into the development.
10. Provide a cul-de-sac turn-a-round with a future stub into the undeveloped property to the south. The temporary cul-de-sac needs to be improved to City standards with curb and gutter and sidewalk.
11. Obtain irrigation company approval and pipe the existing irrigation channel through the development.
12. Obtain review and approval for any existing on-site utility relocations including gas and power. Provide any required easements as needed.
13. A grading/retaining permit issued by the City Building Department will be required for site grading, building pads and retaining walls.
14. Provide a permanent fence adjacent to the sidewalk between lot 15 and lot 16 to comply with City Code 16.16.070.
15. Provide a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading work. Include a stabilization plan for exposed slopes.
16. Revise the plans to show utility easements along the front, rear and sides of each lot to comply with subdivision ordinance regulations.

17. Obtain water and sewer service approval from Cottonwood Improvement District and Jordan Valley Water Conservancy District. Obtain easement for sewer connection from adjoining property owner.
18. Comply with Murray Power Department requirements including street lighting.
19. A formal landscaping/irrigation plan for the total lots areas shall be submitted meeting the requirements of Chapter 17.68 of the Murray Municipal Code, with application for final subdivision review, for approval by City staff and shall be installed as approved prior to occupancy of each dwelling.
20. A fence plan shall be provided for all fencing on site to comply with Murray fence code regulations 17.64 and 16.16.070.
21. The project shall comply with all fire department requirements.
22. The minimum building setbacks from the property line to the new dwellings on the lots are:

Front Setback to Dwellings-	15 ft.
Garage Setback-	20 ft. to garage
Rear Yard for lots 3-8-	25 ft. (Or more to be clear of the retaining structure on each lot)
Rear Yard –other lots-	15 ft.
Side Yard-	7.5 ft.
Side Yard Corner Lot-	15 ft.

Seconded by Ms. Daniels.

Call vote recorded by Mr. McIlrath.

A_____Buck Swaney
A_____Tim Taylor
A_____Karen Daniels
A_____Scot Woodbury
A_____Travis Nay
A_____Gary Dansie

Motion passed, 6-0.

Mr. Woodbury made a motion to grant Conditional Use Permit approval for the Spring Creek Cove, located at 5070 South 1100 East, subject to the following conditions:

1. Comply with the City engineer requirements, including the applicant shall comply with City regulations and provide the following plans or documentation noted in the conditions noted below.
2. The applicant shall meet City subdivision requirements.
3. The existing utility easements and rights-of-ways through the proposed

subdivision need to be vacated. Any new easements should be located along lot property lines.

4. Provide updated Army Corp. or Engineers wetland delineation and all 404 permit documentation allowing for the proposed encroachment.
5. Provide a Spring Creek flow model through site. The Spring Creek 10 year flow is greater than 125 cfs. The channel needs to be cleaned & improved to convey 125 cfs without flooding the subdivision and neighboring properties.
6. Provide a drainage maintenance easement along Spring Creek.
7. Provide updated site geotechnical study based on the planned site grading. The study should include road section design, building pad design and retaining design. The study should also evaluate the stability of any unretained cut and fill slopes steeper than a 2 ½ horizontal to 1 vertical.
8. Provide a level I traffic study. The study should include the development, Wesley Road, 1045 East and the intersections with 5290 South.
9. The development should include continuous sidewalk along both sides of the proposed roads. The sidewalk needs to be 6' wide if no park strip is provided or 4' wide if a park strip is incorporated into the development.
10. Provide a cul-de-sac turn-a-round with a future stub into the undeveloped property to the south. The temporary cul-de-sac needs to be improved to City standards with curb and gutter and sidewalk.
11. Obtain irrigation company approval and pipe the existing irrigation channel through the development.
12. Obtain review and approval for any existing on-site utility relocations including gas and power. Provide any required easements as needed.
13. A grading/retaining permit issued by the City Building Department will be required for site grading, building pads and retaining walls.
14. Provide a permanent fence adjacent to the sidewalk between lot 15 and lot 16 to comply with City Code 16.16.070.
15. Provide a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading work. Include a stabilization plan for exposed slopes.
16. Revise the plans to show utility easements along the front, rear and sides of each lot to comply with subdivision ordinance regulations.
17. Obtain water and sewer service approval from Cottonwood Improvement District and Jordan Valley Water Conservancy District. Obtain easement for sewer connection from adjoining property owner.

