

Minutes of the Planning Commission meeting held on Thursday, April 7, 2016, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair  
Maren Patterson, Vice Chair  
Phil Markham  
Scot Woodbury  
Buck Swaney  
Gary Dansie  
Tim Tingey, Administrative and Development Services Director  
Jared Hall, Community & Economic Development Manager  
Brad McIlrath, Assistant Planner  
G. L. Critchfield, Deputy City Attorney  
Citizens

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.

Travis Nay opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Mr. Markham made a motion to approve the minutes from March 3, 2016. Seconded by Mr. Woodbury.

A voice vote was made, motion passes 6-0

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve the Findings of Fact for Shark's Auto at 4195 South 500 West #41 & 42. Mr. Markham seconded the motion.

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

#### ADAM DAY VIOLINS – 4916 South State Street – Project #16-18- Public Hearing

Adam Day was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Certificate of Appropriateness for a building addition in order to construct a string instrument shop at the property addressed 4916 S. State Street. Municipal Code Section 17.170.050 outlines the process for review of applications located within the Murray City Center District (MCCD). New construction within the MCCD requires the issuance of a Certificate of Appropriateness by the Planning Commission after the project receives review and recommendation from the Design Review Committee. A public hearing is required prior to issuance or denial of the Certificate of Appropriateness. Municipal Code Ordinance 17.170 allows musical instrument and parts manufacturing (LU #3920) within the Murray City Center District

as a permitted use with applicable standards. The proposed building addition is allowed with approval of a Certificate of Appropriateness.

The applicant proposes to construct a nine-hundred and twenty (920) square foot addition at the southwest corner of the existing building. The addition will provide space for the manufacturing and repair of string instruments for Day Violins (a partner business of Day Murray Music). The proposed addition would include a new 174 square foot storage space, an approx. 447 square foot shop space, and a 81 ½ square foot vestibule and observation area. The string instruments sold at this location are currently being manufactured off-site. This addition will allow for all business related functions to be located at the same location. The existing southwest business entry will continue to be used, but will be reconfigured to provide the vestibule and observation area. The proposed building addition will utilize brick and stucco materials to match the existing structure which will add to the historical character of the building. The stucco areas will provide signage for Day Violins with sign materials that will be determined in the future. The proposed building materials are consistent with the design guidelines and contribute to the eclectic vernacular of the Murray City Center District. Customer parking is provided directly to the west of this building and adjacent to the shared alley way along with a shared parking lot located on the Wells Fargo property to the south. Employee parking is rented from the Wright Dance Center to the west. Additional customer parking may be available with on street parking located along State Street. The proposed addition will not change the existing parking arrangements and will not increase the customer parking demand of the business. The applicant has indicated that with the completion of the work shop, the employee parking demand will increase by three (3) luthiers and that the additional parking will be provided with the Wright Dance Center rental agreement. Therefore, staff determines that there is sufficient customer and employee parking for this use. Access to this business and the proposed work shop will be provided directly from State Street, Vine Street, and the shared access alley to the west of the building.

The Design Review Committee reviewed the project on February 25, 2016. The committee recommended approval of the proposed use subject to the following conditions:

1. All building materials shall comply with the design guidelines for the Murray City Center District.
2. The applicant shall obtain a Certificate of Appropriateness for the proposed additional business signage.

Based on the information presented in this report, applications materials submitted, and the site review, staff recommends approval of the Certificate of Appropriateness for the proposed string manufacturing and repair workshop for the property addressed 4916 S. State Street, subject conditions.

Mr. Markham asked if it is typical that the gate is closed behind the Music store parking at the Ballet Center. Mr. McIlrath responded that is correct and it is shared parking to the rear of the music store, typically this is where the employees park. The customers usually park the Wells Fargo shared parking lot and the parking along

State Street. The Wright Dance Center parking is only used for employee parking.

Adam Day, 1039 East 11078 South, Draper, stated he has reviewed the staff recommendations and will comply.

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

Mr. Woodbury made a motion to approve a Certificate of Appropriateness for Adam Day Violins at 4916 South State Street subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicant shall provide stamped and sealed plans from appropriate design professionals in order to obtain a building permit prior to construction. The plans shall include a code analysis and an egress plan.
2. The project shall meet all current fire codes.
3. The applicant shall work with the Murray City Power Department in order to ensure that sufficient clearance is provided between the building and the existing utility meter.
4. All building materials shall comply with the Murray City Center District Design Guidelines.
5. The applicant shall obtain a Certificate of Appropriateness for the additional business signage.
6. The applicant shall obtain a Murray City Business License for the string instrument manufacturing and repair shop prior to the commencement of business operations.

Seconded by Mr. Swaney.

Call vote recorded by Mr. McIlrath.

A \_\_\_ Buck Swaney  
A \_\_\_ Phil Markham  
A \_\_\_ Scot Woodbury  
A \_\_\_ Gary Dansie  
A \_\_\_ Maren Patterson  
A \_\_\_ Travis Nay

Motion passed, 6-0

EMERSON ELM – 6013 South Cotswold Court – Project #16-27

Lori Vuksnick was the applicant present to represent this request. Mr. McIlrath reviewed the location and request for Planning Commission approval for a Major Home Occupation with 3 Employees. The home occupation conducts online sales of

apparel, jewelry and jars at the property addressed 6013 S. Cotswold Court. Murray Municipal Code Chapter 17.24, Home Occupation businesses may be conducted only by persons who are residents of the dwelling and one up to one (1) person that does not reside in the dwelling. The planning commission may approve more than one (1) nonresident employee if the commission finds that the employee's presence will not violate the intent of the home occupation chapter. The approval of such additional employees by the planning commission is accomplished through the approval of a major home occupation. Uses classified as major home occupations must comply with the standards of section 17.24.030, which shall be considered minimum standards. The planning commission may require additional conditions to mitigate impacts of the use on adjacent properties. These conditions may include, but are not limited to:

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

The applicants operate an online clothing, jewelry, and jar sales company at this location with storage of the items and business operations occurring in the 120 square foot office space identified on the floor plans. The home occupation is based out of the home of Lori Vuksinick, and her two daughters, Riley and Abby (non-residents) intend be involved in the business. The applicants have indicated that all transactions are completed online and that very few if any customers are anticipated to come to the home. Cotswold Court is a narrow private street and the residents don't want people parking along the road. The owner has been operating the business already for a year out of their home and there has not been any problems with parking and don't anticipate any increase or intensity of the use. The business model is to conduct all business transactions online and to ship the products to customers. Based upon review of the application materials and discussions with the applications, Staff concluded that this business should have a minimal impact to the neighborhood. Therefore, staff recommends that the Planning Commission approve the Major Home Occupation request for Emerson Elm, LLC at the property addressed 6013 S. Cotswold Court, subject to conditions.

Mr. Nay asked for clarification whether the three employees includes the home owner. Mr. McIlrath clarified that the three employees includes the home owner, i.e. the homeowner and two additional employees who do not reside in the home. Mr. Nay commented that the driveway is large and adequate to accommodate any potential customers.

Lori Vuksinick, 6013 South Cotswold Court, had no additional comments for this proposal. She stated she has reviewed the staff recommended conditions of approval and will comply. She stated they don't have customers come to the home.

