

Minutes of the Planning Commission meeting held on Thursday, September 4, 2014, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Scot Woodbury, Chair
Phil Markham, Vice-Chair
Karen Daniels
Tim Taylor
Buck Swaney
Vicki Mackey
Gary Dansie
Jared Hall, Community and Economic Development Manager
Tim Tingey, Administrative and Development Services Director
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 Division Office.

Scot Woodbury opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

There were no minutes for approval.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Taylor made a motion to approve the Findings of Fact for Gabriel Candelaria. Seconded by Ms. Daniels.

A voice vote was made. Motion passed, 7-0

STILLCHUCK INNOVATIONS – 201 West 5th Avenue #2 – Project #14-148

Nick Walred was the applicant present to represent this request. Jared Hall reviewed the location and request for Conditional Use Permit approval to allow a miscellaneous manufacturing use on the property located at 201 West 5th Ave., Unit #2. Municipal Code Ordinance 17.146 allows for miscellaneous manufacturing not elsewhere classified (LU #3999) within the M-U zoning district subject to Conditional Use Permit approval. Stillchuck Innovations is engaged in the machining and repair of small fittings and pieces used principally in e-vaporizers. (Please note: Still Chuck Innovations does not sell e-cigarettes or the liquids, etc., they simply machine several small parts used in the pipes themselves.) Various metals are used for these parts, including gold, silver, titanium, platinum, brass, bronze, copper and stainless steel. The site consists of two separate lots with shared parking and access. Parking requirements for this class of use in the M-U Zone would be 3 spaces per 1,000

square feet of floor space. Total building area on the site is approximately 5,160 square feet, generating a parking requirement of 15.48 stalls. Staff count of parking indicates 20 stalls on the full site. Under the regulations described above, the site complies with parking regulations, and nothing about the nature of the proposed use would indicate that parking would be inadequate. Access to the site is directly from Fifth Avenue and by a shared drive between the two lots. There is no rear access. The units within the buildings have overhead doors, but no docking facilities – discouraging shipments by larger vehicles. The applicants in this case have indicated that their deliveries come from regular postal services and UPS or FedEx. Most shipments consist of metal tubing of ½ inch diameter, never more than 6 feet in length. The applicants anticipate no more than three employees, two being the owner and his business partner. Hours would be typical for this type of area, generally between 7:00 a.m. and 5:00 p.m. with no need anticipated for alternative hours or shipments. Operations happen completely within the unit. Both buildings on the site maintain a 20 foot landscaped setback from Fifth Avenue. In the M-U zone, both buildings and parking areas are required to be setback between 15 and 25 feet from the property line. The site complies with these regulations and no changes are proposed. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use allowing a miscellaneous manufacturing business at the property located at 201 West Fifth Avenue, Unit #2, subject to conditions.

Nick Walred, 6183 South Rainy Lane, Murray, stated he has reviewed the staff recommendations and will comply.

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

Mr. Markham made a motion to grant Conditional Use Permit approval for Stillchuck Innovations, located at 201 West 5th Avenue #2, subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicants shall obtain a building permit from the Murray City Building Division for any tenant remodels.
2. The project shall meet all current fire codes.
3. The proposed use shall comply with all standards of the M-U zoning district and specifically the standards listed below for manufacturing uses:
 - a. The trade shall be no more than 12,000 feet.
 - b. Deliveries and shipping only during normal business hours.
 - c. No odors.
 - d. No outside storage.
4. The applicants shall assure that the proposed operation and facility meets all requirements and regulations of Central Valley Water and the Murray City Water & Sewer Departments.
5. The applicants shall obtain a Murray City Business License prior to the

commencement of business operations.

Seconded by Ms. Daniels.

Call vote recorded by Ray Christensen.

A _____ Vicki Mackay

A _____ Gary Dansie

A _____ Buck Swaney

A _____ Karen Daniels

A _____ Tim Taylor

A _____ Phil Markham

A _____ Scot Woodbury

Motion passed, 7-0.

