

Minutes of the Design Review Committee meeting held on October 26, 2017, at 5:30 p.m. in the Murray Public Services Building Conference Room, 4646 South 500 West, Murray, Utah.

Present: Design Review Committee:
Ned Hacker, Chair
Ray Black
C.J. Kulp
Jared Hall, Community Development Supervisor
Brad McIlrath, Associate Planner
Mark Bennett, Riverpark Development

Excused: Jay Bullwinkle
Freddy Pimentel

Mr. Hacker welcomed all to the meeting.

1. APPROVAL OF MINUTES

Mr. Hacker asked for approval of minutes from August 31, 2017. Mr. Black made a motion to approve the minutes as presented. Seconded by Mr. Culp.

The minutes were approved unanimously (3-0).

2. BOARD REPORTS

There were no board reports.

3. Excused

Jay Bullwinkle and Freddy Pimentel.

4. TEXT AMENDMENT, ACCESSORY STRUCTURE COVERAGE PERCENTAGE IN THE MCCD – Project # 17-150

Jared Hall reviewed the location and request for an amendment to the text of Section 17.170.080(D)(2) of the Murray City Land Use Ordinance. Mr. Hall explained that the application will be presented to the Planning Commission, but will be reviewed by the MCCD Design Review Committee first as required per Section 17.170, of the MCCD zone. He stated that Section 17.170.080, subsection D allows accessory structures and buildings on development parcels in the MCCD, specifically parking structures and other accessory buildings which do not in aggregate have a footprint greater than 25 percent of the footprint of the main buildings on a development parcel. Mr. Hall stated that the applicant proposed to modify the allowable percentage from 25% to 50% of the footprint of the main building.

Riverpark Development manages the Center Court Apartments located at 4916 South Center Street in the MCCD zone and would like to add covered carports to all of the existing parking surface. The Planning Staff reviewed the request and informed Mr. Bennett that it would not be allowed as the proposed carport additions would exceed the

allowed 25 percent as stated in 17.170.080(D)(2). Mr. Bennett made the decision to apply for the Text Amendment to increase the percentage and allow him to cover all the surface parking. Mr. Hall stated Staff is opposed to the proposed text amendment for the following reasons and explained, limits on coverage for accessory structures are common to the residential and mixed-use zones in the Murray City Land Use Ordinance. The MCCD zone allows very dense development. Because density is not limited, site requirements like the coverage limits considered here are paramount in importance to assure good development patterns. The goals of the MCCD zone include "developing 'downtown' Murray City resulting in a richer, more vibrant cultural environment", as well as placing an emphasis on providing "attractive and compatible architecture and streetscape. The limits of 25% coverage for accessory structures and buildings support these goals by enhancing the pedestrian experience in downtown Murray. The density occurs out on the streets, we must maintain open space in the interior sites. The design guidelines of the MCCD zone encourage the use of structured parking to promote the efficient use of space and a walkable, pedestrian oriented downtown. The greater allowance for simple accessory structures like carports undermines those goals. In conclusion Mr. Hall stated, the MCCD zone is largely untested as the requirements have not been put into place for very long, only a few new developments are underway currently. The City is a bit reluctant to support large scale changes to the requirements before we have seen them in the developed environment. Staff is recommending that the MCCD DRC forward a recommendation of denial to the Planning Commission for the proposed text amendment.

Mr. Hacker asked Mr. Bennett what 25% of covered parking would look like on his surface parking. Mr. Bennett replied it would give them cover over roughly half of the surface parking. Mr. Hall clarified that 25% is calculated not by the rear yard area, instead it is measured by the foot print of the main building. The more substantial the size of structure, the larger the coverage they are allowed.

Mr. Black asked Mr. Bennett why the covered parking was not included and built into the original development. Mr. Bennett stated they were not the original developers and only acquired the property earlier this year. Mr. Bennett added that the building is a 55 years and older property and were surprised that the original plans had not made accommodations for covered parking. The covered parking is for the benefit of the senior citizens, as there was a slip and fall incident that occurred when the previous owner had it. The main goal is to provide a better living situation and the upmost safety for the citizens. Mr. Bennett added that he appreciates and understands the intent of the MCCD and asked how long it has been in place. Mr. Hall answered it has been in place about ten years. Mr. McIlrath stated that the MCCD zoning replaced the previous Downtown Historic Overlay zoning which had similar aspects. Mr. Bennett stated he knew this application for text amendment seemed like a long shot, but decided to go forward based on the fact that there did not seem like there were any other viable options or variances allowed. The intent of the application was not to change the code for the entire district, rather to do what a responsible owner should do at this property and they would consider another option if there was one available.

Mr. Black stated they are building a six-story apartment building on 400 South in Salt Lake City, and are going down an additional level to solve this issue beforehand.

Mr. Hacker asked if Staff knew if the original builders had asked for any covered parking. Mr. McIlrath answered that the original building permits did not contain any requests for covered carports. The idea was that some covered parking would be provided inside the building but not all.

Mr. Bennett asked if there is a form of variance that could be applied to this application. Mr. Hall answered yes there is, but variances are bound by state code requirements, and must demonstrate a hardship. This request would have met the last two requirements and not the other three. Therefore, Staff advised against seeking a variance because it would be less likely to get a variance than a text amendment. Staff has been very clear from the beginning that we would not be able to make a recommendation for either variance or text amendment.

Mr. Black asked if safety could be used as a hardship. Mr. Hall stated the he was aware safety is a concern but no, safety is not a concern listed in the State code that could be used. Mr. Hall clarified that the request is not exclusively site related rather it changes the requirements for the entire MCCD, and we are trying to encourage true structured parking in this zone.

Mr. Black commented that in his developments the concern is not only for safety but also security. By providing parking underground you also add the security factor as well as the underground parking.

Mr. Hacker asked if the City does not change the language in the text, will there be an alternate plan. Mr. Bennett answered it is yet to be determined and added it that some covered parking is better than none. The complication it creates is how to equally distribute the covered parking.

Mr. Hall asked what the unit count versus the parking count. Mr. Bennett replied 60 units and about 20 underground, with the added covered parking it will be almost one per unit. Mr. McIlrath added that the covered spaces would provide about 39 to 40 covered spaces including the garage, about 20 units short. Unfortunately, the amendment would affect entire zone and not just this development.

Mr. Bennett asked since they already paid the application fee, they would like to go forward to the Planning Commission. Mr. Hall commented that the process would be to look for a recommendation from the DRC tonight and then that recommendation would be included in a staff report and presented to the Planning Commission on November 16, 2017 and then possible City Council after that. Mr. Bennett stated if nothing else they would like to be able to inform the resident that they have done the due diligence and the outcome was decided by Murray City. Mr. Black stated the residents could come to both Public Hearings for this.

Mr. Kulp made a motion to forward a recommendation of denial to the Planning Commission for the proposed text amendment to Section 17.170.080(D)(2) of the Murray City Land Use Ordinance. Seconded by Mr. Black.

Mr. Hacker stated he would also recommend denial based on the fact that this text amendment would affect the entire MCCD zone and not only this property. There is a lot

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of development still to occur in the MCCD and this would set a residence for them all.
Planning Commission and City Council can take their own stand.

A Mr. Hacker

A Mr. Black

A Mr. Kulp

Motion passed, 3-0.

5. Items from Staff

No additional items from staff.

Meeting adjourned.



Jared Hall,
Community & Economic Development Supervisor