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

Mr. Markham made a motion to grant approval for a Major Home Occupation business for Emerson Elm, located at 6013 S. Cotswold Court subject to the following conditions:

1. The home shall comply with all applicable building and fire code standards.
2. Customers and employees/workers of the business shall utilize the off-street parking area for vehicle parking and shall avoid excessive traffic and on-street parking for this cul-de-sac neighborhood.
3. The addition of more employees/workers to this business in excess of the three (3) currently engaged in the business shall require additional planning commission review and approval.
4. The applicants shall maintain their current Murray City Business License and update the license with any business changes that may occur.

Seconded by Ms. Patterson.

Call vote recorded by Mr. McIlrath.

A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Travis Nay  
A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Buck Swaney  
A \_\_\_\_\_ Gary Dansie

Motion passed, 6-0

LES SCHWAB TIRE CENTER – 4355 South State Street – Project #16-25

Randy Smith was the applicant represent to represent this request. Jared Hall reviewed the location and request of Les Schwab Tires are requesting a Conditional Use Permit to for permanent and temporary buildings for tire sales and auto repair for the property addressed 4355 South State Street. Municipal Code 17.160 allows auto repair and tire sales within the C-D Zoning District subject to Conditional Use Permit approval. Municipal Code 17.56.100. A temporary Conditional Use Permit for temporary buildings may be issued by the planning commission for a period of six months and the permit may be renewed for a total of three successive six month time periods by city staff. The applicant plans to demolish the existing tire sales/repair building and construct a new building. The applicant also plans to install temporary buildings for the tire sales/repair business, while the new building is under construction. The temporary structures consist of a temporary tent structure for auto repairs, a showroom/office trailer and rest room trailers. The temporary structures are to be located to the south east area of the property. The applicant estimates the new building construction time will take approximately 10-12 months and is requesting the Planning Commission approve a twelve month temporary Conditional Use Permit for the temporary buildings to allow the business operation to continue in the temporary structures. The new permanent building will contain approx. 12,000 sq. ft. for the tire

retail facility and auto repair use. The temporary structures total area will be 20,000 sq. ft. The information provided by the applicant indicates the new permanent building will contain 4,000 sq. ft. in retail area which will require 20 parking stalls. Eight auto repair bays will require 24 parking stalls with 3 stalls required per work bay. The total parking required is 44 parking stalls. The plans indicate there are 123 parking stalls to be provided on the site which will require five disabled stalls to comply with ADA regulations. Parking stalls are provided on the south and east of the new building. The parking spaces are shown on the site plan are 90 degree parking stalls with 24 ft. or more aisle width between rows parking stalls. Access to the property is from State Street and from a driveway accessing 4370 South Street. The drive accesses will require UDOT review and approval. One of the drive accesses may be closed by UDOT. Building setbacks of 20 feet from the property lines are required on street frontages. The temporary buildings are required to be setback a minimum 20 ft. from the residential property boundary to the east side of the property. The site landscaping/irrigation shall be designed to conform to Municipal Code Section 17.68, and will need to comply with the C-D requirement of 10% total site minimum landscaping. The landscaping plans are attached to this report for your reference. The proposed structure is a block building with the store fronting to the south. The north and south elevations include man doors, and the south elevation includes a man door and an additional roll up doors providing access to the service bays. The elevations show wall-mounted lights over the doors. The parking lot will have light poles as shown on the plans. The exterior parking lot lighting will need to be shielded on the sides and be directed down and away from the residential zone properties. Utilities are available in the area. The City Engineer noted the project shall comply with City storm drainage requirements and detention is required. The applicant shall develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any demo or site work. Based on the information presented in this report, application materials submitted and the site review, staff recommends the Planning Commission grant Conditional Use Permit approval for the new permanent buildings for Les Schwab Tires for sales and repairs and grant a temporary Conditional Use Permit approval for 12 months (April 7, 2017) for the temporary structures located at 4355 South State Street subject to the applicants compliance to conditions.

Mr. Nay asked about the possibility of closing the southern access off of State Street. Mr. Hall responded if the southern entrance is closed, it will be when the new building opens, but during construction the entrance will remain open.

Mr. Woodbury asked about the north entrance. Mr. Hall responded that he assumes the north entrance will continue to be utilized.

Randy Smith, 515 South 700 East, Salt Lake City, stated he is with Galloway Architecture representing Les Schwab. Mr. Smith indicated he has reviewed the staff recommendations and will comply. Mr. Smith stated the north access from State Street is a shared access with Secure Auto and during construction there is an access easement in place and will continue to have it during construction. The center access at the completion of the project will have to be closed off per UDOT's requirement. The business located to the south will continue to be able to utilize the south entrance. There is shared parking in the temporary area for the restaurants. After construction is completed the south State Street entrance will be closed off, but the

restaurant use can utilize the cross access easement for the north entrance.

Mr. Markham asked about the temporary structure and potential illumination during the night time. Mr. Smith responded the tent structure is prefabricated with panel walls. The roof is canvas. Les Schwab intends to operate its regular hours that it currently has. There will be 24 hour security and fire watch inside the temporary structure during the construction period. Operating hours are 8 a.m. to 6 p.m. weekdays and 8 a.m. to 5 p.m. on Saturday.

The meeting was open for public comment.

Syd Horman, 4370 South State Street, stated he is the owner of the building to the south on 4370 South. He expressed concern with not being able to communicate with Les Schwab regarding the trees adjacent to his property and hanging over his roof. Every year he requests that the trees and shrubs be trimmed back because they hang over the property line by 15 feet. He stated 4-5 years ago they used to trim the trees but have not in more recent years. He stated that other than the trees and shrubs overgrowing onto his property, he has no objections.

The public comment portion for this item was closed.

Randy Smith stated he was unaware of the tree issue, but that he would be willing to help facilitate communication with Les Schwab regarding the tree issue as mentioned by Mr. Horman. He stated the temporary structure location lies within all the south parking stalls up to the curb and depending on the height of the trees and their proximity they may have to trim some of the trees.

Mr. Markham asked if trees are required as part of the landscaping buffer. Mr. Hall responded the trees are not required in the landscaping buffer, but they could trim the trees or if the trees are removed they could be replaced if Les Schwab desires to do so.

Mr. Woodbury made a motion to grant Conditional Use Permit approval for the new permanent building for the sales and repairs, and grant a Temporary Conditional Use Permit approval for 12 months (until April 7, 2017) for the temporary structures located at 4370 South State Street subject to the following conditions:

1. The site shall meet all required building setbacks from State Street.
2. The parking areas shall conform to all standards of the zoning ordinance as provided in Section 17.72, including disabled stalls to comply with ADA regulations.
3. A landscaping/irrigation plans, meeting the requirements of Section 17.68, shall be submitted with building permit applications.
4. The project shall meet all current building and fire codes. The sales trailer shall be wheelchair accessible.
5. The applicants shall provide a stamped and sealed soils report from a geo-

technical engineer for review and approval by the Building Division.

