

The Planning Commission met on Thursday, April 16, 2020, at 6:30 p.m. for a meeting held electronically in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Gary Herbert on March 18, 2020.

Present: Phil Markham, Chair
Scot Woodbury, Vice Chair
Travis Nay
Maren Patterson
Sue Wilson
Ned Hacker
Lisa Milkavich
Jared Hall, Planning Division Manager
Zac Smallwood, Associate Planner
Susan Nixon, Associate Planner
Briant Farnsworth, Deputy City Attorney
Citizens

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 Department Office.

Phil Markham opened the meeting and welcomed those present. He reviewed the public comment rules and procedures.

APPROVAL OF MINUTES

Lisa Milkavich made a motion to approve the minutes from the March 5, 2020 and the April 2, 2020 Planning Commission meetings. Seconded by Ned Hacker. A voice vote was made, motion passed 7-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Sue Wilson made a motion to approve the Findings of Fact for Stroker Diesel, Fabiano - Accessory Dwelling Unit, Heaps - Accessory Dwelling Unit, Murdock - Accessory Dwelling Unit and Sacred Energy Bed & Breakfast. Seconded by Travis Nay. A voice vote was made, motion passed 7-0.

DECORATIVE METALWORKS LLC – 5245 South Commerce Drive – Project #20-042

This agenda item was withdrawn from the agenda. No action was taken.

BONNYVIEW APARTMENTS – 4955, 4984, 4994, 5002, 5020 South Commerce Drive – Project #20-041

Eric and Dan Bishop were online to represent this request. Zac Smallwood reviewed the location

and request for a mixed-use project with multi-family residential at 4955, 4984, 4994, 5002, 5020 South Commerce Drive. The applicants are proposing a 4.33 acre mixed-use development with 285 multi-family units and 13,503 sq. ft. of commercial space. The General Plan and the Murray Central Station Small Area Plan support these types of developments. The Mixed-Use Zone was modified in 2019, which updated some of the calculations for density and changed the ground level commercial requirements. In the old Mixed-Use Zone, the entire ground level was required to be commercial space. That has been changed to allow for less commercial space on the ground level. Murray City Code allows for up to 100 dwelling units per acre and this project is approximately 66 dwelling units per acre. The parking requirement is approximately 1.12 spaces per dwelling unit and there is a 10% reduction for a project that is within ¼ mile of a Trax Station. This project is within ¼ mile of a station, so it does qualify for the reduction. The applicants, however, are cognizant that Utahns use like to use their motor vehicles so they have proposed a total of 371 parking spaces. The applicants are proposing to install improvements along Commerce Drive which include an eight foot park strip and seven foot sidewalk. One of the requirements for this project is to connect Bonnyview Avenue through the project and back onto Commerce Drive.

Mr. Smallwood said this project is required to have a 10" waterline upgrade. There is currently a 4" waterline along Commerce Drive which will not be enough for a project of this size. A traffic study for this project was also conducted and the Engineering Department will work with the applicants on the recommendations of that. Staff recommends that the Planning Commission approve this mixed-use project subject to the conditions outlined in the Staff Report.

Ms. Milkavich asked if this proposal was discussed with Murray School District. Mr. Smallwood said public notice was sent out to all the major utilities as well as Murray School District and staff did not receive any comments from any of those entities.

Eric and Dan Bishop, 44 Wanderwood Way, said they have seen the conditions of approval and are prepared to meet those conditions. Dan Bishop said a successful mixed-use development is thoughtfully designed to engage and encourage a positive pedestrian urban experience. He made some comments related to the staff conclusions and recommendations.

- Comment 1 Section b – Commerce Drive and Bonnyview Avenue are functioning public roads that are maintained by the City. Any improvements that may be required will benefit and be used by the public at large. For this reason, the improvements are referenced in a draft reimbursement agreement that has been submitted to the City.
- Comment 1 Section c – It remains unclear who owns Erickson Avenue. Although the Bonnyview site has recorded access rights through Erickson Avenue to the west, the looped road connection along Erickson Avenue and its dedication are contingent on the final determination of ownership.
- Comment 4 – The 10" waterline upgrade on Commerce Drive is listed as a necessary system improvement and pipe replacement in the City's Water Master Plan, dated August 2017. The Water Master Plan indicates the list of improvements was prioritized based on input from City personnel. The development of Bonnyview Apartments, and other developments in the area, have increased the need for the upgraded waterline. The applicants believe this system improvement should have a higher priority on the City's list of projects. As the upgraded waterline is a city system improvement, they have submitted a draft reimbursement agreement to Danny Astill, Public Works Director, and are awaiting contact from the City's Attorney regarding this matter.

