

Minutes of the Planning Commission meeting held on Thursday, January 16, 2014, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Chair
Tim Taylor, Vice-Chair
Maren Patterson
Vicki Mackay
Scot Woodbury
Phil Markham
Tim Tingey, Director Administrative & Development Services
Chad Wilkinson, Community Development Manager
Ray Christensen, Senior 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 Department.

Karen Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Ms. Mackay made a motion to approve the minutes from January 2, 2014 with a change made to page 6, the 4th paragraph down, regarding Rob Koenig. Seconded by Ms. Patterson.

A voice vote was made. Motion passed, 6-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

There were no changes made to the Findings of Fact. Mr. Taylor made a motion to approve the Findings of Fact and Conclusions for Ivory Development Oxford Creek Phase II Flag Lot.

Seconded by Mr. Woodbury.

A voice vote was made. Motion passed, 6-0.

GREGORY MCCONNEHEY – 602 West Confluence Avenue – Project #14-05

Gregory McConnehey was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for a cabinet and furniture manufacturing contractor business located at the property addressed 602 West Confluence Avenue. Municipal Code Ordinance 17.152.030 allows a cabinet and furniture manufacturing contractor business within the M-G-C

zoning district subject to Conditional Use Permit approval. The applicant is requesting a Conditional Use Permit for a cabinet and furniture manufacturing contractor business to be located in a unit within the existing building which is located on parcel "C" of Cottonwood Confluence Center. The existing office/warehouse building was approved by the Planning Commission on October 2, 1997, but was amended for condominium units on August 5, 1999. The amended condominium plat was recorded in September, 2000. There are other attached office/warehouse business uses located in the existing building on the property. This unit has office space in the south portion of the unit and a warehouse/shop area to the north area of the building. There is an overhead access door located at the north side of the building for deliveries. There are dumpsters located on the property that will need to be located in solid barrier enclosures to comply with City code. Parking stalls are provided on site for the various business uses, with 53 total parking stalls on site. There are currently disabled stalls on the property that do not comply with the ADA requirements for striping and for disabled parking signage. A sign is required at the head of each ADA stall to comply with code. There will need to be a minimum of three disabled parking stalls, including one van accessible stall. The applicant indicated there are currently 16 parking stalls provided for this lease space, which complies with the minimum required. The unit has about 1,000 sq. ft. in office space and 6,300 sq. ft. in shop/warehouse space which will require 13 parking stalls. The applicant indicated there will be 15 employees in the future, which the parking ordinance will require one space per employee at the highest shift.

Gregory McConnehey, 2495 W Carson Lane, West Jordan, asked a question about being responsible for dumpsters and handicap parking. Neither of the dumpsters that are noted or shown in pictures belong to him, and his dumpsters are inside the building. He asked if the conditional use permit will be conditional upon the neighbor's dumpsters.

Ms. Daniels asked Mr. McConnehey if he has had an opportunity to read the five conditions of approval and if he can comply with them. Mr. McConnehey responded in the affirmative.

Mr. Markham stated that he was concerned with having a cabinet shop and all the associated activities that go on. Mr. Markham expressed his concern with fumes and dust however; there is approval from the Fire Department and the City Engineer. Mr. McConnehey stated that the fire marshal has already been through the building and they have exceeded the expectations of meeting code requirements.

The meeting was opened for public comment.

Ray Morrison, 1838 Yale Crest Ave, stated regarding the noise, that there is carpet on one side of this unit and transit instrument on the other side of this unit. He stated that previously there was a company in the building that did spray on bed liners. He stated that the spray on bed liners business was very noise because they would grind the bottom of the pickup truck which also made a mess and they are glad they are gone.

The public comment portion of the meeting was closed.