6. The applicant shall provide plans for Building Division approval, stamped and sealed by appropriate design professionals to include code analysis and egress plan for both temporary and permanent structures. Provide soils report from Geo-technical engineer.
7. The applicant shall repair any damaged sidewalk along the State Street frontage. Upgrade sidewalk through accesses to meet current standards (2% max. cross slope).
8. The applicant shall meet all city requirements for storm drainage including on-site detention. Provide on-site storm water quality treatment.
9. The project shall comply with Murray Water and Sewer Department requirements.
10. All trash containers shall be screened as required by Section 17.76.
11. The project shall comply with Murray Power Department requirements including relocation of the power line.
12. The project shall comply with Murray Fire Department requirements
13. Obtain UDOT site access review for State Street accesses.
14. Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any demo or site work.

Seconded by Mr. Dansie.

Call vote recorded by Mr. Hall.

A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Travis Nay  
A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Buck Swaney  
A \_\_\_\_\_ Gary Dansie

Motion passed, 6-0

MILLENIUM INVESTMENTS, INC. - 6655 South 400 West – Project #16-26

Alex Mirabelli was the applicant present to represent this request. Brad McIlrath reviewed the location and request for Conditional Use Permit for auto sales for the property addressed 6655 South 400 West. Municipal Code Ordinance 17.152 allows motor vehicle sales (LU #5510) within the M-G Zoning District subject to Conditional Use Permit approval. The applicant proposes to operate an auto sales business from

this location with all the vehicles for sale being stored inside of the warehouse. The information provided by the applicant states the office/warehouse building consists of a 4,000 sq. ft. concrete warehouse with a 100 sq. ft. office area and a restroom. The building has two bay doors. The applicant has indicated that there will be no washing, detailing, or repairs of vehicles at this location. The applicant plans on storing and reselling automobiles (primarily rare, classic and collector models.) Further analysis of the parking situation for this use is provided below. Parking for this use at this type of location is calculated at the rate of four (4) parking spaces for each 1,000 square feet of net office space, and one (1) parking space for each 750 square feet of net warehouse space. Based upon the square footage calculations of this unit, a total of five (5) exterior parking spaces must be provided for the business use. The submitted plans indicate that six (6) exterior parking spaces are provided for this building, which includes one van accessible (ADA) parking space which needs to be provided. According to Chapter 17.72 of the Murray Municipal Code, one ADA parking space is required for every 1-25 total parking spaces. In order to comply with this standard, the applicant will need to provide and stripe one (1) van accessible ADA parking space with the adjacent eight foot (8') wide access aisle for a total of 16 ft. width and post an ADA sign at the head of the parking stall. With the addition of the ADA parking space the total amount of exterior parking spaces will be six, which complies with the minimums based on building square footage requirements. All vehicles for sale will need to be stored inside the building. The existing building complies with the minimum setback and height requirements of the M-G Zoning District. The landscaping on site will need to be upgraded with quantities of trees, shrubs, and landscaping to comply with Municipal Code 17.68. Access to this property is provided from a driveway at the east side of 400 West Street. Based on the information presented in this report, application materials submitted and the site review, staff recommends the Planning Commission grant approval of a Conditional Use Permit for motor vehicle sales at the property addressed 6655 South 400 West subject to conditions.

Alex Mirabelli, 1694 Millbrook Road, Salt Lake City, stated he has reviewed the conditions of approval and will comply.

Mr. Markham emphasized condition #6, regarding auto repairs and detailing and that it is not permitted at this location and it is important for a variety of regulatory reasons. Mr. Mirabelli agreed to this.

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

Mr. Markham made a motion to grant Conditional Use Permit approval for Millenium Investments located at 6655 South 400 West subject to the following conditions:

1. The project shall meet all applicable building code standards. A building permit shall be obtained for any construction.
2. The project shall meet all current fire codes.
3. One (1) van accessible ADA parking space shall be striped and provided with the minimum signage and adjacent access aisle as required by Chapter 17.72 of the

Murray Municipal Code.

4. No exterior parking spaces shall be used for display of vehicles for sale. All vehicles for sale shall be stored within the building. A minimum of six (6) parking spaces required for this use are available for customers and employees.
5. The applicant shall obtain a Murray City Business License prior to the commencement of business operations.
6. Auto repairs and detailing automobiles are not permitted at this location.
7. The applicant shall provide landscaping/irrigation plans to staff for approval in compliance to Municipal Code 17.68 and install the required landscaping prior to issuance of a business license and operation of the business.

Seconded by Mr. Swaney.

Call vote recorded by Mr. McIlrath.

A  Phil Markham  
A  Maren Patterson  
A  Travis Nay  
A  Scot Woodbury  
A  Buck Swaney  
A  Gary Dansie

Motion passed, 6-0

MAVERIK, INC. – 4506 South Commerce Drive – Project #16-28

Elizabeth Hunt was the applicant present to represent this request. Jared Hall reviewed the location and request for Conditional Use Permit approval for a new gas station and convenience store for the subject properties located at the southwest corner of 4500 South and Commerce Drive. The applicant proposes to combine the subject properties and remove the existing structures in order to re-develop the site acreage as a new 5,518 square foot gas station and convenience store. When combined, the subject property is 213 feet wide along Commerce Drive and just over 230 feet deep along 4500 South, containing 1.22 acres in all. The site re-development will require the demolition of 4 existing buildings and the removal of several curb cuts on Commerce Drive. Parking for this use is required at 1 space per 200 square feet of net floor area. The building area of 5,518 square feet generates a parking requirement of 28 stalls. The site plan as proposed provides 28 parking stalls, including 2 ADA compliant stalls, one of which is van accessible. No access is proposed on 4500 South. A single, 40 wide access to serve the site is proposed at the far south end of the frontage on Commerce Drive. The ordinance requires a 5 foot separation between drive accesses unless there is a reciprocal access agreement in place. The adjacent developed parcel to the south has an existing access at this location currently. The applicant will need to provide the 5 foot separation or enter into a reciprocal access agreement with the neighboring property owner. This issue will be addressed in staff's recommended conditions. The M-G

zone requires a 20 foot building setback from the frontage of Commerce Drive and 4500 South, 10 feet of which must be landscaped. The building has been sited to the center-west portion of the property, exceeding setback requirements. The required frontage landscaping is provided. Elevations of the building are attached to this report for review. Overall heights are below the allowable heights in the M-G zone. Materials include hardi-board and stone veneers, and meet requirements of the M-G zone. 10% of the total site area must be landscaped according to the ordinance. Landscaping plans have been attached to this report, and indicate that 18% of the total site (or 9,673 square feet) are landscaped. Additionally, tables indicate that the specifics of Chapter 17.68 requiring certain quantities of trees and shrubs in the required landscaping adjacent to street frontages have been addressed. Utilities, including storm drain facilities, are present and available on the site. However, certain specific issues should be addressed.

