

Minutes of the Planning Commission meeting held on Thursday, February 16, 2017, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Buck Swaney- Chair  
Maren Patterson  
Scot Woodbury  
Sue Wilson  
Jared Hall, Community & Economic Development Manager  
Brad McIlrath, Assistant Planner  
Tim Tingey, Administrative and Development Services Director  
G. L. Critchfield, Deputy City Attorney  
Citizens

Excused: Phil Markham, Vice Chair  
Travis Nay  
Lisa Milkavich

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

Ms. Wilson made a motion to approve the minutes from February 02, 2017. Seconded by Ms. Patterson.

A voice vote was made, motion passed 4-0

#### CONFLICT OF INTEREST

There were no conflicts of interests for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve the Findings of Fact for Dead City, and Synergy Power. Ms. Patterson seconded the motion.

A voice vote was made, motion passed 4-0.

#### LA EUROPA ACADEMY – 1121 East Vine Street – Project # 17-24

Robbie O'Kelly, was the applicant present to represent this request. Jared Hall reviewed the request for an amendment to an existing conditional use permit which allows the operation of a school and instruction facility on the property located at 1121 East Vine Street in the A-1 zone. La Europa currently operates a residential facility for girls and proposes to build a 15,283 square foot addition to the existing building in order to increase available classroom and instruction space for the existing students which would not increase the number of students. There are no proposed changes to the residential building other than re-striping of parking stalls to maximize parking efficiency. The school building addition and additional parking areas will be located to the rear of the existing structure, which will require the demolition of several structures and

amenities on the site including a large barn, swimming pool, and a tennis court. Some minor interior remodeling of the school building will be conducted but the basic intent of this application is to add 15,283 square feet to the rear of the building which will accommodate the programs that La Europa runs such as dance, music and art classes as well as various therapy rooms that they currently don't have room for. This plan adds about twenty-three more parking stalls and there would be a total of fifty-five stalls overall which meets minimum requirements. A fence that runs down the middle of the property would be removed to allow better access back and forth for the girls and would give more of a campus feel. A new fence would be added on the north side as well as the addition of buffering trees which the city has added as a condition of approval. The buildings are composed of the types of materials that would be present in residential structures such as pitched roofs with gables and would blend in well in this area and the other large homes and would not look out of place. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval to the amendment of the conditional use permit, allowing the addition to the La Europa School building at the property addressed 1121 East Vine Street subject to conditions.

Mr. Swaney asked if this property has complete sidewalk along the frontage. Mr. Hall answered yes it does, but if they are damaged the city would require them to be replaced.

Robbie O'Kelly, 1220 East Vine Street, Executive Director of La Europa, stated she has reviewed the conditions and will be able to comply. The mission of La Europa is to help young women. She stated they wish to be a good neighbor and are willing to answer any questions that may arise.

The meeting was opened for public comment.

Arvind Shah, 1107 Bell Meadows Way, residing in the home north of the existing facility. Mr. Shah stated that he was present when the original conditional use application was approved and is back to speak about the common fence between the two properties. He stated that in June of 2014 it was found that the La Europa fence was leaning against his fence and destroyed it. La Europa agreed to replace the fence. Both fences were removed and until October there was no fence between the two properties. Mr. Shah stated that the fence was installed in November but it was wobbling and built incorrectly. Mr. Shah believes that the intentions are good but based on passed dealings with La Europa, he would like to see some conditions put in place to ensure the requirements are done. The green trees on the property are very large and branches fall into his yard and wants La Europa to maintain the trees.

Adam Schweitzer, 1114 East Belle Meadows Way, stated that he does not abut La Europa any more but agrees with the statement of Mr. Shah and likes that La Europa is a quietly run operation however as far as neighbors he has been unable to reach them on the phone to have any issue dealt with. The trees in the back are also a problem when the wind blows and the branches break and he feels that La Europa has not been easy to deal with and recommends denial of the expansion unless they fix the maintenance issues.

Randy Urbom, 1000 East Belle Meadows Way, stated he lives directly behind the new addition. He supplied a Google aerial photo to the planning commission members and asked that a fence be built at the beginning of the project to provide privacy. The communication between them has been good in emails to La Europa and feels they have been good neighbors but agrees the maintenance could be addressed in a timelier manner. Mr. Urbom stated he wants to be

involved in the landscape plan as the current and future landscaping plans affect him.

Steven Heln, 1075 East Vine Street, asked if La Europa would have an increased volume of business as it could affect his property value. In the past police officers have come onto his property searching for girls from La Europa and is concerned if the number of students will increase.