18. Comply with Murray Power Department requirements including street lighting.
19. A formal landscaping/irrigation plan for the total lots areas shall be submitted meeting the requirements of Chapter 17.68 of the Murray Municipal Code, with application for final subdivision review, for approval by City staff and shall be installed as approved prior to occupancy of each dwelling.
20. A fence plan shall be provided for all fencing on site to comply with Murray fence code regulations 17.64 and 16.16.070.
21. The project shall comply with all fire department requirements.
22. The minimum building setbacks from the property line to the new dwellings on the lots are:

Front Setback to Dwellings-	15 ft.
Garage Setback-	20 ft. to garage
Rear Yard for lots 3-8-	25 ft. (Or more to be clear of the retaining structure on each lot)
Rear Yard –other lots-	15 ft.
Side Yard-	7.5 ft.
Side Yard Corner Lot-	15 ft.

Seconded by Mr. Taylor.

Call vote recorded by Mr. McIlrath.

A____ Buck Swaney
A____ Tim Taylor
A____ Karen Daniels
A____ Scot Woodbury
A____ Travis Nay
A____ Gary Dansie

Motion passed, 6-0.

Mr. Swaney thanked those in attendance for participating in the meeting. Mr. Woodbury commented that this project must still be reviewed for final approval and the Mayor will still need to approve and sign the subdivision plat.

HAMLET DEVELOPMENT – 6687 South 1300 West – Project #15-140 & #15-142 – Public Hearing

Mike Brodsky was the applicant present to represent this request. Jared Hall reviewed the location and request for a Murray General Plan Map amendment from residential single family low density to residential medium density multi-family in conjunction with a request to amend the zoning on the same properties from R-1-10 (residential single family low density) to R-M-15 (residential multi-family medium density) at the properties addressed 6687 South 1300 West. The properties are

approximately 2.88 acres. There may be flexibility in the General Plan, if there are adequate reasons for an amendment. There are existing multi-family residential projects in the area to the north, east and west of the proposed residential properties. The applicant has requested the Murray General Plan amendment and Zone Map change for the properties in order to develop the properties with a multi-family residential development.

Murray City has recently adopted amendments to City Municipal Code regarding adequate capacity or availability of public utilities required for a proposed development. The purpose of the Code amendment is to state clearly that if the City determines that the utility capacity or availability is not adequate to serve a proposed development, an application for that development may be denied. Currently, Murray City does not have adequate water capacity to serve a multi-family development on the subject properties with water for both culinary use and fire protection. So while low density development can be supported at present, if multi-family zoning is considered the water for fire protection would need to be provided from a neighboring city (Taylorsville or West Jordan). The applicant is working with other providers in those cities to provide that fire protection service. Without securing that additional capacity from another source, staff cannot support the amendment to the General Plan or to the Zoning Map. Various permitted uses are allowed in the R-1-10 zone such as low density single family dwellings on a minimum 10,000 sq. ft. lot and accessory uses, such as garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include uses such as churches, schools, public parks, and libraries. The proposed R-M-15 zone allows various permitted uses including single family and two family dwellings, charter schools, residential facility for disabled, and residential facility for elderly persons. Other uses require a Conditional Use Permit including multi-family residential uses such as apartments, condominiums, bed and breakfast home stay, retirement home, schools, churches, libraries, parks and play grounds. A mailing was sent on October 21, 2015 to the surrounding property owners in the area. Community Development staff have not received any public comment at the time of this report. The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan future land use map for this particular property shows the properties to remain as low density single-family residential. There are multi-family residential properties adjacent to this property on the north, east and west. Based on the information presented in the report, staff recommends that the Planning Commission continue this item to the January 7, 2016 meeting date, to allow time for the applicant to contact the cities or agencies to demonstrate that the capacity and availability of public utilities is adequate for multi-family residential development of the properties. The applicant is requested to provide the following information:

1. Will-serve letters from cities or agencies relating to adequate capacity and availability of the required public utilities.
2. Plans showing locations of existing and proposed fire hydrants and water lines.
3. Provide Murray Water and Fire Department new flow test information for the proposed area.

