

Minutes of the Planning Commission meeting held on Thursday, December 7, 2017, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Vice Chair  
Sue Wilson  
Maren Patterson  
Travis Nay  
Scot Woodbury  
Lisa Milkavich  
Jared Hall, Community & Economic Development Supervisor  
Jim McNulty, Development Services Manager  
G.L Critchfield, Deputy City Attorney  
Citizens

Excused: Buck Swaney, Chair

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

Phil Markham 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 the November 16, 2017 Planning Commission meeting. Seconded by Mr. Nay.

A voice vote was made, motion passes 6-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest.

#### APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve the Findings of Fact for Michael A. Jensen. Ms. Milkavich seconded the motion.

A voice vote was made, motion passes 6-0.

#### GRANTON SQUARE OFFICE – 74-118 West 4800 South & 4792 South Rifle Street - Project #17-166

Michael Brodsky was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow for a Mixed-Use development on the property addressed 118 West 4800 South, 100 West 4800 South, 74 West 4800 South, 4792 South Rifle Street, 4733 South Rifle Street, located in the M-U zone. The application is a two-part project because there is a commercial portion for an office building and a planned unit development of town homes on 5 individual properties. Most of the presentation focused on the commercial portion of the project and the improvements that go with it. Hamlet homes is intending to occupy the top floor of one of the commercial building and the bottom two floors will be leasable. The area was commonly known as the old fish off factory site that burned down a few years ago. The 3-story office building is 33,973 square feet and represents 75 percent of the combined 61 residential units. The M-U zone requires that no

more than 25 percent of the ground floor of a project be residential, this M-U project is not in one building which is horizontal M-U and allows the uses to be separated but maintains the qualities as you would if they were in one building. Surface parking exists between the residential and commercial properties. The proposed road does not line up with the existing road which is Rifle Street. The new 70-foot public right away would veer to the east and as far away from the UTA TRAX as possible, the road narrows to 60-feet at the rear, where there is the residential portion of the project. The mixed-use zone requires the buildings to be located close to the street, where ever they are not adjacent to the street they are only allowed to be that way if there is a plaza element. A landscaped plaza element has been used in the east portion of the development. The landscaping through-out the residential and commercial uses are tied together and are similar looking. Pavers, wide park strips, wide sidewalks, trees, shrubs and flowers will be used to meet City code. The townhomes face each other onto the private paseos between them and driveways on the back side with garage access. The office building has been parked per City requirements with an additional 13 stalls added intended for additional guest parking. The streets are wide enough to allow for some on-street parking. The office building has entrances on the west, north and south elevations and will use red brick, textured stone, a mixture of clear and accent spandrel glass. A development agreement is necessary because there are two components to this project, the office and townhomes. Because the townhomes will be privately owned and thus create a sub-division the City must be sure when the townhomes are built the office portion will happen. The office portion will provide a much-needed visual presence on the corner and a commercial component. The development agreement will cover the material used and how much of the commercial component must be built to allow the residential portion to go forward. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission approve the request for Conditional Use approval to allow for a Mixed-Use development on the property addressed 118 West 4800 South. The development will include a 3-story, 33,973 square foot office building on the frontage of 4800 South, and a Planned Unit Development (PUD) Subdivision which includes 61 townhomes on the remainder of the property, subject to conditions.

Mr. Markham mentioned that a traffic study has been completed but has yet to be reviewed by Staff. Mr. Hall added that the applicants have known a traffic study would be required. The City Engineer will need to review it, and if he concurs with the findings we will be able to approve that condition. Ms. Milkavich asked if the traffic study was commissioned for 4800 South State Street to the east and Commerce to the west. Mr. Hall answered that the traffic study is intended to handle the intersections at the new road and the intersection of 4800 South with Commerce and with State Street.

Mr. Woodbury asked if a condition should be added to indicate the dumpsters should be screened. Mr. Hall stated the plans do show the dumpsters screened but if the Commission wants to add the condition it would be acceptable. Mr. Woodbury suggested to add it to the final.