Mark McMillan, 1143 East Vine Street, stated the trees from La Europa overhang into his property and La Europa did come out and trim the trees and hopes the maintenance of the trees will continue. The fence has been a problem because the previous owner installed the posts improperly and asked La Europa to address the fence maintenance as well.

Adam Schweitzer, 1143 East Belle Meadows Way, asked why La Europa needs extra parking if the number of students will not increase.

Fay Heln, 1075 East Vine Street, stated they have found girls in their backyard despite the 6 foot fence around the entire yard and does not like it.

Arvind Shah, 1107 East Belle Meadows Way, stated he is still concerned that La Europa did not deal with his fence issue in a timely manner.

The public comment for this agenda item was closed.

Bruce Baird, 2150 South 1300 East # 500, Salt Lake City, stated he is legal counsel for the project. He stated he is happy to work with the City, landscape experts, and the neighbors with the landscaping and tree issues. He stated in his experience, development usually solves landscaping problems as the new landscaping and work that goes in is managed and maintained better. Mr. Baird stated he will be happy to install the fence in at the beginning of the project.

Ms. Patterson asked what type of fencing will be installed. Mr. Baird stated he is not sure exactly what type of fence will be used but planned on working with city staff to determine what is required by code. Mr. Baird stated the additional parking is installed to accommodate staff and will result in fewer trips for the staff and students who will not have to commute back and forth between the two buildings located at another location along Vine Street. If occasional issues arise with the school, as it does with any other schools, they do their best to deal with it but does not feel that any conditions could be applied to this project that would require them to do the best they can to address any future issues. Mr. Baird further stated that La Europa is willing to meet all conditions that can be imposed by law. The height of the addition is below the height that is allowed as any person could build a single family home on the property and the house could be taller than the La Europa building.

Ms. Wilson asked if they are still planning on installing the six foot vinyl fence as stated on the application. Mr. Baird answered the plan has changed as it was requested from Mr. Urban and will instead build a taller and nicer fence. Ms. Wilson asked if they will install the fence at the onset of construction. Mr. Baird stated they will make sure the fence will be installed at the beginning of the project and that it will be high quality.

Ms. Wilson asked if it was possible that as part of the renovation to have the trees severely

trimmed away from the fence to avoid over hang into the neighbor's yard. Mr. Baird responded that they will absolutely take care of it. Ms. Wilson thanked the girls from La Europa for attending the Planning Commission meeting and joining the process.

Mr. Woodbury asked staff if a seventh condition could be added in regards to installing a fence prior to construction. Mr. Hall answered that the request could be added as a condition. Mr. Woodbury stated that the fence is a large issue and would like it added as a condition and asked if the condition could specify the detail of the fence and when it will be constructed. Mr. Hall stated that the conditions should be worded to state that the fence be compliant with city zoning regulations and installed upon commencement of building.

Mr. Woodbury made a motion to approve an amendment to the conditional use permit allowing the addition to the La Europa School building located at the property addressed 1121 East Vine Street, subject to the following conditions 1-6 with a 7<sup>th</sup> condition added to read, a fence will be erected on the north property line according to city zoning guidelines upon commencement of construction:

1. The applicant shall provide architect stamped plans, calculations and a soils report and the project shall meet all applicable building codes. The applicant shall obtain appropriate demolition permits and Murray City building permits before commencing work on the site.
2. The project must meet all provisions of the 2015 International Fire Code, including the possible extension of a new sprinkling system into the existing building.
3. The applicant shall repair or replace any damaged curb, gutter and sidewalk on the Vine Street property frontage, and shall obtain an excavation permit for any needed work in the right of way.
4. The applicant shall meet all city storm water requirements, including on-site detention and/or retention as determined by the City Engineer.
5. The applicant shall submit a formal landscaping plan in compliance with Chapter 17.68 upon submittal for a building permit and to include trees for buffering the proposed addition from adjacent residential uses as approved by the Community and Economic Development Division.
6. All required parking stalls must be paved and striped to meet the standards of Chapter 17.72.
7. A fence will be erected on the north property line according to city zoning guidelines upon commencement of construction.

Seconded by Ms. Patterson.

Call vote recorded by Mr. McIlrath.

  A   Scot Woodbury  
  A   Maren Patterson  
  A   Sue Wilson

A Buck Swaney

Motion passed 4-0.

