

Minutes of the Planning Commission meeting held on Thursday, September 18, 2014, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Scot Woodbury, Chair
Tim Taylor
Buck Swaney
Vicki Mackey
Gary Dansie
Jared Hall, Community and Economic Development Manager
Tim Tingey, Administrative and Development Services Director
Brad McIlrath, Assistant Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Phil Markham, Vice-Chair
Karen Daniels

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

Ms. Mackay made a motion to approve the minutes from August 21, 2014 as submitted. Seconded by Mr. Taylor.

A voice vote was made. Motion passed, 5-0.

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 Stillchuck Innovations. Seconded by Ms. Mackay.

A voice vote was made. Motion passed, 5-0

MURRAY SCHOOL DISTRICT – 5142 South Commerce Drive – Project #14-153

Tony Armor was the applicant present to represent this request. Jared Hall reviewed the location and request of Murray School District for approval of a Conditional Use Permit for a school district bus garage/maintenance building for the property addressed 5142 South Commerce Drive. Municipal Code Ordinance 17.152.030 allows a bus garage/maintenance building in the M-G-C zoning district subject to Conditional Use Permit approval. The new school district bus garage/maintenance building which will be approximately 18,000 sq. ft. This application is separate from plans for new school district office building and a new warehouse/ administrative

building located to the north in the M-U zone. The sidewalk will transition in the M-U zone property from a 7 ft. wide sidewalk to a 5 ft. wide sidewalk in the Manufacturing General zone. The site plan shows a new parking lot for buses to the south and west side of the new bus garage facility. Additional employee parking stalls for the site are shown on the site plan to the east of the bus garage facility. The building floor plans show about 1,150 sq. ft. in office space and 16,850 sq. ft. in the bus garage/maintenance facility. The parking requirement based on building square footage is 27 stalls, but adequate parking will need to be provided for employees at the rate of one parking stall per employee at the highest shift. The site plan for this site shows 64 parking stalls. Disabled parking stalls will need to be provided to comply with ADA regulations. The proposed setback for the new building is approximately 184 feet, which complies with the zoning setback regulation for the M-G-C zone. The applicant has provided landscape/irrigation plans showing areas of vegetation, lawn, trees, and shrubs. The landscaping plan will need to be approved by City officials and comply with landscaping regulations with building permit review. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the conditional use permit for the bus garage/maintenance building located at 5142 South Commerce Drive be approved subject to conditions.

Tony Armor, with MHTN Architects, 420 South Temple Street, Salt Lake City, stated this proposal will include a bus garage, an office, and a maintenance warehouse building which are subject to staff review. The bus garage is a conditional use in the M-G-C zoning district, although it is a school facility, it is subject to the zoning regulations.

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

Mr. Swaney made a motion to grant Conditional Use Permit approval for the Murray School District bus garage and maintenance building located at 5142 South Commerce Drive subject to the following conditions:

1. The project shall meet all applicable building code standards and requirements.
2. The project shall comply with current fire codes. Provide fire hydrants as required by fire code.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City officials and installed as approved prior to occupancy.
4. The trash containers shall be screened as required by Section 17.76.170.
5. Comply with Murray Power Department requirements including easements.
6. Adequate parking stalls shall be paved and striped, including disabled stalls, to comply with ADA and ordinance requirements.

7. Comply with Murray Water & Sewer Department requirements. Comply with wastewater rules and regulations.
8. The Murray City Engineer noted the following requirements for the project:
 - a. Complete frontage improvements along Vine and Commerce. Sidewalk needs to be 5" thick and 8" thick through driveways. Driveway approaches need to be 8" thick.
 - b. Increase top back of curb radius at the corner of Vine and Commerce to better accommodate bus turning movements (30' to 36' rad. recommended).
 - c. Repair roadway as per APWA plan 255, 256 and 261.
 - d. Meet City drainage standards. Provide storm drainage calculations. Coordinate storm drain connection on north side of Vine with property owner, temporary construction easement may be required.
 - e. Create a new site plat that vacates the RSL Subdivision and combines all lots. The plat should also dedicate right-of-way on Vine and Commerce.
 - f. Obtain a City Land Disturbance Permit prior to beginning any site work.
 - g. City Excavation Permit is required for all work in City right-of-way.