Eric Bishop said they have architects from FFKR, Larry Curtis and Preston Dean, online that can answer any questions the Commission may have. Preston Dean, FFKR Architects, stated that in projects of this size, owners are opting to do a "trash valet", which is what the applicants want to do with this site. Mr. Markham said valet services are becoming more and more popular with large developments and he can see how that would work with this development. Eric Bishop said their intention is to use a trash compactor, but they will involve experts to ensure they have proper coverage for the site. Eric Bishop said as the traffic engineer studied this area, given the traffic that was assumed, there would be no significant impact on existing infrastructure. He said this project will be similar to the Murray Crossing development. He added that because there is a freeway immediately west of this site that generates a significant amount of noise and light pollution, they feel this high-density use is one of the best uses for the area.

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

Ms. Milkavich asked about the items that the applicants are not confident they can comply with in the conditions. Since this is a preliminary, if it is approved, is it with the existing conditions that can be discussed in the final. Mr. Smallwood clarified that this item is for a Conditional Use Permit, there is not a preliminary and final. The conditions are the conditions and if the applicant cannot meet the conditions, they cannot go forward. Even though they have submitted a draft reimbursement agreement, they are still responsible to complete all of the conditions. Ms. Milkavich asked if the Commission were to pass this with the existing conditions and the reimbursement goes through with the City, would the applicants have to come back to the Commission because the conditions would have changed. Mr. Smallwood explained the conditions would not have changed and the applicants are still required to complete those conditions. Staff does not care how the conditions get done as long as they get done. Mr. Markham added the applicants are just trying to get the City to participate with them based on the City's Water Master Plan. All the Commission is concerned with is that all of the improvements are made. Ms. Milkavich asked how that applies to Erickson Avenue and not knowing who owns it. Mr. Smallwood said once ownership of Erickson Avenue is determined, the applicants would have to work with them to get that road looped around the development. Ms. Wilson said she is concerned about the waterline and the draft reimbursement agreement. The 10" waterline benefits the applicants apartment complex and she is not sure the taxpayers should have to incur that expense. Mr. Smallwood said that is not something the Commission would get involved with; the City Council would deal with that.

Mr. Nay stated this project is what this area has been designed for. The streets will take care of themselves over time. Mr. Markham said he does not think the City could ask for a higher quality project. The applicants are not maxing out the zoning requirements or density. Ms. Milkavich agreed with Mr. Nay and Mr. Markham.

A motion was made by Ned Hacker to approve a Conditional Use Permit to allow the proposed mixed-use development on the property located at 4955, 4984, 4994, 5002 and 5020 South Commerce Drive, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
 - a. Meet City storm drainage requirements, on-site retention/detention is required. Implement Low Impact Development (LID) practices where applicable.
 - b. Dedicate right-of-way along Commerce Drive and install M-U zoning street

- improvements. Dedicate Bonnyview right-of-way and provide improvements including curb/gutter and six foot (6') curb adjacent sidewalk.
- c. Provide a looped connection from Bonnyview to Erickson to Commerce Drive along the south side of the project to facilitate site circulation, service, and emergency vehicle access.
 - d. On-street parking on the public portions of Bonnyview and Erickson will not be allowed due to the road width and geometry.
 - e. Commerce Drive will need to be re-striped in the future to allow left turn access to Bonnyview and the proposed development. The new striping and shoulder lines will most likely not accommodate on-street parking.
 - f. Avoid using the public right-of-way for construction staging, dumpster service, emergency service vehicles, delivery vehicles and moving trucks. Provide on-site parking lanes/alleyways for deliveries, emergency vehicles and moving trucks.
 - g. Provide a Traffic Impact Study and implement recommendations.
 - h. Develop a site SWPPP and obtain a Land Disturbance Permit prior to beginning any site work.
 - i. Obtain a City Excavation Permit for work in the Commerce Drive or Bonnyview Lane rights-of-way.
2. The applicant shall provide complete plans, calculations, soils reports, and a complete code analysis for building permit submittals.
 3. The project shall meet Murray City Fire Department requirements including the following:
 - a. Work with the Fire Department in placement of the riser rooms and hydrants within the project.
 - b. Continue discussions with the Fire Department to determine good EMS access points and ability to have an ambulance enter the structure.
 - c. The project shall meet or exceed the 2018 fire code standards.
 4. The applicant shall work with the Murray City Water and Sewer Department to install a 10" water line from Commerce Drive that connects to Vine Street.
 5. The applicant shall work with Planning Division staff to review and modify the improvements to the east portion of Commerce Drive to include standard sidewalks, landscaping, and appropriate parking as indicated in the staff report.
 6. A formal landscape plan meeting the requirements of the Land Use Ordinance shall be provided at the time of Building Permit submittal.
 7. The applicants shall consolidate the five lots into a single lot.