4. Provide a preliminary development plan(s) for review to other city utility agencies so they can determine if there is adequate utility capacity.

Mr. Nay asked if the access to water is the only issue Murray City has from the engineer's standpoint. Mr. Hall responded there is concern with regards to water to provide fire protection. He stated the water flows are not good for multi-family development for culinary water, but they do serve culinary water. He stated that sewer service and power are not an issue. He stated the main concern is for fire protection for a multi-family project.

Mike Brodsky, 308 East 4500 South, Murray, stated he is representing Hamlet Development for this proposal. He stated that his company has built over 400 homes in Murray over the last 20 years. He stated that working in Murray City is the highlight of his career. He stated that he takes exception to the staff's recommendation. He stated he is asking for an amendment to the City's General Plan and a rezone to take this property to a multi-family zone. He stated that he understands there are engineering issues that need to be resolved, the water is certainly one of those issues. He stated he has an email from Justin Stoker, Deputy Director of Public Works from West Jordan. Mr. Brodsky read the email: "We currently have no objections and concept of the installation of the hydro on 1300 West as proposed, nor would we object to the use of any West Jordan fire hydrants in the case of emergencies. We do need to work out technical and legal details as you have mentioned with regards to construction. Following the rezone of property as you begin to do site plan review, please include us in the process to make sure that any new connections or modifications to existing water lines under the ownership or purview of the city of West Jordan are done in accordance with West Jordan construction standards. Any construction work on West Jordan water lines without proper approval will not be tolerated." Mr. Brodsky stated there are clearly engineering issues that need to be resolved prior to building. There are significant engineering design that must be done and he is prepared to incur significant costs in designing this project. He stated it is not reasonable to expect him to do that if he doesn't even know if the property is going to be approved for multi-family development. He asked the commission to forward a recommendation to the city council to consider this request and to consider it with the understanding that the engineering issues and the fire safety issue prior to receiving any subdivision approval. He stated Hamlet Development developed the adjacent project to the east, Braemar Village, and in the process of doing that development, they granted the adjacent property owner utility easements so that there would be the ability to connect from the proposed development through Braemar to water and sewer. At that the Planning Review meeting there were a couple other engineering issues that were can be resolved. He stated he has had discussions with Taylorsville City about the potential of being able to run the water lines through them as well, but that is not their first choice. Working with West Jordan is the first choice. The water lines are on 1300 West and fire hydrants already in the street.

The meeting was open for public comment.

Dan Snarr, 5223 South Spring Clover Drive, Murray, stated there were some very difficult projects during the course of his tenure as the Mayor of Murray City. One of which was behind Hunters Woods, in which extensive number of units were to be built which had numerous issues, particularly with storm drains and wetlands. Those issues were worked through with Mr. Brodsky. He stated that West Jordan was the

previous owner of this property but they came to the realization that in order to develop the property was prohibitively expensive and they didn't want to go through the process of what Mr. Brodsky is talking about now without knowing that he can do a project and do all the engineering. This property was annexed into Murray because of the utility issues and to run the sewer downhill rather than build a several hundred thousand dollar lift station to lift it up to 1300 West Street. He stated the sewer services is provided by Cottonwood Sewer Services on the north side of 4800 South from State Street eastward to Van Winkle Expressway where a subdivision was built using Cottonwood Sewer Services because it was too expensive to build a lift station using Murray City sewer services. The city was asked to give the developer approval knowing that before they could build the subdivision they have to show how all the infrastructure, storm drain, water and sewer would be provided. This is a similar situation and Mr. Brodsky will not be able to develop the subdivision before he can show that utilities can be provided, but the zoning needs to be in place prior to Mr. Brodsky applying for subdivision approval.