Seconded by Mr. Taylor.

Call vote recorded by Mr. Hall.

A _____ Gary Dansie
A _____ Tim Taylor
A _____ Vicki Mackay
A _____ Buck Swaney
A _____ Scot Woodbury

Motion passed, 5-0.

RMD PAINTING & RESTORATION – 4656 South Cherry Street #4 – Project 14-154

Toby Parcell was the applicant present to represent this request. Jared Hall reviewed the location and request. The applicant is requesting a Conditional Use Permit to allow the operation of a contract construction services business (handyman contractor) from the property located at 4656 S Cherry Street. Municipal Code Ordinance 17.152 allows a contract construction services business (LU #6610) within the M-G zoning district subject to Conditional Use Permit approval. The applicants propose to operate a handyman service for smaller construction and restoration work from one of the units (#4) in the existing commercial building on this site (there is also an existing residential building on site). For operations, they have indicated they

essentially need a small office space and associated storage for tools (please see the attached narrative provided by the applicants). There are currently no other tenants or occupants in the commercial building on the site. A significant portion of the property surrounding the commercial building is paved and available for access and parking, but no parking spaces have been striped. The use is generally for office space and storage. Parking for such a use in the M-G zone (Section 17.152.090) is required at a ratio of 4 spaces per 1000 square feet of net usable floor area or as determined by the Planning Commission. Records indicate that the building is approximately 3,690 square feet, generating a parking requirement of 15 stalls for the entire building. Due to the building placement and access, the appropriate provision of parking will be limited. Staff is recommending that the Planning Commission exercise their ability to determine the appropriate parking under Section 17.152.090 and require the applicant to locate and stripe a minimum of 8 parking stalls (2 stalls per unit) on this site as a condition of approval. Staff makes the suggestion because most parking need in this zone is generated by employees, and many others that would generate parking needs will also require conditional use approval, allowing the Commission to review the appropriateness of a user based on the available parking in future applications. There are existing landscaped areas in the park strips and in the front setback on Cherry Street, but they have been neglected to some degree. Staff is recommending that the Planning Commission require the rehabilitation of existing landscaping areas as a condition of approval. Based on the information presented in this report, application materials submitted and the site review, staff recommends conditional use approval allowing a Contract Construction Services business at the property addressed 4656 S. Cherry Street subject to conditions.

Toby Parcell, 585 West Germania Avenue, Murray, stated that this property is his parent's property and is also where he grew up.

Mr. Woodbury asked Mr. Parcell if he has plans to lease the other portions of the building to other businesses. Mr. Parcell responded that may be a possibility in the future, but it depends how this business does.

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

Mr. Woodbury asked Mr. Parcell if he has reviewed the staff recommendations and is able to comply with the conditions. Mr. Parcell responded he is willing to comply with the conditions as recommended.

Ms. Mackay made a motion to grant Conditional Use Permit approval for RMD Painting and Restoration at 4656 South Cherry Street #4 subject to the following conditions:

1. The project shall meet any applicable building code and fire code standards.
2. The applicant shall provide a plan for the striping of eight parking stalls in accordance with Section 17.152.090 for review and approval by the Community Development staff prior to issuance of a business license.

3. The applicant shall provide a plan for the rehabilitation of the existing landscaping in the park strips and front setback areas of the property prior to the issuance of a business license.

Seconded by Mr. Taylor.

Call vote recorded by Mr. McIlrath.

A _____ Gary Dansie

A _____ Tim Taylor

A _____ Vicki Mackay

A _____ Buck Swaney

A _____ Scot Woodbury

Motion passed, 5-0.