Seconded by Travis Nay.

Call vote recorded by Mr. Smallwood

 A Ned Hacker
 A Lisa Milkavich
 A Travis Nay
 A Sue Wilson

A Maren Patterson

 A Scot Woodbury

 A Phil Markham

Motion passed 7-0.

MEADOWS OF MURRAY – 533, 551, 565, 583, 593, 631 East Winchester Street and 6363 South 525 East – Project #20-009

Ryan Reynolds was online to represent this request. Jared Hall reviewed the location and request for Preliminary Subdivision review for twin homes at 533, 551, 565, 583, 593 and 631 East Winchester Street and 6363 South 525 East. He explained the subdivision plat that gets recorded will remove all of the existing parcels to create the necessary plat. This property has been vacant for a number of years and was recently rezoned to Residential Neighborhood Business (R-N-B). Frequently, the R-N-B Zone is used for light duty retail and offices. In this case, Brad Reynolds, the applicant, is asking for a twin-home development. The 26 lots are twin home lots so on each lot, there is one side of a twin home. The smallest lot is just over 5,200 sq. ft. and the largest lot is 11,750 sq. ft. All the lots can be owned individually. The street is a cul-de-sac and will be publicly dedicated. There will be sidewalks, curb, and gutter on both sides of the street. All the access will come from Winchester Street and 525 East. Due to the number of lots, the City Engineer did not ask for a traffic study to be done. Traffic studies and secondary accesses are usually not done unless a project is 30 lots or more.

Mr. Hall stated the City Engineer has made grading and drainage plans and the utilities in the area are sufficient for this development. One of the reasons the applicant wanted to make the R-N-B text amendment proposal, was so they could put more money into the homes themselves as opposed to building duplexes which are, by nature, more attractive to investors. Staff recommends that the Planning Commission approve this preliminary subdivision subject to the conditions outlined in the Staff Report. Mr. Hall noted many of the conditions have already been met.

Mr. Markham asked Mr. Hall to talk about the type of wall that will be put up along Winchester Street and also the involvement of the City Engineer with the traffic study. Mr. Hall replied the entire perimeter of this subdivision is proposed to be fenced. Everything, except for Winchester Street, will be fenced with a six-foot masonry wall. Winchester Street will be fenced with an eight-foot masonry wall because of the City Code requirements for double frontage lots. He reiterated the City Engineer did not require a traffic study for this project. The feeling is the traffic generated from these 26 units is not going to overwhelm the use of 525 East Street.

Ms. Milkavich asked Mr. Hall to expand on why the City Engineer did not require a second entrance and also asked him to speak about the irrigation system. Mr. Hall replied there is an old irrigation line that needs to be abandoned and he believes the applicant is working on that. As far as the second access, the city usually do not look at that requirement unless a subdivision has more than 30 lots. Winchester Street is a major collector and because there are not 30 lots in this development, and the other access potential is a major collector where the city tries to manage and control access, the City Engineer was adamant that there not be a second access on Winchester Street. In many cases, the City likes connections where they can get them.

Mr. Nay said he disagrees with the eight-foot wall along Winchester Street. This stretch of Winchester Street is a busy road, but it is surrounded by neighborhoods and people walk it. He

feels that an eight-foot wall kills this stretch of Winchester Street for the pedestrians. He understands why it is being done, but he wishes there were a way to not have to defer to an eight-foot wall on an arterial road like this where a pedestrian experience is supposed to be considered.