- Storm Drain – The city engineer noted that the existing City storm drain system running adjacent to the proposed building and fuel storage tanks is old corrugated metal pipe, and is in poor condition. The system does not flow well do to grade issues under I-15 and is not water tight. He is concerned that the piping in place may not survive redevelopment and will need to be replaced. This issue, among others raised by the engineering review are represented in recommended conditions of approval.
- Well Head protection – The proposed location is within the Well Head protection zone 2 of the 45<sup>th</sup> South city well. The Water & Sewer department have indicated that some conditions will need to be placed related to the underground tanks in order for the redevelopment to occur.
- Power Department – An existing power line runs close to the proposed building location on-site. The Murray Power Department's review indicates that the applicants will need to provide easements and demonstrate the appropriate clearance to the power line. The applicants have indicated that they may work with the Power Department to bury the existing line.

Public sidewalks and other improvements exist along 4500 South and Commerce Drive adjacent to the site, however, any damaged or insufficient sections be replaced in conjunction with the re-development. Based on the information presented in this report, applications materials submitted and the site review, staff recommends that the Planning Commission approve the requested conditional use for a gas station and convenience store on the property located at 4512, 4510, and 4516 South Commerce Drive, and 305 West 4500 South subject to conditions.

Mr. Nay asked about exiting from the proposed site and any transportation changes to the stop sign area. Mr. Hall responded that a right-hand turn out onto Commerce Dive is required. There are no transportation changes anticipated at this time with regards to the stop sign intersection area which is approximately 100 feet to the south of this proposed project. A traffic impact study may conclude differently and at that time whatever requirements are imposed by the city engineer will need to be addressed.

Mr. Nay asked about signage limitations for this project. Mr. Hall responded that there are sign allowances for each property frontage and this project has three frontages. There is allowed attached signage based on the building frontage. The plans show there will be a monument sign on 4500 South and a pole sign on exit ramp frontage. The maximum height for a pole sign is 30 feet. Any new signage requires a separate sign permit. There could potentially be three pole signs based on the three frontages.

Mr. Swaney emphasized that a parking study will be done thoroughly and this location has a lot of peak time traffic and gets bogged down at certain times of the day, and those same times of day are when you would expect the Maverik to be most busy. He stated that he hopes the traffic impact study would cover whether any of those areas are at or near a failure point now, and if so, what affirmative things would be designed to address that...

Elizabeth Hunt, 185 South State Street, #800, Salt Lake City, stated she is representing Maverik, Inc. She stated she has reviewed the staff recommendations and they will comply with the conditions. She stated they are very aware of the three major concerns as indicated by Mr. Hall and they are working on addressing those concerns and have dealt with those types of issues in the past.

The meeting was opened for public comment.

Dave Crompt, 4535 South Commerce Drive, stated his business is across the street from this project. He commented that the building appears to be facing to the east and expressed concern with regards to the potential traffic and flow of traffic and the two off ramps (north bound and south bound traffic) merging and heading east near the property in question. He asked if the traffic impact study will include this issue for traffic merging off the freeway onto 4500 South headed east.

Mr. Hall stated traffic is a concern in this area and is the basis for the city engineer to require a traffic impact study with this project. He stated it will be a full traffic study and will be reviewed thoroughly prior to any building permits being approved. They will test the intersections for existing conditions and projected traffic volumes. The width of Commerce Drive is actually wider than what is currently being utilized.

Mr. Nay asked if there is a standard radius requirement for a traffic study. Mr. Hall responded there is a standard, but stated he would need to defer that requirement to the city engineer. It should include the intersections that are affected with this project and a certain distance from the intersections. The study will include peak travel and non-peak travel traffic volumes.

Mr. Markham commented that Commerce Drive is a city street and the city will therefore have the latitude to impose the changes as necessary.

George Beronius, 305 West 4500 South, stated he is the current owner of the property in question. He has been the operator of Super Grinders Restaurant for the past 34 years. He stated between 11:30 a.m. and 3 p.m. they service between 120-175 cars and have for almost 34 years and during that time, traffic congestion has never been an issue.

Brett Parkin, 4535 South Commerce Drive, stated he is the property owner of the property across the street from the Maverik proposal. He stated that he would like to be informed with regards to the traffic study. He stated he has a lot of employees and parking is a problem in this area. He stated he is in favor of the Maverik locating to this site, but traffic and congestion is an already existing problem.

The public comment portion for this agenda item was closed.

Ms. Hunt clarified that they understand the traffic concerns and initially it was a concern of Maverik as well. She stated they had their engineers and employees go to the site and watch traffic. She stated there will be an increase in traffic with the Maverik, but should not be a major concern. She stated they will address any concerns with the traffic study results.

Mr. Swaney stated that he is uncomfortable with not having the traffic study done prior to the commission reviewing this request and whether it will lead to a good land use decision by the commission. There are a number of things that need to be addressed such as cross traffic challenge, the fact that there is a concrete barrier adjacent to the westbound lane of 4500 South where cars may be attempting to cross; bringing entirely new traffic onto Commerce Drive, and if the results of the traffic study become very costly who would pay for those expenses. He stated it is an awkward position for the commission to be making a decision on this proposal without having the traffic impact study results.

Mr. Markham asked how long a typical traffic impact study takes. Mr. Hall responded that traffic studies do not take a lengthy period of time, but in terms of the results of such study would be deferred to the city engineer regardless. The city engineer was concerned enough to require a traffic study but it is not likely that the study will result in any mitigating factors right now, but would be for the future. If the city engineer was that concerned with the traffic study being done prior to the Conditional Use Permit approval he would have indicated so.

Mr. Woodbury made a motion to grant Conditional Use Permit approval for a new Maverik gas station and convenience store located at 4512, 4510 and 4516 South Commerce Drive and 305 West 4500 South (new address of 4506 South Commerce Drive) 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 provide a soils report from a geo-technical engineer, and provide plans stamped and sealed by appropriate design professionals to include code analysis
4. The project shall meet the requirements of Chapter 17.68 of the Murray Municipal Code for landscaping.
5. The applicant shall meet all conditions of the city engineer, including the following:

- a) Meet Murray City Storm Drain requirements, on-site detention with reduced release rate is required. The system should be laid out to prevent a fuel spill from directly entering the City storm drain system.
  - b) Storm water quality treatment is required in advance of connection to the City system.
  - c) The storm drain system through the site should be upgraded (replaced or lined) to prevent impacting new Maverik facilities.
  - d) Replace any damaged sidewalk along 4500 South and Commerce frontages.
  - e) Replace any damaged curb and gutter along Commerce frontage.
  - f) Provide a traffic impact study to identify and evaluate any impacts to the Commerce Drive connection to 4500 South and the 260 West and 4500 South intersection
  - g) Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any demolition or site work.
6. The applicant shall provide the required 5 foot separation between the proposed drive access and the adjacent drive access or enter into a reciprocal agreement for access with the adjoining property owner.
7. The applicant shall comply with all conditions as required by Murray City regarding the protection of the City Well Head contained in the Ground Water Source Protection Ordinance.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

A \_\_\_ Phil Markham  
A \_\_\_ Maren Patterson  
A \_\_\_ Travis Nay  
A \_\_\_ Scot Woodbury  
N \_\_\_ Buck Swaney  
A \_\_\_ Gary Dansie

Motion passed, 5-1

Mr. Hall commented that the planning staff will update the commission members when results of the traffic study have been submitted.