Mr. Woodbury made a motion to approve the Conditional Use Permit for Gregory McConnehey, for a cabinet and furniture manufacturing contractor business located at the property addressed 602 West Confluence Avenue subject to conditions 1-5 as proposed:

1. The project shall meet all applicable building code standards.
The applicant shall provide plans stamped and sealed by appropriate design professionals to include code analysis and egress plan.
2. The project shall meet all current fire codes.
3. The project shall meet all Murray Power, Fire, Sewer and Water Department requirements.
4. The parking stalls for the business use shall be striped according to City codes, and three ADA parking stalls with signs posted at the head of each stall shall be provided in compliance with code prior to issuance of a business license.
5. The dumpster trash containers, located on the property, shall be screened in solid barrier enclosures as required by Section 17.76.170 prior to issuance of a business license.

Seconded by Mr. Taylor.

Call vote recorded by Chad Wilkinson.

A ___ Maren Patterson

A ___ Tim Taylor

A ___ Phil Markham

A ___ Karen Daniels

A ___ Vicki Mackay

A ___ Scot Woodbury

Motion passed, 6-0.

LAND ORDINANCE TEXT AENDMENT - MURRAY CITY CENTER DISTRICT –
Building Height and Outdoor Storage - Project #13-190

Chad Wilkinson presented the text amendment for modifications to Sections 17.08.020, 17.170.050, 17.170.080 and 17.170.120 of the Murray City Municipal Code. The changes to the Murray City Center District section of the zoning ordinance are being proposed after concerns from recent project proposals in the zoning district, and input from the Design Review Committee, and City Council. The following are the proposed changes: 17.08.020—Outside Storage--Staff proposes to define outside storage and prohibit outside storage of certain materials in the Murray City Center District. Staff has concerns from recent applications that outside storage may negatively impact the purpose of the district of providing “physical, social and economic connections” and detracting from “pedestrian oriented designs”.

17.170.050 B—Demolitions of Non-Significant Structures—staff proposes eliminating the requirement that demolitions of non-significant structures be reviewed by the Design Review Committee. This is proposed after input from the Design Review Committee on a recent application of demolition of a non-significant structure proposed to be demolished. The Committee members communicated that it was unnecessary to have the additional step in the process and suggested that applications be forwarded directly to the Planning Commission for their review.

17.170.120—Height Regulations—The City Council communicated to Administrative and Development Services staff their desire to see modifications of height requirements adjacent to Center Street due to concerns identified by property owners in adjacent residential neighborhoods. Staff proposed changes that restricts height to 35 feet on properties adjacent to Center Street and north of Court Avenue and allows for additional one (1') foot in height for four additional (4') feet of setback, similar to current wording in the C-D-C zoning district. The MCCD Design Review Committee recommended denial of the height changes based on the vision established for the area and their desire to promote density in the downtown. They also communicated that there may be design conflicts related to parking and setbacks with the new proposal. The minutes providing the details and reasoning for their recommendation are included with this proposal along with recommendations from the History Advisory Board. ADS Staff recommends approval of the proposed modifications to the Murray City Center District ordinance.

Mr. Woodbury asked Mr. Wilkinson how many buildings there are currently at 50 in that district now. The hotel will be 50 feet, they could go higher, but that just happens to just be the height. The Center Court building, which is under construction right now, is 50 feet. The Mt. Vernon Academy Tower is approximately 50 feet tall.

Mr. Markham asked Mr. Wilkinson how the MCCD District addresses parking in front of buildings. Mr. Wilkinson stated that parking is not allowed in front of the buildings right now. Ms. Daniels stated that in that zone, the buildings are forward to the property line. Mr. Wilkinson responded that the purpose statement for the zone talks about pedestrian and transit oriented buildings, those are typically located close to the street with parking located to the side and rear of the buildings. There is some flexibility in those setbacks but they are all fairly close to the street. Ms. Daniels stated that in an R-1-8 zone for a standard home the maximum height is 35-feet.

The meeting was opened for public comment.