Ryan Reynolds, 5230 South Wander Lane, said this project will be 26 high quality twin homes. He said they are planning on vacating the irrigation system along Winchester Street. He said he has seen the conditions of approval and is able to meet those conditions.

Ms. Milkavich asked if there was a sidewalk planned along Winchester Street where the eight-foot masonry wall will be. Mr. Hall replied there is currently a sidewalk on Winchester Street that may need upgrading when they put in the wall.

The meeting was open for public comment.

Jared Hall summarized the comments that staff received before the meeting.

- David Eckhoff and Carolyn Stephens wrote that they have concerns related to traffic and the lack of a second access to the development
- Jon and Jeanette Bowen wrote in expressing support for the project.
- Tina Hodson wrote in opposing the project because of the lack of a secondary access, the loss of green and open space and traffic problems the project will create.
- Aaron Saathoff wrote in with concerns about traffic and suggesting a semaphore be installed at the intersection of 525 East and Winchester Street.

Susan Nixon read the online comments that were received:

Wendy Butler wrote, "Thank you for allowing us to comment via email during the State's "Stay Safe, Stay Home" directive. As a resident homeowner who lives very close to the proposed construction off Winchester Street, I would like to comment.

My husband and I own our home at 6332 S. 530 E. which is just around the corner from here. My parents bought this house from the builder in 1960.

I would like to see something nice built on the property in question and feel that Brad Reynolds will produce a quality product that adds to the neighborhood. I am fine with everything that he has proposed in the distributed Site Plan EXCEPT the road access to the properties. I propose that you mandate that the entrance and exit to the new homes occur from Winchester Street where there is already 4 lanes and a turn lane, instead of 525 East, which is, of course, a small 2 way residential street.

Living where we do right on the corner of 530 E and 6340 S we know that 525 E continuing on to 530 E is already a busy road with traffic levels that were not intended for neighborhood traffic. Many people cut off from Winchester, avoiding the Mall area, to travel through neighborhoods to areas on State street heading North.

If your commission allows the traffic generated from 26 homes solely to be directed onto 525 E, we will be inundated with even more traffic. As I sit in my living room typing this I look out on the curve of this intersection and have seen cars going around that bend where no stop is required. Just about every car making that turn goes at a speed that takes them into the oncoming lane of

traffic as they pass right in front of my house.

Additionally, at the end of our road is Longview Elementary so 525 E is a busy pedestrian road in the mornings and afternoons with children walking to school.

There is no doubt that the increased number of homes will increase traffic in the area. I am just asking that by having that traffic funneled on and off from Winchester, that the extra traffic in our neighborhood streets can be buffered. I think it would be nice to have a foot path opening on to 525 E, but not a vehicular exit."

Candy Robinson wrote, "My name is Candy Robinson and I live at 528 East 6340 South. I have lived here for 20 years and grew up a few blocks away.

There is a concern with me as with many of my neighbors and that is the entrance to this new community on 525 East. This street off of Winchester is already very busy with families taking their children to and from the elementary school located a few blocks north on 6270. Other residents have voiced these same concerns in the previous meetings. I don't see why the entrance to this new community can't be on Winchester Street. Our neighborhood is a very quiet one and I think all of this new traffic entering on 525 East will change that. I am looking forward to a new development that has been an empty field for too many years."

The public comment portion was closed.

Mr. Reynolds said he agrees with the Engineering staff that with the project being only 26 lots, it will not be much of a burden to have the entrance come onto 525 East Street.

Mr. Markham said he has had over 100 homes go in near his home over the past year and a half. The Planning Commission was concerned about traffic and road improvements, but everything the City Engineer and traffic study said has worked out. He appreciates the opinion of the City Engineer.

Mr. Woodbury said he also trusts the engineers. Everyone would like to have more open space within the City, but that comes at a cost. A landowner can develop their land according to the City Code and guidelines. This is a good development. Mr. Hacker agreed with Mr. Woodbury's statements. He said adding another entrance onto Winchester Street would be much more difficult versus putting the traffic onto a side street then out to Winchester Street. Mr. Markham said there have been other projects proposed for this area that were met with a lot of opposition from both citizens and staff. This project represents a good compromise.