LARRY WILSON – 6051 South 900 East – Project #16-23 – Public Hearing

Larry Wilson was present to represent this request. Jared Hall reviewed the location and request of Larry Wilson for a Murray Zone Map amendment from C-N (Commercial Neighborhood) to C-D (Commercial Development) located at the property addressed 6051 South 900 East on .34 acre. The current zoning is C-N which is compatible with the residential zone located on the adjoining properties to the east. The Murray General Plan has a category for commercial retail. The C-N zone allows lower intensity business uses that the C-D zone, which allows higher intensity

uses such as auto repair, fast food restaurants, gas stations, etc. The C-N zone is a commercial zone and is designed to promote a combination of retail, office, and service businesses to serve the needs of the area residents. The commercial businesses allowed in the C-N zoning designation are less intense, more neighborhood-oriented, and do not allow all of the various uses allowed in the C-D zone. The C-D zone allows many of the same uses as the C-N zone and a generally broader mix of business uses, commercial, entertainment, and related activities. Other types of uses allowed in the C-D zone with Conditional Use Permit approval, but which are prohibited in the C-N zone include automobile repair, auto sales, hotels, and self-storage units. A mailing was sent on March 24, 2016 to the surrounding property owners in the area. Community Development staff have received phone calls from Murray residents in this area stating their concern with the zone change to C-D Commercial Development adjoining the residential zone

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 indicates a future land use designation of "commercial". Both the C-D and C-N zones would be possible designations associated with this land use class, however the existing C-N commercial zoning allows less intensive uses than the proposed C-D zone. The C-D zone would allow higher intensity businesses with longer hours and more traffic entering and exiting the property such as auto repair, gas stations and fast food restaurants. The additional traffic in the evenings would have a higher impact on the single family residential area to the east. These areas are zoned R-1-8, which is low density, single family residential. The change to C-D will not be compatible with the lower density single family residential zone, and is not consistent with the Murray General Plan. One of the goals of the Murray General Plan's Land Use Chapter is to "preserve the quality of life for viable residential neighborhoods and protect residential neighborhoods from encroachment by inappropriate commercial and other uses that have incompatible characteristics." By limiting the more intense commercial uses, the existing C-N zoning of the subject property is currently providing an allowance of commercial activity in a limited way which takes the adjacent residential area into consideration. This is something that the proposed C-D zoning will not do.

The applicant's request for a Murray Zone Map amendment from C-N to C-D will not be consistent with the Murray General Plan, which calls for the preservation of the quality of life for viable residential neighborhoods and the protection of residential neighborhoods from encroachment by inappropriate commercial and other uses that have incompatible characteristics. The proposed C-D zoning district would allow business uses with increased traffic abutting the single family residential area. Although flexibility is allowed for possible changes to zone map, this proposal will create incompatibility with surrounding residential zoning.

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of denial to the City Council for the requested Murray Zone Map amendment from C-N (Commercial Neighborhood) to C-D (Commercial

Development) for the property located at 6051 South 900 East.

Mr. Nay asked if there are major differences in buffering between the C-D and C-N zoning districts. Mr. Hall responded there are no major differences with buffering and landscaping. Both zoning districts require the 10 foot buffer landscaping and solid masonry wall adjacent to residential zoning.

Mr. Woodbury expressed concern with regards to the hours of operation and traffic intensity for potential uses allowed in the C-D zone as opposed to the C-N zone. Mr. Hall responded that a drive through restaurant is allowed in the C-D zone but not the C-N zone and drive through restaurants often times result in complaints from adjacent property owners. A restaurant is allowed in the C-N zone but not a drive through. Uses that have large parking requirements will still be based on the size of the building, however, if it is a type of use that attracts a lot of cars there may be spill over into the residential neighborhood. Mr. Nay commented that the subject property does not have a lot of room for spill over parking other than onto 900 East Street which is a busy 45 m.p.h. street. Mr. Hall stated the C-N zone provides a buffer with less intense uses than the C-D zone.

Mr. Woodbury asked if the current updating of the City's General Plan has addressed the 900 East area. Mr. Hall stated thus far the updating of the General Plan for this area remains to be the same as in the current plan.

Mr. Nay stated the biggest change to the General Plan from the 2003 General Plan to the current updating, is that the residential neighborhood did not exist behind this property. Mr. Hall stated if it were to change, there would probably be a distinction between neighborhood oriented business zones and commercial zones.

Larry Wilson, 5934 South Murray Oaks Circle, stated he has reviewed the staff report. He stated he is aware the staff is recommending denial of this zone change request. Mr. Wilson stated he has lived in Murray City for the past 35 years, loves Murray and has burial plots in Murray, so he is here to stay. He is a general contractor and has spent 35 years building in Murray, of which the last 20 years he has spent trying to fix up properties in Murray, many of which have been along 5900 South Street and many of them were slated to be torn down but he refurbished them.

Mr. Wilson stated when he purchased this property at 6051 South 900 East, the house was not visible from the street and he has spent the past three months cleaning up the property. There are some sheds at the back of the property that he has not removed at this time, but will do so if the zoning is changed to accommodate parking. He stated a year ago his niece was looking for a wedding reception center and could not find anything less than \$1100-\$1200/night and he found this property and thought it would be a nice place for a smaller reception center that is more affordable. He said he daughter would also like to potentially teach dance lessons at this site. He stated the property could also be utilized for birthday parties during the daytime for children etc. The property could only accommodate approximately 30 people at a time. He stated that he hopes this property would remain in the family if he is approved to develop it into a reception center. Mr. Wilson stated he loves fixing up properties to their best and highest use. He stated, in his opinion, compared to the car wash next door and restaurants up and down 900 East, a reception center would

be a much better project. He stated that he has discussed the possibility of purchasing an additional 30 feet of the adjacent car wash property for additional 10 parking spaces for the reception center, but feels that would not be necessary.

Mr. Woodbury asked if a Pilate's class, dance instruction or dance lessons are an allowed use in the C-N zone. Mr. Hall responded a lot of instruction classes are allowed. Mr. Woodbury stated the property could be utilized as a couple different uses rather than just solely a wedding/reception center. He stated it seems to be subjective for some uses that are allowed or specified and their intensity. Mr. Hall stated the Community Development Division does receive complaints for businesses that are licensed as a specific use and conduct other types of businesses for which they are not licensed.

Mr. Wilson stated that he could have proposed a text amendment to allow a reception center in the C-N zone rather than a zone map amendment.

The public hearing was opened for public comment.

Cori Brown, 6053 South 900 East, stated she is the adjacent property owner to the south. She stated she is thrilled with what Mr. Wilson has done with this property thus far and has a good working relationship with him. She stated her property would be exposed to many cars coming in and out of the property but feels comfortable with being able to work out the business operations and potential impact with Mr. Wilson. She stated it would be a concern if the wedding reception hours continued past 10 p.m.

Mr. Nay stated the commission received two letters from Nick & Kim Furniss and Mark & Britney Noble expressing their opposition to the proposed zone change. Those letters will be entered into the file.

The public hearing was closed for comments.

Mr. Markham stated that there could not be a finer person than Larry Wilson making this proposal. He stated this meeting tonight is not discussing the use of the property, however, it is the inherent underlying zone that allows a wide range of projects and he is hesitant to change a zoning for a specific project even though it may be the perfect fit. He stated that things change and circumstances change, and once the zoning is changed, any of the allowed uses would be possible.