Sage Fitch, 215 Maple Street, asked the commission if they had received her letter. Ms. Daniels responded in the affirmative. Ms. Fitch stated that she wanted to reiterate some of the points made in the letter. Ms. Fitch expressed her appreciation for staff's ability to develop the language as requested by Councilman Jim Brass. Ms. Fitch stated that she was at the Council Initiative Workshop on June 19, 2013, she stated that what she heard at that meeting was that staff was asked to draft language restricting building height to 35-feet. Ms. Fitch stated that the issue she has is with the step-back as she feels that it should be capped at 35-feet, she feels strongly that the people living in this zone want to continue living in those homes and they don't want to have 50-foot tall buildings of any depth next to them. Ms. Fitch stated that she

feels like the language doesn't take into account the setbacks that are needed to be in align with the other properties. She stated that mostly she feels like that neighborhood is residential, Center Street may be zoned commercial but it is one street within a residential neighborhood. Ms. Fitch stated that on March 26th, there was a survey done, all the land owners were asked what they wanted for their properties. Six people were reached, and six out of six said that they would like to see a language change that restricted the height to 35-feet. She also stated that she was present to make a preventative approach to having some feed back to the planning and zoning commission and just working with the City on trying to create a neighborhood that we all want to stay and live in so that we will be able to go into the new MCCD District once it's developed and enjoy that area. She asked that the Planning Commission vote no on the recommended language, and she would like to see language that restricts building height to 35-feet.

Janice Strobell, 4912 Wasatch Street, stated that two years ago was when the neighborhood became very aware of the impact of the MCCD and what it would mean to the residents of the neighborhood adjacent to the MCCD border. Ms. Strobell stated they saw what 50-foot height would mean for the neighborhood and the change that would do to the streets, the parking that goes along those streets and when you build a building that tall, you do not keep it just in that area where it is built. She stated that they are seeking to have appropriate and responsible development. Ms. Strobell stated that when she moved into the neighborhood, 21 years ago, she was very impressed with the history of Murray and with the feel that Murray has for respecting and honoring that history. Ms. Strobell stated that she has been involved with things that Mary Ann Kirk does, and she appreciates the efforts to highlight the history of Murray. Ms. Strobell stated that she began living on Center Street and then two years later moved to Wasatch Street, the home was built in 1908. Many of the homes that were built initially on Center Street were built to support the businesses on State Street. She stated that she owns a business that is just across on Commerce Drive and she works very close to where she lives, and she would like to keep that. Those that live in this small neighborhood enjoy what the history of that neighborhood is about, enjoy the close proximity to the MCCD, but are concerned about the encroachment that will happen when it is completely developed. Ms. Strobell stated that she wants to keep the safe atmosphere and allow families to walk on these streets and not feel that traffic will be too prohibitive on the narrow streets. Ms. Strobell stated that she reviewed a study done by an outside group that showed some wonderful developments that were in proximity to residential, but she doesn't think that these developments were done on such narrow streets. Ms. Strobell stated that councilman Jim Brass expressed to the homeowners in this zone that he did not understand that this is the type of height that would be allowed on Center Street. Neighbors attended MCCD pre-meetings and expressed that they were not in favor of this height change. Ms. Stobell asked for language that will allow appropriate and responsible development. She stated that development is important, but it does need to be appropriate and responsible. She stated that this is dealing with an historic neighborhood of Murray that is from the very beginnings of Murray, and deserves some respect and not encroachment of high density.

Ms. Strobel stated she is ok with understanding that the approval of 35-feet, that will definitely help the development that would be more appropriate for the neighborhood.

She stated that they appreciate Councilman Jim Brass's support with this request and they are seeking the height of 35-feet.

Spencer Belliston, 4860 Center Street, stated that previous comments have adequately expressed the height issue; he asked a question regarding the outside storage, regarding keeping an unroofed area for materials, merchandise goods and/or vehicles for a continuous period in the excess of 24-hours and if this means if he parks his car, that he will need to have it covered if it will be parked for more than 24 hours.