EXTRA SPACE STORAGE SUBDIVISION – 5443 South Commerce Drive – Project #17-20

Nash Williams, was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a preliminary and final approval of a two lot commercial subdivision for the property addressed 5443 south Commerce Drive. The property is located south of 5300 south, and south of the Holiday Inn Express in the C-D zoning district. The proposal is to subdivide the current 3.96 acre property into two properties in order to accommodate the future uses as this location. Currently there is one access, with the development of the south property a new access will be created and each lot will be provided independent accesses. It was indicated that Rocky Mountain and Murray City Power lines run along the east areas of the property. The proposed lots include seven and a half foot public utility easements along the north and south property lines with ten foot public utility easements along the east and west property lines. In addition to those proposed easements, the subdivision will need to provide an easement for the Murray City Power lines, but will not be required to provide one for the Rocky Mountain Power lines and will be addressed by engineering during preparation of the plat. The north lot (lot #2) will have an area of 88,268 square feet, 2.02 acres; and the south lot will have an area of 84,168 square feet, 1.93 acres. The north lot will accommodate a future Budget Car & Truck Rental business. The south lot will be the location of a future Extra Space Storage facility and will install fencing along the north property line on lot #1, adding an additional entrance along the south property and added landscaping to meet the ten percent requirement.

The future lots would be required to conform to the minimum landscaping standards located in the C-D Zone and Murray Municipal Code (Chapters 17.160 & 17.68). The properties in this zone are required to provide landscaping for ten percent of the overall site and must include five feet of landscaping between parking and property lines. The proposed Extra Space Storage facility on Lot 1 has already obtained approval from the Murray Planning Commission and complies with these landscaping standards. The Budget Car & Truck rental use will be need to reconfigure the parking lot layout and provide five feet of landscaping for any parking that abuts a property line.

Based on the information presented in this report, application materials submitted, the site review, and input from various city departments, staff recommends preliminary and final subdivision approval for the property addressed 5443 South Commerce Drive subject to conditions with a revision to condition number seven to add the requirement that landscaping must comply with previous approvals of conditional use permits for this property.

Nash Williams, 3396 Antler Way Salt Lake City, stated he has reviewed the conditions and will be able to comply and has already contracted and paid Rocky Mountain Power to raise their powerlines and just needs to schedule the work to be done. An electrical engineering company has been hired to evaluate the required clearances for the current storage space facility on the south end of the lot. A sewer system ties in at the street and the utilities are being separated so they run independent of each other. Also a change in the direction of the sewer connection is proposed from a better location near the Holiday Inn that will allow the use of a gravity flow instead of a forced main.

Ms. Wilson asked if there will be one driveway or two. Mr. Williams answered when the self-storage starts under construction a driveway will be built on the south corner off of Commerce Drive. The south property does not currently have a driveway, when construction begins they will enter through the Budget Renal property until the south property is built and the new entrance is built. A temporary construction fence will be built to separate the two properties as this is an ongoing operation.

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

Mr. Woodbury made a motion to forward a recommendation of approval for preliminary and final subdivision to the Mayor for the property addressed located at 5443 South Commerce Drive, subject to conditions 1-8 with the amendment to condition number 7 to say the proposed lots shall comply with the landscape standards of the Murray land use ordinance previously approved with conditional use permits for this site:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office. Those requirements include, but are not limited to the following:
  - (a) The subdivision must comply with Murray City subdivision and plat requirements;
  - (b) The subdivision must provide the standard public utility easements and other easements that are required by Murray City utilities;
  - (c) That a PDF copy of the plat be provided to the Engineering Division for final review.
2. Separate sewer connections shall be provided for the two lots with sufficient water provisions provided for the car and truck rental use to be located on lot 2.
3. The proposed lots shall provide an easement for the Murray City transmission line.
4. The project shall meet all current 2015 fire codes.
5. The applicant shall provide stamped plans that include calculations and a soils report for the new construction of the Extra Space Storage facility. Any remodeling of the current buildings shall also require a permit prior to the commencement of construction.
6. Buildings that are located within ten feet (10') of a property line shall have rated walls as required by building code.
7. The proposed lots shall comply with the landscape standards of the Murray land use ordinance previously approved with conditional use permits.

Seconded by Ms. Wilson.

Call vote recorded by Mr. McIlrath.

  A   Scot Woodbury  
  A   Sue Wilson  
  A   Maren Patterson

Planning Commission Meeting

February 16, 2017

Page 7

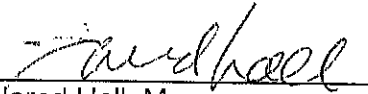
  A   Buck Swaney

Motion passed 4-0.

OTHER BUSINESS

Mr. Hall stated that Lisa Milkavich has been appointed as a new Planning Commission member and will start at the next meeting in March. The City Councils public hearing for the General Plan adoption has been schedule for March 7<sup>th</sup>. The links to the draft plan and the future land use map, small use area plans map are all posted on the Murray City website as well as the Planmurray.com site.

Meeting adjourned at 7:23 p.m.

  
\_\_\_\_\_  
Jared Hall, Manager  
Community and Economic Development