Mr. Swaney expressed concern with protecting the intent of the C-N zone even if the C-N and C-D zones may have similar uses there are distinct differences. The intent is very clear that a C-N zone is to buffer and protect the neighborhood uses that exist in a safe and nice manner for people who have invested in buying nice properties with the understanding that things are protected. He commented that he appreciates the staff analysis on this item because it is an in-depth view into the General Plan and the community vision for the area and helps the commission to understand the public voice on the matter.

Ms. Patterson stated as much as she loves the idea for having a reception center, it is her opinion that any uses for this property should fit within the existing C-N zone. She

stated it would be too risky to change the zone to a C-D designation.

Mr. Nay complimented Mr. Wilson on cleaning up the property and stated that he drives by this area on a daily basis. He stated that changing the zone would not be in the best interest for this area.

Mr. Woodbury stated earlier today he had a conversation with a resident of another city who expressed concern that they don't know what areas are supposed to be commercial and what areas are supposed to be residential because it all blends together. He stated that consistency and having a General Plan are key to maintaining zoning boundaries and protection and impact to neighboring properties.

Mr. Dansie stated he enjoys seeing entrepreneurs and he would hope that Mr. Wilson would find a way to make a low impact business plan without the zoning have to be changed to C-D. Mr. Hall explained the same issues that don't allow a positive recommendation for a zone change are the same issues that would not allow a positive recommendation for a land use ordinance text amendment, such as a reception/wedding center. He commented that Mr. Wilson is a class act and he would run it well, but the change is broader than his property is. The change would affect all of the C-D or C-N zoning districts and properties located therein. He stated that in this case, it is unfortunate that the land use code does not differentiate between small reception centers and large reception centers.

Mr. Markham made a motion to send a recommendation of denial for the proposed zone change from C-N (Commercial Neighborhood) to C-D (Commercial Development) for the property located at 6051 South 900 East. Seconded by Mr. Swaney.

Call vote recorded by Mr. Hall.

A \_\_\_ Phil Markham  
A \_\_\_ Maren Patterson  
A \_\_\_ Travis Nay  
A \_\_\_ Scot Woodbury  
A \_\_\_ Buck Swaney  
A \_\_\_ Gary Dansie

Motion passed, 6-0

LAND USE ORDINANCE TEXT AMENDMENT – Amend the Mixed Use (M-U) Zone Section 17.146.05, 0 regarding commercial use requirements – Project #16-24 – Public Hearing

Duaine Rasmussen was present to represent this request. Brad McIlrath reviewed the request for a Zoning Text Amendment to the Mixed Use Zone eliminating the standard which limits residential uses on the ground floor to twenty-five (25%) of the ground floor square footage and requiring that the balance of ground floor square footage must be used for commercial or light industrial uses. The purpose statement for the Mixed Use Zoning District (Section 17.146.010) states that the district is to encourage the development of high quality residential, office, commercial, live-work,

open space, entertainment, recreation, public and institutional land uses. In order to promote urban design with pedestrian street life and activity, the district is to include pedestrian oriented designed buildings with neighborhood oriented commercial and restaurant space. The Murray General Plan recommends implementation of mixed use and describes Mixed Use in the following ways:

- The Mixed Use category encourages and supports the development and redevelopment of Murray's Core areas into live/work neighborhoods.
- These neighborhoods should fit in with existing commercial, light industrial and residential uses, and take advantage of Trax stations and transportation infrastructure.
- Mixed Use neighborhoods are places where the line between business and residential uses are purposely blurred.
- Mixed Use areas support a broad range of residential, commercial, recreational, entertainment, office, and civic uses within single buildings (vertical mixed use), or within a neighborhood (horizontal mixed use).
- Mixed Use development patterns are encouraged as part of Transit-Oriented Development projects and other special districts.
- The specific considerations, densities, heights and other details of Mixed Use developments should be approved as part of the project design and approval process utilizing zoning rules, design guidelines and standards.

The Murray General plan identifies this specific area west of the Murray Central Station to become a mixed use TOD redevelopment area. A goal in the Land Use chapter of the general plan is for the city to master plan around transit oriented development opportunities. The Urban Design & Community Building chapter supports this goal by stating that each station has, "good potential to spur spin-off development, with new residential, office/commercial and light industrial uses envisioned as elements of upcoming Transit-Oriented Developments."

The most important aspect of a mixed use TOD area is the proximity to transit. Unlike any other community along the Wasatch Front other than Salt Lake City, the Murray Station is the only station to provide access to commuter rail, light rail, and multiple local and regional bus routes. The Salt Lake Central and North Temple transit stations are the only other stations to provide similar transit access. This station is a hub for thousands of people each day as they commute to work locally and regionally, many of whom work at Intermountain Medical Center or west of the freeway in the office development north of 5300 South. As a direct impact of the Murray Central Station, Vine Street has become a multi-modal corridor between the hospital and historic downtown and the employment and education centers to the west. Pedestrians, bicyclists and bus passengers can be seen daily taking advantage of ease of access to the Murray Central Station by way of Vine Street.

Due to the excellent proximity of the Mixed Use Zone to the Murray Central Station, this location may be more appropriate for mixed use transit oriented development than any other transit area outside of Salt Lake City. Development in this area that contains vertical or horizontal mixed use would meet the vision and intent of the general plan. With mixed use development, this corridor and intersection of Vine Street and

Commerce Drive is envisioned to become a vibrant pedestrian oriented neighborhood with excellent access to the transit station and employment opportunities.

Based upon this analysis, and research conducted regarding other mixed use developments along the Wasatch Front, Staff determines that the existing development standards of the Mixed Use Zoning District adequately and correctly address the design and place making vision of this area adjacent to the Murray Central Station. Additionally, with adherence to the development standards, new development will encourage high quality, compact development and increase the number of residents and workers within walking distance of transit.

- i. The proposed text amendment is not consistent with the Murray General Plan by eliminating the requirement for vertical mixed use or horizontal mixed use.
- ii. The elimination of this development standard will encourage additional residential development without providing commercial/office uses to serve the residents of the developments and the local community.

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of denial to the City Council for the requested Zoning Text Amendment for the Mixed-Use Zone.

Mr. Swaney asked that the BRT (bus rapid transit) routes be pointed out. Mr. McIlrath showed the current BRT routes and potential changes in the route.

Mr. Swaney asked if this text amendment were to be adopted, then potentially there may be a defacto apartment zone throughout all the mixed use area? Mr. McIlrath responded that would be a possibility. He stated if the commercial component is removed from the Mixed Use it is not a true "mixed zone". The mixed use is centered around the Trax station, and Vine Street is a major corridor to the Trax station where numerous people walk to Trax. The pedestrian oriented vision is starting to take place in this area.

Mr. Woodbury asked how the 25% commercial space required on the main floor was determined and why it was not more like 50%. Mr. McIlrath responded the 25% was a result of observing other cities within the state of Utah and throughout the nation and is a common standard. When the M-U zone was being drafted, there was much discussion on this very issue. He stated that staff has seen it utilized throughout the country, but is new to Murray and is still at the beginning stages for development. Mr. Woodbury expressed concern with eliminating the requirement for commercial on the main floor and that it could result in buildings having only apartment uses.