Billie King, 10033 Ridge Gate Circle, Sandy, stated she owns a condominium in Daybreak Hill which is directly across the street from the property in question. She stated she has no problem with single family but there are a lot of multiple dwelling units in this area which is her concern. She stated it is difficult to get on out onto 1300 West Street at certain times of the day and that the road is narrow with no sidewalks on the sides of the street. She expressed concern with the egress onto 1300 West Street for this project. She asked that a traffic study be done to ensure that it is feasible. She stated she spoke with the president of the Daybreak Hill HOA whom was unaware of this proposal.

Gary Brewer, 5103 South 1130 West, stated he is representing himself and also his brother who lives down Brewski Bay and his wife. Mr. Brewer stated they have been attempting to sell this property for quite some time. He stated this property needs to be multi-family to make it profitable for any developer. He stated they have had numerous developers attempt to develop this property and it is only feasible with multi-family units. Mr. Brodsky is willing to do a combination of single family and multi-family units on this property and is the highest and best use of the property. The corner of Winchester and 1300 West is an eyesore and if the property is developed as single family it would not be feasible.

Vivian Oaks Brewer, 1231 West Brewski Bay, stated she would like for this development to occur. She stated she runs every day down to the Jordan Parkway and there is no sidewalk and Murray has done nothing about installing a sidewalk and safety is her concern. The intersection of Winchester and 1300 West is very congested. The proposal of Mr. Brodsky is a good proposal and would install the infrastructure and sidewalk.

John Brewer, 1231 West Brewski Bay, stated that this proposal should go forward and if the issue is a fire hydrant, he installed a fire hydrant in 1998 and cost him a lot of money from install it from 1300 West and there is plenty of pressure for the hydrant and that should not a problem for this proposal.

The public hearing comment portion of the meeting was closed.

Mr. Woodbury stated he is interpreting the email from West Jordan as if Murray City were to approve the zone change, then West Jordan will pursue the water issue. There are still many outstanding issues that need to occur prior to breaking ground. He stated he is comfortable sending a recommendation to move the project forward. It is rare that there is a project presented before the commission where all the neighbors are in favor of the project.

Mr. Swaney commented that there seems to be some discrepancy between the email received from West Jordan and the letter from Doug Hill, Murray Public Services Director, with regards to providing services. Mr. Hall responded that there isn't necessarily a discrepancy, but a difference in tone and that the email from West Jordan public services director indicates the level of commitment is just not high enough to make Doug Hill comfortable. There are options and ways to address the issue but haven't been able to assure that any of those options are good enough for the planning staff to make a recommendation to change the zoning to multi-family and that the support of public services is critical for a positive recommendation for the zone change.

Mr. Tingey, Administrative Development Services Director, stated that staff is willing to look at the recommendation for amendment to the City's current General Plan and zone change. However, the current plans show the future land use for this property is single family residential. If changes are to be reviewed to amend that plan, it states specifically in the general plan that capacity and public services are to be considered. As decision makers, the planning commission and city council, need to be comfortable in making those changes, part of that comfort level has to deal with capacity issues. That is the issue that we are struggling with this proposal. The staff has emails regarding the capacity indicating the processes for approving a project, but it's not there yet and that is why city staff is not comfortable with recommending favorably for amending the general plan and zone change for multi-family. The general plan is in place to help the commission to make recommendations to the city council for amendments and capacity issues are a significant issue to consider.

Mr. Nay asked about the general plan for property to the north and east. Mr. Tingey responded that the property in question and to the north and adjacent east were not part of the existing general plan adopted in 2003, but were annexed into Murray City afterwards. He stated the property to the east is currently R-M-15 which is similar to this Hamlet Development zone change request. Mr. Tingey stated not knowing the capacity issue, it would be likely that we would recommend against moving forward. He stated that it would be wise to allow time to address the capacity issues prior to making a recommendation for changing the general plan as proposed.