The public comment portion of the meeting was closed.

Mr. Wilkinson answered Mr. Belliston's question regarding outside storage, if it is an existing non-conforming single family use they can function like they always do. He stated that the city is not going to be enforcing that type of use, this ordinance is in regards to commercial storage. He stated as an example, that a delivery vehicle would need to be covered. He also addressed the direction received from the City Council indicating that the Council from time to time will hold a Council Initiative Workshop, at those workshops they do talk about potential direction to staff on text amendments, that's where this direction was given, and in that meeting it's not a legislative decision, they are simply directing staff to look at the issue and bring back a recommendation. The City Council will have final decision on this proposal and they can accept or reject the recommendation.

Mr. Woodbury asked Mr. Wilkinson if the City Council had recommended the one to four or was that a recommendation made by staff. Mr. Wilkinson stated that the City Council directed staff to look at the ordinance with consideration of the 35-foot height limit but that language is proposed by staff; the City Council hasn't given any specific language. Mr. Wilkinson explained that there are other zones in the City that have similar height limitations like the one being proposed. Mr. Woodbury asked if there are many buildings in these zones that have utilized that stepped approach. Mr. Wilkinson answered that there are some buildings that have utilized this. Ms. Mackay asked about the area right on Center Street, a diagram was shown. Those properties shown are currently homes with some businesses on this street.

Ms. Mackay asked if the only businesses on this street are all close to that corner of 4800 South and Center Street. Mr. Wilkinson responded that he wasn't sure; there could be some home occupations. Ms. Mackay expressed concern that the businesses along Center Street will eventually want to expand building height and there will be homes with families on the other side of the street. Mr. Wilkinson clarified the recommendation being 35-feet with a stepped approach. Mr. Woodbury asked how deep are the properties going northward. Mr. Wilkinson answered that he was not sure and did not want to guess.

Mr. Markham mentioned that one of the difficult things he dealt with when this issue first came up is that this is regarding a drastic change in development on the very edge of two zones and that is always difficult. Mr. Markham stated that he likes the neighborhood business zone, where there is the 35-foot height restriction which serves as a transition into neighborhoods and onto busier streets. He stated that what

has been presented tonight by staff represents a pretty good compromise of trying to listen to the neighborhood and City Council and yet still maintain the integrity of the MCCD zone so that it will still work. Mr. Woodbury asked to see a zoning map and see where the MCCD zone boundaries are. There was discussion about different zones.

Ms. Mackay stated that she is concerned that the residents in that area are fine as long as they don't sell their home they can keep it just the way it is and it will stay residential in that commercial zone. If one person sells, and we have this setback, then a commercial enterprise can come into the zone if it fits into the zoning and they can have a 50-foot high building if there is room that will allow them to do that.

Mr. Markham made a motion to send a recommendation of approval to the City Council to amend sections 17.08.020, 17.170.050, 17.170.080 and 17.170.120 of the Murray Municipal Code as presented by staff with a set-back as proposed.

Seconded by Mr. Taylor.

Call vote recorded by Chad Wilkinson.

N _____ Maren Patterson

A _____ Tim Taylor

A _____ Phil Markham

A _____ Karen Daniels

N _____ Vicki Mackay

A _____ Scot Woodbury

Motion passed, 4-2.

ELECTION OF OFFICERS for 2014

Mr. Taylor made a motion that Scot Woodbury serve as Chair and Phil Markham as vice-chair for the 2014 year. Seconded by Ms. Patterson.

A voice vote was made. Motion passed 6-0.

Ms. Daniels thanked the commission for being understanding and she thanked Mr. Taylor for being her vice-chair and taking care of business when she was not in attendance.

Mr. Wilkinson expressed his gratitude to the commission.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 7:30 p.m.

Chad Wilkinson, Manager
Community & Economic Development