Michael Brodsky, 308 East 4500 South, stated he has reviewed the conditions in depth and will be able to comply. Mr. Brodsky stated he brought Mr. Hales of Hales Engineering to address his finding of the traffic report. Mr. Markham stated that would be fine but the Commission will still rely on the finding of the City Engineer to make a final decision upon. Mr. Brodsky stated that he has found the Staff report composed by Mr. Hall has been one of the most comprehensive reports he has ever seen in some time.

Ryan Hales, 1220 North 500 West, Lehi, stated his firm went out and counted the

intersections at State Street, 4800 South, Box Elder Street, over to Commerce Drive and the intersection of the project itself. The grading of service at intersections is rated A-F, grade level D or better is acceptable. It was found the intersections are functioning at D or better, State Street and 4800 South has the highest level of delay and rated at D. It is estimated with the addition of the new project it does not change the level of service, it remains at D, and increases at only 1 additional second of delay. The project access at 4800 South will function at a service level B. There are occasions that the train arms will be down and traffic will back up, but they are not seen as detrimental failures. Commerce Drive performs at a service level B which is an average of the traffic flow.

Mr. Brodsky, stated the number of residential homes permitted was completely driven by the size of the office building. The calculations show we can have 61 residential units. The top floor will accommodate several office uses, the bottom floor will accommodate a Hamlet Homes Design Center. Mr. Brodsky added that the concept of for-sale residentially on top of commercial is very challenging in today's environment. The mix of horizontal and vertical does very well and is successful. Mr. Brodsky stated the Development agreement is very clear and understands the intent of insuring the commercial element gets finished. This will not be a challenge as they do not have an opportunity to build the residential until the commercial portion is finished due to the lay out of the site.

Chris Fursteneau, contractor, stated he can have the office building 100% complete before they start the residential. The vacation of Rifle Street will begin with the getting the current easement holders sign off on vacating their easements before we can vacate the street. We have yet to get the sign off from Murray Power and Questar and are in discussions. The landscaping plan that is devised significantly exceeds the City's requirements. This development will provide opportunity to use shared parking, both uses are compatible with each other. The peak use of the office building is off hours for the peak use of the residential building. There will be ample amounts of parking for all uses. The south-east corner of the roof line will need to be raised an additional 5 to 10 feet due to no variation of the roof line around the building and hide the HVAC equipment on the roof. Tenants of the residential building will be able to access a roof top deck amenity. Mr. Fursteneau stated that the office building will be owned by Mr. Brodsky and his family and there is a significant difference in building quality, design and upkeep when a tenant owns and occupies his own building.

Mr. Markham stated he is personally not in favor of the use of dumpsters in projects like this, the dumpster enclosure to the east will impact a residential neighbor, and suggested automated trash service in a first-class development like this. Mr. Brodsky stated he will have his first experience with automated trash service at the Balintore project, if it works well there is time to make the change if it is favorable.

The meeting was opened for public comment.

Stephanie Swift, 4742 South Box Elder Street, stated she is concerned the traffic might increase on Box Elder. Ms. Swift asked that traffic flow be directed away from using Box Elder Street as a cut through to access the apartment complex. Ms. Swift asked the distance from her backyard and the new structures. Ms. Swift additionally asked if the commercial building will be used only as an office building or will retail be added. Ms. Swift also asked the estimated time line for completion of the project.

Mr. Markham addressed the traffic issue and stated the Commissioners are not traffic engineers and the traffic concerns, as stated, they will be address by the City Engineer once

it is reviewed and at that point the traffic concerns can be address. Tonight, we do not have additional information on the subject. Ms. Swift stated she is aware they will be addressed, but asked that her concerns be included.

Mr. Brodsky stated that the proposed use is strictly office, but recalled the previously proposed use by Hamlet Homes was to have a design center on the first floor. Mr. Brodsky addressed the separation between houses and stated the side of the houses face the neighbor's property lines and require a minimum of 17 feet. Mr. Brodsky stated the timing will be based on Murray City's process of approval but expect to close on the property in February, start development work in mid-March, begin the office building by April first, with completion of the office by November. The residential start date around June and expect to take about 18 months to compete all 61 homes. The completion date is estimated by November of 2019.