LARRY H. MILLER CHEVROLET OF MURRAY – 5556 South State – Project #14-158

Jesse Hulse was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for an expansion of an existing parking lot for the property addressed 5556 S. State Street. Municipal Code Ordinance 17.152 allows the expansion of a motor vehicle sales parking lot (LU #5510) within the C-D-C zoning district subject to Conditional Use Permit approval. The applicants propose to expand the existing parking lot in order to provide more space for motor vehicle sales display and storage. With the expansion, the applicants will demolish the existing structures, pave and restripe the parking lot, and provide new access points along the Wilson Avenue and State Street frontages. The entire parking area will be restriped and reconfigured in order to provide new traffic circulation for the new accesses on State Street and Wilson Avenue. New lighting and landscaping will also be provided to meet the minimum standards of the zoning ordinance. Section 17.72.090.G. of the Murray City Zoning Ordinance outlines specific standards for automobile dealership sales inventory parking. Parking areas used for sales inventory are required to have a minimum aisle space of twenty feet (20') as opposed to the regular minimum standard of twenty-four feet (24'). When alternative parking geometries are used, all employee and customer parking should be clearly marked with either signage or striping on pavement. The new proposed parking area will include a total of three hundred and forty-two (342) paved and striped parking spaces. All parking stalls are still required to meet the standard dimensions for off street parking. Each stall is required to be at least nine feet wide by eighteen feet long (9' x 18') for diagonal or ninety degree spaces. All parallel spaces shall be at least nine feet wide by twenty feet long (9' x 20'). Parking lots used for the display of vehicles for sale require a minimum ten (10') setback. Section 17.68 and 17.160, all unpaved areas shall be landscaped and ten percent (10%) of the total site shall be provided as landscaping. For parking lots with fifty (50) or more parking stalls, all parking spaces must be within seventy-five feet (75') of a landscape area. Additional parking islands will need to be provided in order to comply with this standard and each island must meet the standards outlined in Section 17.68.040.B.2.b for parking islands. All off street parking which is adjacent to

residential properties are required to have a minimum ten foot (10') landscape buffer, which has already been provided at this site. This property includes three frontages along 5530 South, State Street and Wilson Avenue. Each frontage is required to have a minimum ten foot (10') setback area that is landscaped to meet the minimum standards of the zoning ordinance. Each frontage is required to meet the minimum landscape standards for front setback areas which require three (3) trees, five (5) 5-gallon shrubs and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage. The existing access on Wilson Avenue will be removed and relocated further east. There are currently three drive approaches along State Street which will be reduced to one. There will be a total of four (4) drive approaches with two (2) located off of 5530 South, one off of State Street and the other off of Wilson Avenue.

Based on the information presented in this report, application materials submitted and the site review, staff recommends conditional use approval for the expansion of a motor vehicle sales parking lot at the property addressed 5556 S. State Street subject to conditions.

Mr. Taylor stated 5530 South Street was vacated and closed, but is city right-of-way. Mr. McIlrath responded in the affirmative.

Jesse Hulse, 175 West 900 South, Salt Lake City, indicated he is with Atlas Architects representing this request. He stated they are looking forward to improving the property with this expansion. He stated he has reviewed the recommended conditions of approval and will comply.

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

Mr. Swaney made a motion to approve a Conditional Use Permit for an expansion of the auto dealership for Larry H> Miller Chevrolet located at 5556 South State Street subject to the following conditions:

1. The project shall meet any applicable building code and fire code standards.
2. The project shall meet all Murray City Water & Sewer Department requirements including the removal of two of the three existing water meters.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by Murray City Community Development Staff and installed as approved prior to occupancy.
4. The project shall meet all applicable off-street parking regulations as outlined in Chapter 17.72 of the Zoning Ordinance.
5. The subject properties shall be combined by plat or quit claim deed to be recorded with the Salt Lake County Recorder's Office prior to construction. A copy of the recorded plat or quit claim deed shall be provided to the Murray City Community Development Division.