GENERAL PLAN AMENDMENT & ZONING MAP AMENDMENT – Wayne Hessheimer- 911 East 5700 South – Project #14-145 & 14-147 – Public Hearing

Wayne Hessheimer was the applicant present to represent this request. Ray Christensen reviewed the location and request for Wayne Hessheimer for a General Plan Amendment from Residential Single Family Low Density to Commercial Retail and a zone map amendment from R-1-8 (residential single family low density) to C-N-C (Commercial Neighborhood Conditional) located at the property addressed 911 East 5700 South. The applicant has requested the General Plan amendment and Zone Map change for the property to a commercial use, but does not have a specific plan or development proposal use for the property. Various permitted uses are allowed in the R-1-8 zone such as low density single family dwellings on a minimum 8,000 sq. ft. lot and accessory uses, such as garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include uses such as churches, schools, public parks, and libraries. The C-N-C 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-C zoning district are more neighborhood oriented, but does not allow all of the various used allowed in the C-D-C zone. A mailing was sent on August 19, 2014 to the surrounding property owners in the area. Community Development staff have received written comments and phone calls from several Murray residents in this area stating their opposition to the Murray General Plan and Zone Map amendments for the commercial zoning.

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 show the property to remain low density single family residential. There are residential properties adjoining this property to the south, east, and north adjoining this property that are zoned R-1-8 which is low density single

family residential. The property to the west is zoned C-D-C (Commercial Development Conditional) with 900 East Street separating the commercial zone from the residential zone. The change to commercial zoning is not consistent with the Murray General Plan direction for this particular property location. Although flexibility is allowed for possible changes to the General Plan, this proposal will change the land use and creates 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 General Plan and Zone Map amendments for the property located at 911 East 5700 South.

Mr. Hall stated the hours of operation can be different for different businesses and many times fast food businesses will have 24 hour operations. With processes of site plan review and conditional use permit review, staff does their best to mitigate those impacts for lighting, etc. and any zoning violations would be enforced.

Mr. Woodbury indicated that the planning commission has received a couple of emails from Karla Johnson, 4727 South 920 East, expressing opposition for the proposal; and also from the Wallace & Eve Meadows, 935 East 5700 South, indicating their opposition for the proposal. Mr. Hessheimer stated he has received a copy of the emails.

The public hearing was open for comments.

Lawrence Latsis, 936 East 5650 South, stated he applauds the planning commission decision to deny the proposal based on noise, pollution, and light pollution. He stated not a day goes by that they don't have the noise, pollution and lighting impacting onto the residential neighborhood from the commercial area. He stated they protested the issuance of a permit for a storage unit directly across the street from him. He was told the minutes indicated that the approval required the lighting to be directed down and away from the residential area, but the lights do shine into the residential neighborhood. He stated his neighbor across the street, Mr. Gomez, had to put cardboard up in his window just to prevent those kinds of things. He stated there have been three deaths at the intersection where this zoning is proposed to be changed. He stated that they petitioned for a stop light at the intersection but were denied. It takes 6-8 minutes to get onto 900 East while parked at the stop sign. He stated with the potential addition of another commercial business, it will become impossible.

Don Harsh, 5670 South 920 East, asked if more opposition is helpful or does it make any difference on this proposal. He stated he opposes the proposed zone change. He stated that he is also representing a neighbor, Igor Motro at 5665 South 920 East, who is also in opposition to this proposal.

Kim Anderson, 1144 East Chevy Chase Drive, stated he does not live in the immediate area, but is concerned about encroachment of commercial into residential neighborhoods. He stated he applauds the applicant for proposing this rezone, if for no reason other than to take care of some of the problems he has to deal with. It is too bad that the city hasn't done anything to mitigate those concerns of Mr. Hessheimer. He stated that previously he lived in another city in the valley, the city

would impose requirements on sound in areas such as the Cottonwood Ball Park is not allowed to turn their loud speakers past 10 p.m. He commented that lighting and noise issues from the storage units should meet city requirements for mitigating impacts onto the residential area.

The public hearing was closed for this agenda item.

Mr. Markham expressed concern with the comments from the residents regarding noise, lighting, etc. He stated whenever the planning commission approves land use permits, there are conditions attached to the approval. He stated he was part of the approval process for the storage units and the commission wanted to minimize the impact on the neighborhood as much as possible and if that is not happening, then that is wrong and the city should take action. He stated that he has a long standing concern with the city adding more conditions and more rules and regulations that need to be enforced that are placed on staff to enforce and staff gets no more resources or employees in which to do the enforcement. He stated if the resources are not available for city staff to enforce the rules and regulations, then the city is doing an injustice to the citizens.

Mr. Woodbury thanked Mr. Hessheimer for making application for the zone change and bringing to light issues regarding the existing commercial businesses and their impact onto the residential neighborhood.

Ms. Daniels made a motion to send a recommendation of denial to the city council for the General Plan amendment from Residential Single Family Low Density to Commercial Retail for the property addressed 911 East 5700 South. Seconded by Mr. Taylor.