Ms. Milkavich asked about the fencing surrounding the project. Mr. Brodsky explained the residential fencing along the residential will be vinyl. Mr. Brodsky added he proposed to UTA to build a berm along the railroad property line that would split the property line. Mr. Brodsky was told by UTA he needs to submit more detail, a general liability policy for the maintenance of the berm, and they will give it some consideration. UTA did suggest that the fence be chain link with slats to discourage vandalism. If the berm can be approved it will raise the fence separation as much as 5 feet.

The public comment portion was closed.

Mr. Woodbury made a motion to grant Conditional Use Permit approval to allow for the Granton Square, Mixed Use Office and Residential development at the properties addressed 118 West 4800 South, 100 West 4800 South, 74 West 4800 South, 4792 South Rifle Street, 4733 South Rifle Street, 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. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Land Use Ordinance shall be submitted and approved by Community Development Staff, and installed as approved prior to occupancy.
4. The applicant shall work with Community Development and Power Department Staff to appropriately provide and locate street lighting throughout the project.
5. The applicant shall successfully petition the Murray City Council for the vacation of the Rifle Street public right-of-way prior to commencement of construction activity on the site.
6. The applicant shall enter into a Development Agreement with Murray City which will allow the non-residential and residential components of the proposal to be developed on separate parcels and restricts the issuance of residential permits and occupancy relative to non-residential permits and construction as outlined in the Staff Report.
7. The applicant shall meet all City storm drainage requirements, providing on-site detention and retention.

8. The applicant shall provide a public roadway dedication along 4800 South for an 8' wide park strip and 7' wide sidewalk, and shall construct a cul-de-sac road to City standards at 70' and 60' widths, including an 8' wide park strip, 7' wide sidewalks, street lighting and street trees as discussed in this report and conforming to the standards and requirements of the Mixed-Use zoning district.
9. The applicant shall provide a site geotechnical study and implement all requirements of the study.
10. The applicant shall provide a site traffic impact study and implement any recommendations. The study must evaluate the intersection at 4800 South & State Street as well as 4800 South and Commerce Drive.
11. The applicant shall submit a site plan to the UDOT Chief Railroad Engineer for review and implement any required rail safety improvements.
12. The applicant shall provide the City Engineer with a copy of any environment testing or assessments performed on the property.
13. The applicant shall provide complete plans, calculations and soils reports upon application for building permits.
14. The applicant shall work with the Murray City Power Department and relocate the power line as required.
15. The applicant shall provide adequate fire flow and numbers of hydrants, assure that the proposed cul-de-sac meets all City specifications, and provide fire sprinkling and alarm systems for the proposed office building.

Seconded by Ms. Patterson.

Call vote recorded by Mr. Hall.

  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Maren Patterson  
  A   Scot Woodbury  
  A   Phil Markham

Motion passed 6-0.

GRANTON SQUARE SUBDIVISION – 74-118 West 4800 South & 4792 South Rifle Street -  
Project #17-167

Michael Brodsky was the applicant present to represent this request. Jared Hall reviewed the location and request for a Preliminary Planned Unit Development (PUD) Subdivision approval for 61 townhomes on the property addressed 118 West 4800 South, located in the M-U zone. The application is a two-part project because there is a commercial portion for an office building and a planned unit development of 61, 3-story, town homes on 5 individual properties. The townhomes will be subdivided and owner occupied, creating the need for the

Development Agreement. PUD's require that the City review the elevations of the building, the plan is to use rear entry, garage units, that share a drive way. The fronts of the units face onto the paseo. The floor plans of the Denton and Hasting models are two and three bedroom units, living space on the second floor and bedroom space on the third floor, garage is on the main floor. Open space is required for every planned unit subdivision. The first area will include a passive open space pavilion and pick-nick tables. The second area's amenity has not been decided yet, but the City would like to see an active open space. In addition to this open space are the paseos which are heavily landscape walk-ways. They have been wrapped around the units and create a kind of interior pedestrian system that connects to the wide side-walks through out the project. The back wall will be buffered with landscaping. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission grant Preliminary PUD Subdivision approval on the property addressed 118 West 4800 South, subject to conditions.