6. The project shall meet all Murray City Engineering requirements which includes the following comments outlined below:

- a) Meet Murray City storm drainage requirements, with on-site detention required.
- b) Obtain a UDOT access review and permit for the State Street access.
- c) Complete curb and gutter along Wilson Avenue frontage.
- d) Replace any damaged sidewalk along State Street frontage.
- e) Remove all unused or abandoned driveways along State Street frontage and replace with new curb, gutter and sidewalk.
- f) Obtain right-of-way encroachment permits for all work on State Street and Wilson Avenue.

Seconded by Mr. Taylor

Call vote recorded by Mr. McIlrath.

A _____ Gary Dansie

A _____ Tim Taylor

A _____ Vicki Mackay

A _____ Buck Swaney

A _____ Scot Woodbury

Motion passed, 5-0.

HARTFORD AVENUE CONDOMINIUMS – 1793 & 1797 East Vine Street – Project #14-157

Tim Vanderlinden was the applicant present to represent this request. Jared Hall reviewed the location and request for subdivision approval for a two unit condominium project located at the property addressed 1775 and 1793 East Vine Street. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. Section 17.116.030 authorizes the planning commission to approve a two-family dwelling with Conditional Use Permit approval. The plans for the condominium project show there will be private and limited common area surrounding the two residential units. The driveways accessing the units are located in front of the buildings at the south side of the property. Each unit has a two car covered garage. The building shall comply with the minimum setback requirements for the R-M-10 zone in compliance to zoning regulations. Murray City Code Title 16 outlines the requirements for subdivision review. The Murray Planning Commission is required by State Code 10-9a-207, to conduct a public hearing and review all subdivisions of property within the City. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the City. The Planning Commission acts as an advisory body to the Mayor and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Commission's review and recommendation of a subdivision application, it will be forwarded to the Mayor for final approval. The plat is then forwarded to the Salt Lake County Recorder's office for review and recording. Based on the

information presented in this report, application materials submitted and the site review, staff recommends the Planning Commission send a recommendation for preliminary/final subdivision approval to the Mayor subject to conditions.

Tim Vanderlinden, 2074 Sample Cove, Sandy, stated he has reviewed the recommended conditions of approval and will comply.

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

Mr. Taylor made a motion to send a recommendation for preliminary and final subdivision approval to the Mayor for Hartford Avenue Condominiums, located at 1793 & 1797 East Vine Street subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for recording the plat at the Salt Lake County Recorder's Office.
2. Show utility easements on the property to meet subdivision ordinance regulations.
3. The project shall meet all applicable building code standards.
4. The Murray Fire Department requires compliance with current building and fire codes.
5. Provide a condominium plat to comply with Murray City subdivision plat requirements.
6. Submit a Subdivision Plat Application and a PDF file of the plat to the Engineering Division for final review and signatures.
7. Provide a utility, grading and drainage plan.
8. Repair any damaged curb, gutter and sidewalk along the street frontage.
9. Obtain Salt Lake Public Utilities and Cottonwood Improvement District approvals for water and sewer improvements.
10. Meet Murray City subdivision and condominium platting requirements.

Seconded by Ms. Mackay.

Call vote recorded by Mr. McIlrath.

A _____ Gary Dansie

A _____ Tim Taylor

A _____ Vicki Mackay

A _____ Buck Swaney

A _____ Scot Woodbury

Motion passed, 5-0.

FEDER & KNIGHT – 703, 709 & 753 East Winchester Street – Project #14-156

Steven Feder was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Zone Map amendment from R-1-8 (Single-Family Low Density Residential) to R-N-B (Residential Neighborhood Business) for the properties addressed 703, 709, and 753 E. Winchester Street. The properties are located at the northeast corner of 725 East and Winchester Street. The properties are currently zoned R-1-8 and are developed with existing single family homes.

A previous application for the rezone of these properties was considered by the City Council on August 27, 2013 and denied. Section 17.76.130 of the Zoning Ordinance prohibits reapplication of the same zoning classification within one year of the date denied. This application was received on August 27, 2014 and is eligible for consideration by the City.