Mr. Swaney stated the intent of the 25% commercial requirement in the mixed use is to make it consistent throughout. He stated this requirement has been slow for the implementation of commercial being built in the mixed uses. He cited the history of the Sugarhouse area, as an example, where if the commercial component had not been required, it would be nothing but apartments and would not be a walkable area. Mr. McIlrath commented that Sugarhouse used to be predominantly residential and now that the commercial component has been required, it is becoming a walkable diverse neighborhood area with mixed uses. He stated it is cost effective for cities to manage

with commercial components mixed with residential. He stated there is also a development off 3300 South on the west of Jordan River where there are numerous apartments, but commercial is on the main floors and the development is a good project. Mr. McIlrath cited other examples in the Bountiful area which are similar with commercial on the main floor that are new, vibrant developments.

Mr. Markham commented that originally, downtown Murray was developed with commercial on the main floors and residential apartments above the commercial.

Duaine Rasmussen stated he is representing Castlewood Development, 6740 South 1300 East, Cottonwood Heights. Mr. Rasmussen stated that he understands the mixed use idea. He commented that he is aware that apartments are a huge concern to the city of Murray and also the Murray School District. He suggested tightening the radius around the trax stations. He stated he started working on this project in Murray about a year ago, which is located on the southwest corner of Vine Street and Commerce Drive. He stated he has tried many different site plans incorporating the commercial requirement, whether horizontally or vertically, all of which would not pan out. He stated financial institutions will not finance an office building and an apartment within the same structure or on the same piece of property. He stated that additionally, Murray would require that the commercial and residential be constructed simultaneously, which financial institutions will not finance. He stated there are not a lot of residential units on the corner of Vine Street and Commerce Drive. He cited the Fireclay Avenue area where originally commercial was required and the properties sat vacant for many years. Mr. Rasmussen showed examples of projects in Sandy located around the trax stations where there are many apartments and the area is vibrant and growing. He stated that Sandy City reviews mixed use developments in the 10600 South Trax mixed use area on a case by case basis to ensure the city gets what they want. He stated that "forcing" an ordinance will not work and the market determines what will work. One of Sandy's solutions is that the lower floors are designed in a way so that when the residential use is built up and the foot traffic warrants commercial, those commercial uses could then be transcended and occur naturally as the market dictates. He stated that for a developer, commercial rents are much higher and is more desirable, but will not occur until the demand warrants commercial.

Mr. Rasmussen stated he recently developed a transit oriented project on 3800 South West Temple that has 80 residential units on one acre and an additional 50 units coming soon, and there is no commercial component required. It does have podium parking and no commercial frontage but there is street frontage.

Mr. Rasmussen stated, in his opinion, the reason the commercial requirement on the ground floor is slow to transpire is because no financial institutions will lend on commercial space without leases in place in order to the build residential, especially high quality residential. He asked the commission to look at some of these projects he is talking about and entertain the suggestion that the radius be tightened around a transit oriented development for residential uses. He stated that he is seeing higher quality residential units around transit oriented stations, and these are smaller units with higher rents, higher finishes and higher quality and having fewer amenities. The professionals with higher paying jobs at IMC cannot find high quality residences with close proximity. He stated the Fireclay development is not a true transit oriented

development. The one project developed in the Fireclay area by Hooper Knowlton has turned out nicely and has larger size apartments that attract families.

Mr. Rasmussen asked the planning commission members to read the letter given to them from Alliance, which is his property manager, regarding the leases they are seeing. He stated that the incomes are \$45,000 and above with no children. He stated by tightening the radius for transit oriented housing, it raises the per square footage rent and the city would see the professional residents staying in Murray rather than commuting from South Jordan or Sandy to Murray to work at IMC. He stated that forcing retail and office space will not work, but once the residential uses are established it will naturally bring the commercial component and cohesiveness.

Mr. Rasmussen showed examples of projects in the valley. Some of the examples were the Dry Creek project in Sandy, with high vaulted ceilings, kitchen units having granite counter tops with high ceilings, stainless steel appliances, and fitness areas. The Dry Creek project has 285 units with less than 28 units being three-bedroom and the three-bedroom units are not in demand. He showed another project called "Element on Fifth" in Salt Lake City. He stated his project on 3800 South West Temple opened 30 days ago with 80 units. All the units have a valet trash collection with outdoor all weather furniture. The project has mainly studio units and very few two-bedroom units, there are no three-bedroom units. All the units have washer and dryers. He stated the proximity to the Trax is very close and they are negotiating with UTA to offer their tenants a significantly reduced monthly pass to ride Trax. He compared this project with the Fireclay development which has 400 units, and 100 of the 400 units are three-bedroom units and so the types of projects are much different.

Mr. Swaney asked how close is the nearest grocery store to the project on 3800 South West Temple. Mr. Woodbury responded there is a grocery store on Redwood Road, a Harmons at 3300 South Highland Drive and Reams on 2700 South State Street which are not walkable to his project. Mr. Rasmussen responded that is legitimate question. He stated that by allowing the residential units to be built first it will draw in the commercial space such as grocery stores. He stated that being a pioneer for a project on the corner of Vine Street and Commerce Drive, a developer would have to have very deep pockets to incorporate commercial space at the beginning stages. He stated that there are legitimate issues to be considered.

Mr. Rasmussen stated that also present at this meeting are the owners of Americom, which is the property he is desiring to develop his project. The property owners are Ron and Pat Richter. The Richter's would like to relocate their business to a more suitable industrial area and have been at this location since 1986.

Ms. Patterson asked about the similarity in requirements for this project and the Center Court Apartments located on Court Avenue and Center Street. She stated the Center Court apartment project was required to have commercial space on the main floor, yet they still have not secured any commercial tenants. She stated originally this project was going to have high end apartments for the professionals at the IMC, but did not end up being the high end apartments and ended up with senior apartments. That was after the project had been delayed for a year and the applicants and the city having to reevaluate the zoning ordinance as a result of a law suit from the residents. She stated this project is located in the MCCD zoning district but has the similar requirement of

commercial on the ground floor. She stated that the city cannot create a zoning district to fit a developer's needs.

Mr. McIlrath responded that the M CCD requires no residential use on the ground floor if it is a commercial project. There can be residential above the ground floor. The mixed use zone has a 25% commercial requirement on the ground floor. The T-O-D, M-U and M CCD zoning districts are similar. He stated the M-U, M CCD and T-O-D zones are long range zones and are still in the pioneering stage. If office use is not conducive to a project initially and may change to a grocery store or small market. A sufficient amount of residential units are necessary in order to support a commercial use. Mr. McIlrath stated that based on staff analysis, the corner of Vine Street and Commerce Drive definitely needs a commercial component and is prime area in the M-U zone.

Mr. Swaney stated there may need to be a fiscal analysis done regarding the commercial and residential components and the absorption. He stated it would be a mistake to not look at the whole area for the mixed use zone. He stated he would like to see high density, high quality projects in this area. He stated this situation may be "the chicken and the egg" scenario and what comes first, the commercial or the residential. He expressed concern about how much commercial space can be absorbed by the Mixed Use zone.