Mr. Markham asked the height of the townhomes. Mr. Hall answered 32 feet to the top of the pitch of the roof and would apply to homes in the M-U zone.

Michael Brodsky, 308 East 4500 South, stated he has reviewed the conditions and will be able to comply. Mr. Brodsky spoke about open space amenities, and stated the buyer profile drives the selection of amenities in the developments and proposed a gathering place at the front of the community and an enclosed dog park at the rear. Mr. Brodsky added the dog park will include fencing, grass, waste disposal station, park benches, and watering station. Mr. Brodsky added the geo-tech report has been completed but does not have the phase 1 environmental report in hand yet, the field work has been completed, and it has been said that there are not recognized environmental issues. Mr. Brodsky stated the window that will be used are of high quality and will help dampen the sound of the trains.

Ms. Wilson asked what type of street lighting is planned. Mr. Hall stated it will meet City standards which will be outlined by the project, usually 12 to 18 feet high.

Ms. Wilson stated the east side of the development has a dumpster on it and suggested to move the dumpster to the west property line, away from the property owners on Box Elder Street in addition to exploring the automated garbage disposal. Mr. Brodsky stated he will explore the automated trash pick up as a first pick up, one reason it was proposed on the west side is it is much closer to all the residents.

The meeting was opened for public comment.

Tara Connolly, 4716 South Box Elder Street, stated many skunks live in the area and will like the trash around the property and stated her backyard is near the dumpster location and asked what the automated system is. Mr. Markham answered, automated trash pick-up is a trash receptacle that is taken to the curb and picked up by a truck. In this community, the residents may have to bring the trash receptacles to the main road or other area. Ms. Connolly asked for details about side windows that may face her back yard, the fence height, fence location on the property lines, removal of trees, if the units have private backyards, fire codes, percentage of owner to renters. Mr. Nay read aloud condition 16 that clarifies the fire code question.

George Krebs, 4634 South Box Elder Street, stated the traffic will affect everybody who lives on Box Elder. Mr. Krebs stated he believes the cars become backed up to State Street and

500 West when the train passes and there will be no way for emergency vehicles to access the townhomes and it will result in a loss of life. Mr. Krebs added that he is concerned that these homes will house children who may wonder over the dangerous train tracks.

The public comment portion was closed.

Mr. Brodsky stated he realizes that Ms. Connolly's backyard will may have the dumpster located behind it and reiterated that they will possibly use the automated system thus, eliminating the use of dumpsters, if not they will look at the best place to locate the dumpster. Mr. Brodsky stated the fence is located 17 feet from the side yard to the vinyl fence on the property line and the fence to Ms. Connolly's house is estimated at 25 feet. He stated there will not be any alley way between the fence and the property lines. Mr. Brodsky stated the trees are on the property line and if they over hang on to the Granton Square property they have right to trim them. If the trunk of the tree is on Ms. Connolly's property then Granton Square may not remove it. An analysis will be done to determine which trees will be limbed and removed on the Granton Square property. If there are trees on the property line which are questionable and Ms. Connolly wishes them removed, they will be removed. Mr. Markham suggested that an open line of communication be maintained with the neighbors. Mr. Brodsky stated that the townhomes have a partially fenced in patio off the front door by the paseo, and the two common areas with recreation facilities.

Mr. Nay stated the patio area is very small and would not accommodate any type of substantial gathering. It's not set up for large families or many children. Mr. Brodsky addressed the possibility of renters and stated there are no restrictions in place to limit renters, but typically the units stay owner occupied.

Mr. Markham asked the price point for the units. Mr. Brodsky answered the base price is \$309,000 to \$329,000 with the possibility of adding a roof top deck to the top of the houses. The height would not increase, instead use a flat roof top.

Mr. Brodsky address the number of side windows that would face the windows, and stated he believed that 2 or 3 windows would be on the side of the house.