There are various permitted uses allowed within the R-1-8 zoning district such as single-family dwellings and accessory uses, garages, carports, other uses for private recreation and gardening, charter schools, and residential facilities for persons with a disability or elderly persons. Other uses allowed with approval of a Conditional Use Permit include schools, churches, libraries, public parks and facilities, and communication services. The R-1-8 zoning district allows low density single family residential homes on minimum 8,000 square foot lots. A complete and detailed list of permitted and conditional uses is found in Chapter 17.100 of the Murray Municipal Code.

A variety of permitted uses are allowed in the R-N-B zoning district such as single-family dwellings, two-family dwellings, residential facilities for persons with a disability or facilities for elderly persons, florists, travel agencies, optical goods, physicians' offices, dental offices, legal services, art schools, accounting and other business management services. Other uses allowed with approval of a Conditional Use Permit include bed and breakfast homestay, schools, residential childcare facilities, banking and credit services, antiques, books, hobby supplies, health foods and delicatessen without drive-through access and with limited hours, and other personal services such as tanning and massage salons. A complete and detailed list of permitted and conditional uses is found in Chapter 17.140 of the Murray Municipal Code. The uses allowed in the R-N-B zoning district are lower intensity commercial and residential uses. In addition, the development standards of the R-N-B zoning district limit the maximum height of buildings to 30 feet, which is lower than the allowed maximum of 35 feet in the R-1-8 zoning district. Other development standards require additional buffering from adjacent residential properties and reduced lighting standards. A specific standard also regulates the hours of operation for proposed businesses.

The re-zone request is consistent with the purpose of the R-N-B Zoning District as outlined in Section 17.140.010 of the Zoning Ordinance. It states that this zone is intended to provide a transition area between high traffic arterial streets and adjacent residential neighborhoods. Winchester Street is a high traffic arterial and this request will create an adequate buffer for the neighborhood to the north. The Murray City

Master Transportation Plan identifies that most arterial streets have a speed limit of 40 mph or greater. The existing traffic signal and proposed zone change provide a buffer and help mitigate the impacts of this major arterial street to the residential neighborhood. The General Plan considers traffic generation of properties developed within the R-N-B zone, and the impact of the requested zone change is not anticipated to create an additional burden that cannot be addressed by appropriate review and conditions imposed by the City during review of a proposed development.

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 Murray City General Plan identifies this location as an area that is appropriate for a transition from single-family residential to residential neighborhood business.

The General Plan outlines specific locations as major and minor “hot spots,” which includes this section of Winchester Street as a top priority for existing and future land use discussion (see Maps B2 & B3). The General Plan discusses the widening of Winchester Street to four lanes and an increase in the speed limit from 30 mph to 40 mph. The south side of this section of Winchester Street is identified as a high-intensity development which contrasts to the small, low density residential profile directly to the north. Winchester Street is identified as a fast-moving roadway with minimal pedestrian facilities such as sidewalks along with frequent drive approaches for properties to the north, which creates a difficult and unsafe situation along this fast-moving roadway. The existing traffic signal located at the intersection of 725 East and Winchester Street acts as a calming measure for the busy roadway, which would otherwise be a more dangerous intersection for vehicle and pedestrian traffic. The General Plan indicates that numerous zoning change requests have been received for converting the existing single-family residences on the north side to commercial uses and that similar requests are expected in the future.

This area is served by existing urban levels of public services and facilities. Some probable effects may include an increase in traffic circulation during hours of operation and an increased demand on public utilities depending on the type of development.

A public notice was sent to adjacent properties on September 4, 2014. As of the date of this report there have been several phone calls and a meeting with two adjacent property owners to discuss the proposal. The phone calls and meeting have been in opposition to the proposed zone change.

- i. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.
- ii. The requested change has been carefully considered based on characteristics of the site and surrounding area and policies of the General Plan.