Call vote recorded by Ray Christensen.

A _____ Vicki Mackay
A _____ Gary Dansie
A _____ Buck Swaney
A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham
A _____ Scot Woodbury

Motion passed, 7-0.

Ms. Daniels made a motion to send a recommendation of denial to the city council for the Zone Map amendment from R-1-8 to C-N-C for the property addressed 911 East 5700 South. Seconded by Mr. Taylor

Call vote recorded by Ray Christensen.

A _____ Vicki Mackay
A _____ Gary Dansie
A _____ Buck Swaney

A _____ Karen Daniels

A _____ Tim Taylor

A _____ Phil Markham

A _____ Scot Woodbury

Motion passed, 7-0.

Ms. Mackay commented that this application will be forwarded to the city council for an additional public hearing and the city council is also in charge of the city's budget and it may be a good time to bring up the issue for additional enforcement staff.

LAND USE ORDINANCE TEXT AMENDMENT - IHC HEALTH SERVICES, INC –
Project #14-144 – Public Hearing

Brenda Roberts and Brett Meyer were the applicants present to represent this request. Jared Hall reviewed the location and request for a Land Use Ordinance Text Amendment to the "H" Hospital zone. The application is for a text amendment to allow drive-up windows for pharmacies in the Hospital Zone. The Hospital Zone is applied in only one area of Murray City, between Fashion Blvd. and just east of State Street between 5700 and 5900 South approximately. This is the site of the current IHC facility known as TOSH or The Orthopedic Specialty Hospital. The current regulations of the zoning ordinance are found in Chapter 17.148. The specific section targeted by the application is 17.148.020, Permitted Uses. Accessory uses are listed in this section and include "Concessions or other services which are customarily provided for the convenience of hospital patrons provided that access is only from within the building; that there is no exterior evidence of such accessory uses such as signs or display windows, and that the total floor area used for such accessory uses shall not exceed ten percent (10%) of the ground floor area of the building." IHC has applied to amend this text in such a way as to allow an in-building pharmacy to have a drive-up window and associated signage to support it. The text they have proposed is attached to this report. The applicant's proposed text amendment has two parts: 1) they propose to add "Prescription Pharmacy" as a specific to "customary concessions and services" and 2) they propose to add the language "except for the provision of exterior drive-up transaction windows and required signage to support the function of the accessory use" to the following section which prohibits "exterior evidence" of the accessory use.

Staff does not anticipate issues arising from the allowance for drive-up windows for pharmacies within clinic and other buildings in the Hospital zone, especially considering that the zone is only narrowly used in the city for what is essentially a single site. Drive-thru windows are common at pharmacies currently, and provided that they are well located on site (which can be achieved through site planning processes independent of this particular section) they should not have any negative impact on the quality of development in this zoning district. Based on the information presented in this staff review and the application materials submitted, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed text amendment to Section 17.148.020 of the Zoning Ordinance allowing drive-thru pharmacy windows in the "H" Hospital Zone.

Brenda Roberts, 36 South State Street, 23rd Flr, Salt Lake City, stated she is representing IHC for this proposal. She stated that many of the customers they serve are elderly persons with mobility issues and this proposal for a drive thru pharmacy window will be a great help for those particular types of customers.

The public hearing was open for comments.

Don Harsh, 5670 South 920 East, stated this is the old Cottonwood Hospital site. He asked if the drive through will be a 24 hour facility. Ms. Roberts clarified that the drive through pharmacy will not be a 24 hour facility. She stated they anticipate a 75,000 sq.ft. four-story out-patient clinic. She stated that many of the existing facilities on the TOSH campus will be relocated, as well as the Insta-Care that is currently on Winchester Street, into the facility. The hours of operation will be 9 a.m. to 9 p.m.

The public hearing was closed.

Mr. Taylor made a motion to forward a recommendation of approval to the city council for a Land Use Text Amendment to section 17.148.020, allowing drive through pharmacy windows in the "H" Hospital Zone. Seconded by Ms. Daniels.

Call vote recorded by Ray Christensen.

A _____ Vicki Mackay
A _____ Gary Dansie
A _____ Buck Swaney
A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham
A _____ Scot Woodbury

Motion passed, 7-0.

OTHER BUSINESS

Mr. Hall reminded the commission members of the upcoming dinner training on Wednesday, September 10, 2014 at 6 p.m. at the Public Services Building.

Meeting adjourned at 7:00 p.m.

Jared Hall, Manager
Community and Economic Development