Mr. Hall address the traffic questions and stated they are always a top concern for the City, the traffic report will be deferred to the experts to review and make additional changes to accommodate traffic. This will be addressed by Planning Commission during the Final Sub-division review. Mr. Hall stated the length and safety of the street is determined by a National Standard. Terminal streets have a 1,000-foot maximum allowance if there is not an additional outlet however, national standards allow only 100 attached dwelling units on a street like this, and this proposal has 61 units. Mr. Hall added that the City is building Fire Station 83 across the street, with a driveway about the same area as the entrance to the new development. The back-up of traffic from the passing trains is something that can't be avoided and that is why the City asked for an extensive traffic study. Mr. Hall stated the project does but up against the train tracks but, fencing will be installed throughout the project to help the safety of any children who may wonder in the area.

Ms. Milkavich clarified that the rendering presented tonight is not the final plan, and they are only proposed at this time, there will be a lot more discussion in the future. Mr. Nay added that they will be notified when it comes back to the Planning Commission and City Council.

Ms. Wilson made a motion to grant Preliminary PUD Subdivision approval 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 applicant shall work with staff to prepare and submit a detailed open space and amenity plan meeting the requirements of the Murray City Land Use Ordinance and containing both passive and active open space elements, prior to Final PUD Subdivision review by the Planning Commission.
4. The applicant shall work with Community Development and Power Department Staff to appropriately provide and locate street lighting throughout the project.
5. The applicant shall successfully petition the Murray City Council for the vacation of the Rifle Street public right-of-way prior to the commencement of construction activity on the site.
6. The applicant shall enter into a Development Agreement with Murray City which will allow the non-residential and residential components of the proposal to be developed on separate parcels and restricts the issuance of residential permits and occupancy relative to non-residential permits and construction as outlined in the Conditional Use staff report. The Development Agreement must be executed prior to application for Final PUD Subdivision approval.
7. The applicant shall meet all City storm drainage requirements, providing on-site detention and retention.
8. The applicant shall provide a detailed fencing plan prior to Final PUD Subdivision review by the Planning Commission.
9. The applicant shall provide a roadway dedication along 4800 South for an 8' wide park strip and 7' wide sidewalk, and shall construct a public cul-de-sac road built to City standards, including an 8' wide park strip and 7' wide sidewalk.
10. The applicant shall provide a site geotechnical study and implement requirements from such.
11. The applicant shall provide a site traffic impact study and implement any recommendations. The study must evaluate the intersection at 4800 South & State Street as well as 4800 South and Commerce Drive.
12. The applicant shall submit a site plan to the UDOT Chief Railroad Engineer for review and implement any required rail safety improvements.
13. The applicant shall provide the City Engineer with a copy of any environment testing or assessments performed on the property.
14. The applicant shall provide complete plans, calculations and soils reports upon application for building permits.

15. The applicant shall work with the Murray City Power Department and relocate the power line as required.
16. The applicant shall provide adequate fire flow and numbers of hydrants, assure that the proposed cul-de-sac meets all City specifications, and provide fire sprinkling and alarm systems for the proposed office building.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Hall.

  A   Sue Wilson  
  A   Scot Woodbury  
  A   Maren Patterson  
  A   Travis Nay  
  A   Lisa Milkavich  
  A   Phil Markham

Motion passed 6-0.

LAND USE ORDINANCE TEXT AMENDMENT – Discussion on future updates (Section 17.48, Sign Code; Section 17.173, Business Park District; and Section 17.174 Professional Office District).

Jim McNulty stated there was a Planning Commission training that was held at the Public Services Building.

Mr. McNulty stated Staff is working on an update to the Murray City Sign Codes and processes. Mr. McNulty stated staff is developing standards for a new a Business Park zoning district and Professional Office zone district.

#### OTHER BUSINESS

Mr. Markham stated the Planning Commission will not conduct another meeting in the month of December, the next meeting will be January 4, 2018. Mr. McNulty confirmed that the December 21, 2017 has been canceled because the City will be able to handle business without it.

Mr. McNulty took the opportunity to thank each Planning Commission Member for the hard work and support that they have offered this year. Mr. Markham, Mr. Nay offered their thanks back to City Staff as well.

The meeting was adjourned at 8:22 p.m.

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Jared Hall, Supervisor  
Community and Economic Development