A motion was made by Maren Patterson to approve Preliminary Subdivision approval for the Meadows of Murray subdivision on the properties located at 533, 551, 565, 583, 593 and 631 East Winchester Street and 6363 South 525 East, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
 - a. Meet City subdivision requirements.
 - b. Provide grading, drainage and utility plan and profile drawings.
 - c. Meet City drainage standards.
 - d. Meet City utility standards and provide standard PUE's on lots.
 - e. Replace any damaged curb and gutter and sidewalk along Winchester and 535 East project frontages. Remove existing unused driveway curb cuts on Winchester Street.

- f. Provide a site geotechnical study and implement recommendations.
 - g. Abandon the existing irrigation system located along the south subdivision boundary.
 - h. Provide a security bond for public road and utility improvements.
 - i. Provide any required easements and vacate any unused easements within the proposed subdivision area.
 - j. Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading and construction work.
 - k. Obtain a City Excavation Permit for work within City roadways.
2. The applicant shall provide perimeter project fencing in the form of 6' masonry walls on all project boundaries, and an 8' masonry wall along Winchester Street frontage.
 3. The applicant shall install a new 8" water main from Winchester Street to 6360 South and extend sewer with a new manhole on 525 East.
 4. The subdivision shall include the installation of street lighting in accordance with Murray City Power Department standards.
 5. The subdivision improvements shall include the installation of street trees as required by Murray City Code.
 6. All lots within the subdivision shall comply with the standards for twin-home lots as contained in the R-N-B Zone as outlined in Section 17.140.040 of the Murray City Land Use Ordinance.
 7. The project shall follow International Fire Code (IFC) regulations for fire access and hydrant locations.
 8. The applicant shall follow the requirements of section 16.16.140 regarding double fronted lots.
 9. The applicant shall prepare a Final Subdivision Plat which complies with all requirement of Title 16, Murray City Subdivision Ordinance.

Seconded by Sue Wilson.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

FASHION PLACE WEST SMALL AREA PLAN – 200 – 300 West Winchester Street (generally)
– Project #20-001

Zac Smallwood introduced Mark Morris, representing VODA, who is the lead consultant and is for this project. Mr. Morris stated an open house for the Fashion Place West Small Area Plan was held on February 12, 2020. He explained that the first section of the Small Area Plan, the Existing Conditions Report, has been completed. The Existing Conditions Report goes over the development of the area from the early days of the city. He went over some of the demographics noting the median home value and household income in the study area is significantly lower compared to the rest of Murray City. One of the drivers of this project will be improving walkability and connectivity in this area. He mapped out where the connectivity issues are within the area.

Mr. Morris noted that 30-35 people attended the open house. The most frequently asked question during the open house was what development is being proposed for the area. People said they desired this area to have livable and vibrant neighborhoods, public space, parks, dining, and a grocery store or market. He added that households are willing to pay a premium for housing in walkable areas. Mr. Morris went over some of the housing constraints in the area which included existing parking requirements, lack of financial incentives, poor walkability, and a low vacancy rate. Mr. Morris said the next steps will be drafting a plan, public outreach, and then to present a draft plan to the Planning Commission and City Council.

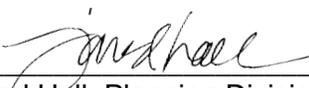
Mr. Markham said this area has a lot of potential and he is excited to see this study get done. He would like to see enhanced accessibility in the area. Ms. Milkavich asked how this project begins. Mr. Morris responded once there are draft policies and recommendations in place, they will prioritize projects. One of the most pertinent pieces for the Planning Commission is to look at policies to see if adjustments need to be made. Ms. Milkavich asked if it is common to change the zoning of an area. Mr. Smallwood replied they generally do not change the zoning of the area, but it has been done in the past with the Mixed-Use Zone and the Murray City Center District (MCCD) Zone. As this plan goes forward, it could potentially update and change the zoning.

Mr. Hacker asked Mr. Morris if he has received input from UTA.. Mr. Morris replied he has met with UTA and they are excited about this project.

OTHER BUSINESS

Sue Wilson made a motion to adjourn. Seconded by Scott Woodbury. A voice vote was made, motion passed 7-0.

The meeting was adjourned at 8:25 p.m.



Jared Hall, Planning Division Manager