Mr. Woodbury asked Mr. Brodsky if two months is adequate time to get answers to make staff more comfortable with a positive recommendation. Mr. Brodsky responded that would be very excessive to delay this a couple months to resolve the capacity issue. He stated the level of engineering required to demonstrate the capacities is expensive and he is not above spending the money but it is reasonable that he knows this can be rezoned prior to him spending those necessary expenditures. He stated whether it is R-1-10 or R-M-15 zoning, the issues still remain the same. To develop the property the full engineering must be done for water and adequate fire protection. The capacity exists for culinary water. The capacity for

culinary water meets the minimum standards. There is more research to be done to determine if supplemental pumps are necessary to have the houses meet the minimum requirements to be fully habitable. He stated he is asking that the commission moves this forward to the city council with a condition, that unless he has solved the fire protection capacity, that this not be approved. He stated he is very confident that by the time he gets it to the city council in a month, he will have that issue resolved.

Mr. Brodsky stated he sent notifications to the adjacent property owners according to the city's requirements and followed up with an additional letter last week to the same property owners and offered a meeting this past Monday night in the council chambers at city hall. No one showed up to the meeting. He has made more than an effort to inform the adjacent property owners of their request.

Mr. Taylor asked Mr. Brodsky if this item has been scheduled with the city council next month. Mr. Brodsky responded that he will cannot be scheduled with the city council until the commission forwards a recommendation for his request.

Billie King confirmed that this request is for just under 3 acres and is currently zoned for single family dwellings and asked how many units could be developed if the zoning is changed to multi-family. Mr. Nay stated the current zoning would allow less than 5 homes per acre and the new multi-family standard would allow less than 40 units, but depending on the subdivision layout, probably closer to 30 units.

Mr. Swaney commented that this type of a decision individually might not be a huge problem, but if there are a number of decisions made city wide where it is unknown if the infrastructure is possible, there may be system failures. It is the cumulative effect of these individual decisions that don't comply with the future land use and there may or may not be the infrastructure to properly and safely address the development. He stated this is a concern to him and all the incremental decisions have to be something that the city can do a good job in protecting health safety and welfare and consistent with the community's stated vision for its future.

Mr. Woodbury stated that the commission must act on the existing General Plan and not the updated plan that is in process. Mr. Hall responded that is correct. He stated that fire protection and water flow must be in adequate regardless of what the zoning may be. He stated that there isn't adequate fire flow to support any type of development whether it is single family or multi-family. Mr. Hall responded that there is not adequate fire protection services to provide for a multi-family development, and there may or may not be able to provide services for even a single family development. There is adequate culinary services for either development. Mr. Hall stated that the capacity issue is stated in both the zoning code and subdivision code which basically states that a project may be denied based on the city not having adequate capacity issues to serve the project.

Mr. Dansie asked if the general plan shows all this area as being single family yet there are numerous multi-family projects nearby. Mr. Hall stated at the time the 2003 General Plan was adopted, this area was not part of Murray City. A boundary line adjustment was done after 2003 that basically annexed this property into Murray City from Taylorsville City. When the boundary line adjustment was approved, the

designation given to this property was for single family residential low density and not multi-family density and a zoning designation of R-1-10.

Mr. Nay questioned if this is the appropriate time to make a recommendation to forward this request to the city council or should the capacity issue be resolved first. Mr. Swaney stated that the capacity issues ought to be resolved. Mr. Tingey stated the commission has the option to continue this item to December 3rd of 17th, rather than a couple months out.

Mr. Swaney asked Mr. Brodsky how much time he needs to resolve the capacity issue. Mr. Brodsky responded that he is comfortable that he can have satisfactory information by the December 3rd Planning Commission meeting.

Mr. Swaney stated that staff is looking for will serve letters from the municipalities involved in helping to provide those services for this project. Mr. Brodsky responded that he is not sure any municipality will give him a will serve letter, but they will him that they will provide their water lines for fire protection. He stated he will do a flow test to demonstrate the capacity is there. He stated with the existing fire hydrants he can protect almost all the entire property. He if necessary, if all he has to do is utilize the existing fire hydrants, he can protect the bulk of the property. Mr. Nay stated until the fire marshal signs off on that notion, and Mr. Brodsky gets approval to tap into the existent water lines, he is not convinced of that level of comfort.