Mr. Woodbury stated the transit oriented thinking is a generational thinking and our society is still getting to that way of thinking. The millennial generation is in that mind frame but the majority of others are not there yet.

Mr. Nay opened the meeting for the public hearing portion.

Ron Richter, 5786 South Meadowcrest Drive, stated his business is Americom and has been in Murray since 1986. He stated he is familiar with some of the zoning ordinances and served on the Murray Economic Development Task Force Committee at the time when the city researched the Fireclay and transit oriented development ordinances in the Portland and Seattle areas. He stated on the north-east corner of Vine and State Street the Subway sandwich shop years ago used to have a long line during the lunch time. He stated he recently visited the same Subway shop that is now on the ground floor of the Home 2 Suites Hotel at lunch time, and it was virtually dead and this area is a higher commercial area than his property on Vine and Commerce Drive. He stated he would like to sell his property and relocate his business, but unless the zoning requirements are changed, this may not be possible.

The public hearing portion was closed for this agenda item.

Mr. Swaney stated at the highest level, the proposal to remove the commercial requirement on the main floor is inappropriate. The city needs to have some protection in place so that the intent to have quality is observed and achieved. He stated the city should look for a way to create high quality development and begin to create the density and mass to support the vision for the area. He stated the way to achieve this goal much larger and needs "more tools" and the way is not by eliminating the requirement for commercial on the ground level. He stated there are extremely few opportunities in the Salt Lake valley to take places like this that have an intersection that make a fully

walkable excellent integrated community that have BRT, heavy rail, Trax, bicycle lanes, pedestrian ways, a hospital, a park, etc. and is ideal for a millennial family. He stated that he wants the city to be very careful in reviewing this proposal and particularly this location. There are many other locations that could accommodate apartments without that full integration. He stated in the planning world, it is well-known that by the year 2050, our population will be double and the built environment will be double. Also by 2030, the Salt Lake valley is in full redevelopment mode. This will be a very high target area. He stated, in his opinion, the biggest problem with the proposed text amendment will make this area a "defacto" apartment community which it is not intended to be. He said the performance criteria needs to be very carefully considered and whether that is a tighter radius, changing the zoning, more flexible criteria away from the transit stops, etc.

Ms. Patterson stated there should be some way to balance the commercial and residential components and the existing ordinance.

Mr. Markham asked the time frame for this decision and if the commission could revisit this proposal in a month or so. Mr. McIlrath stated that a study may be helpful, but staff has reviewed the ordinance and commercial requirement and are of the opinion that the along the main corridors the commercial requirement is critical.

Mr. Tingey stated that an application is before the commission tonight. The commission is a recommending body for this proposed text amendment, and the commission could delay it for a short period of time. The long range issue has been discussed tonight. The city is currently in the process of updating the General Plan. From the General Plan are zoning ordinances drafted to fit the General Plan and that process is yet to be completed.

Mr. Swaney commented that he would like to see some of the developments as shown by Mr. Rasmussen. Mr. Rasmussen stated he would be happy to show the commissioners recent projects.

Mr. Nay stated that he and his wife are both professionals and work at the hospital. When they originally took their positions they looked for housing, they looked all over downtown Salt Lake City for a three-bedroom condo and could find none. A fundamental mind shift is happening with the millennial generation. Targeting only high end developments and professionals is a detriment to a community and a mix of races, incomes, quality, and a diversity is crucial. He stated he spent the last week walking 25,000 steps daily in Chicago and everywhere he walked had commercial and critical mass. The Fireclay area is still in the early stages. He stated the Vine and Commerce Drive area is the area he wants to see a strong walkable neighborhood with commercial and density, but it will take time. He stated, in his opinion, it is premature to step away from the current zoning ordinance and make changes as proposed.

Mr. Swaney made a motion to forward a recommendation of denial to the city council for the proposed text amendment to Section 17.146.050 regarding commercial use requirements to the Mixed Use zone. Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

A \_\_\_\_\_ Buck Swaney  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Gary Dansie  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Travis Nay

Motion passed, 6-0

Mr. Rasmussen thanked the commission for this opportunity and for their input. He stated he would be happy to take any of the commissioners on a tour of existing projects that have been discussed.

LAND USE ORDINANCE TEXT AMENDMENT – Amend Section 17.170 related to drive thru banking in the MCCD Zone – Project #16-30 – Public Hearing

Mr. Hall stated the Community & Economic Development staff is proposing the addition of banks with drive through services to the list of Conditional Uses allowed in the MCCD zone, (Land Use Code Chapter 17.170.080). In the purpose statement of the Murray City Center District zone (MCCD) it is stated that the district should promote "sustainable, compact, mixed use, transit oriented uses with neighborhood oriented commercial, restaurant, civic, cultural and residential spaces to promote street life and activity by regulating building orientation and design." The MCCD zone encourages site planning that is oriented to the street and to the pedestrian.

Recognizing the importance of that design component, restaurants which intend to utilize drive-through service windows require a conditional use permit review in order to apply specific standards and controls to the orientation of the window and the stacking of traffic. Similarly, banks often utilize drive-through service windows. Staff is proposing that because banks represent a neighborhood oriented use, and would be a vital part of development in this zoning district, a similar allowance for drive-through service would be appropriate. Standard banking services fall under LU #6100, finance, insurance and real estate services. This category is currently listed with permitted uses in the MCCD zone. Staff is proposing that banking services that include drive-through windows be allowed with conditional use permit approval by the Planning Commission, similar to the allowance for restaurant drive-through services. Staff is proposing that LU #6111, Banks with drive-through services, be added to the list of conditional uses, and that it be tied directly to language requiring that the service window and maneuvering lanes be appropriately located in the rear or side yard areas. The proposed language to be added to 17.170.080, F:

6111 Banks with drive-thru service (service windows and all related maneuvering lanes and any associated structures must be located to the rear or side or the building; drive-through windows and lanes may not be located between the street and building front).

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendment to the text of the Murray Municipal Code Section 17.170.080 adding LU #6111, Banks with drive-through service, as a conditional use in the MCCD zone.

Mr. Nay stated they discussed this item in the pre-meeting and dry cleaners was another use that may be desirable to add to the MCCD zone.

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

Mr. Tingey stated the proposal is for drive through banking only and any other changes or amendments such as a drive through for drycleaners would need to go through the same process at another time. He stated the agenda item is for drive through banking only. Mr. Dansie commented that drive through drycleaners and pharmacies should also be considered in the future.

Mr. Swaney made a motion to send a recommendation of approval for the proposed text amendment to Section 17.170.080 adding LU #6111, Banks with drive through service as a conditional use in the MCCD zone. Seconded by Mr. Dansie.

Call vote recorded by Mr. Hall.

A  Buck Swaney  
A  Phil Markham  
A  Scot Woodbury  
A  Gary Dansie  
A  Maren Patterson  
A  Travis Nay

Motion passed, 6-0

OTHER BUSINESS

Meeting adjourned at 9:30 p.m.

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