Mr. Tingey clarified that city staff is recommending this proposal being continued and recommend that Mr. Brodsky provide additional information to city staff in order to make a determination, whether that be a will serve letter, of more information from West Jordan that give city staff a level of confidence that these issues have been addressed.

Mr. Taylor made a motion to continue this item to the December 3, 2015 Planning Commission meeting to allow the applicant time to contact the cities and agencies and demonstrate that the capacity and availability of public utilities is adequate for the multi-family residential development of the properties addressed 6687 South 1300 West, and address the following items:

1. Will-serve letters from cities or agencies relating to adequate capacity and availability of the required public utilities.
2. Plans showing locations of existing and proposed fire hydrants and water lines.
3. Provide Murray Water and Fire Department new flow test information for the proposed area.
4. Provide a preliminary development plan(s) for review to other city utility agencies so they can determine if there is adequate utility capacity.

Seconded by Mr. Nay.

Call vote recorded by Mr. McIlrath.

A____ Buck Swaney
A____ Tim Taylor
N/A____ Karen Daniels

A_____ Scot Woodbury
A_____ Travis Nay
A_____ Gary Dansie

Motion passed, 5-0-1. Ms. Daniels abstained from voting.

LAND USE ORDINANCE TEXT AMENDMENT – Amending Section 17.48.170 –
Project #15-143

This item was withdrawn from the agenda.

LAND USE ORDINANCE TEXT AMENDMENT – Amending Section 17.48.170 –
Project #15-144 – Public Hearing

Adam Day was the applicant present to represent this request. Brad McIlrath reviewed the location and requesting approval to add string instrument manufacturing, repair and restoration as an allowed use in the Murray City Center District (M-C-C-D).

3920 Musical Instruments and Parts (Handwork trades only in no more than 5,000 square feet; deliveries and shipping only during normal business hours; no odors).

The Murray City Center District was adopted in 2011 and is envisioned as the commercial, civic and cultural center for the community. As such the M-C-C-D is a mixed use zoning district that is intended to preserve the historic downtown area of Murray City and provide redevelopment of the area with buildings and uses that will enhance the physical, social, cultural and economic connections for the city. Uses allowed in the district range from residential to commercial/retail and light manufacturing uses. The majority of manufacturing uses have been discouraged in this district except for those uses which are low intensity and are either limited in size or hours of operation. For example such manufacturing uses as, apparel and household furniture are allowed as handwork trades only and not to exceed 5,000 square feet. Additionally, deliveries and shipping for those uses may only occur during normal business hours and no odors may be associated with the business use. The applicant is requesting the approval of a text amendment to the M-C-C-D which would allow for string instrument manufacturing, repair and restoration. This use was previously approved in 2001 when this area was zoned C-D-C. Based upon review of this type of use and other musical instrument manufacturing uses, Staff has determined that all musical instrument manufacturing is compatible with the civic and cultural character of this district. Therefore, Community Development Staff is recommending approval of the proposed text amendment to add musical instrument and parts manufacturing as a permitted use in the M-C-C-D Zoning District subject to the same standards required for other manufacturing uses allowed in this zone. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested land use ordinance text amendment.

Adam Day, 1039 East 11780 South, Sandy, stated his proposal is a nice use where people will be able to come in and watch the actual making of instruments which is hand-made. There will be minimal times where they use power tools and the majority of the time is whittling.

The public hearing was opened for public comment. No Comment was made and the public comment portion of the meeting was closed.

The planning commission members expressed their appreciation for this type of land use proposal.

Mr. Woodbury made a motion to send a positive recommendation to the city council for the proposed Land Use Text amendment to allow Land Use #3920, making restoring and repairing string instruments, not to exceed 5,000 sq.ft., any deliveries and shipment only during normal business hours, no odors, allowed in the MCCD zoning district. Seconded by Ms. Daniels.

Call vote recorded by Mr. McIlrath.

A ____ Buck Swaney
A ____ Tim Taylor
A ____ Karen Daniels
A ____ Scot Woodbury
A ____ Travis Nay
A ____ Gary Dansie

Motion passed, 6-0.

OTHER BUSINESS

Meeting adjourned at 9:15 p.m.

Jared Hall, Manager
Community and Economic Development