- iii. The General Plan recommends a transition from Residential Single Family Low Density to Residential Business. The proposed zone change from R-1-8 to R-N-B is consistent with that recommendation.
- iv. The uses allowed in the R-N-B zoning district include residential uses and lower intensity commercial uses in order to provide a transition between arterial streets and residential neighborhoods.
- v. The R-N-B zone development standards include restrictions and design standards aimed toward providing buffering and mitigation of impacts to adjacent residential properties.
- vi. Transportation issues for the R-N-B zoning district have been taken into consideration through the development of the General Plan and the R-N-B zoning district.

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment from R-1-8 to R-N-B for the properties addressed 703, 709 and 753 East Winchester Street.

Mr. Swaney asked how many additional feet are necessary for the future widening of Winchester Street. Mr. McIlrath responded he was unaware of the measurement, but in the general plan it calls for a "Parkway" area that was something that the city looked into further and found cost prohibitive with the widening of the street. The Parkway area along Winchester will not be happening. He indicated he was unsure if there are future plans to widen Winchester Street itself.

Mr. Taylor asked about the maximum height in the R-1-8 zone. Mr. McIlrath responded the R-1-8 zoning district allows for structures to be 35 feet; the R-N-B zoning district allows a 20 foot height for structures and with Conditional Use Permit approval a structure may be 30 feet, which is 5 feet less in height than what is allowed in the R-1-8 zone.

Steven Feder, 6975 South Union Park Drive, #600, Cottonwood Heights, stated he is representing this request. He stated the main question tonight is a zoning request and the request is not going beyond simply the zoning request. He stated the city's general plan calls for the R-N-B zone and the General Plan had significant allowance for public input at the time it was adopted and there was very little negative input specifically with regard to this neighborhood. At this time they are asking that the planning commission approve this request for the zone change. He stated he is aware that the neighborhood has questions regarding screening, landscaping, building height and design, ingress and egress, etc. The developers have heard the concerns of the neighbors loud and clearly and a number of changes will be made in the final presentation for the site development and that is the appropriate time to discuss these issues, and not at this time. He stated they wish to be good neighbors. He stated this request complies with the city's General Plan. He stated they plan to comply with the site standards for their project, should the zone change occur. He stated similar changes were made on 900 East and the neighbors are quite pleased with the new buildings developed in the R-N-B zone, and those buildings have enhanced the neighborhood. He stated their proposal will improve the area with professionally landscaped grounds, and will be well maintained.

Ms. Mackay asked for clarification regarding the 900 East properties Mr. Feder was referring to. Mr. Feder clarified the properties he referred to are the newer office buildings on 900 East that are located in the R-N-B zone, specifically the Clarus Vision office building, Utah Facial & Oral Surgery building and the 900 East Dental Office building that have a residential flare to the building.

Mr. Woodbury explained this is a public hearing. He stated the commission has received some letters from citizens and the commission has been given copies. One letter is from Dennis & Gail Ritz, 763 East Labrum Avenue, expressing concern regarding drainage and irrigation conduits. Another letter was received from Jim Harland, 5847 Roylton Drive, expressing his opinion on this application in favor of the zone change.

Mr. Woodbury opened the public comment portion of the meeting. He indicated that comments are limited to 3 minutes if speaking as an individual; 5 minutes is allowed if someone is speaking for a group of people. He asked that repeat comments not be made. He stated this proposal is regarding the zone change and is not dealing with a specific business or specific building, but is strictly addressing the zoning uses and changing the property from R-1-8 to R-N-B zoning.

Angie Hansen, 736 East Labrum Avenue, stated her home is directly behind the properties in question. She stated her biggest concern is that her property only has a 10 foot deep rear yard. She has three small children and she can imagine someone taking a smoking break from the office building and her children could be only 10 feet away. She stated she went on the Murray website and reviewed the R-1-8 zoning which requires a minimum rear yard setback is 25 feet. She stated when the R-N-B zoning was created it was thought that adjacent homes would have a 25 foot rear yard setback, plus the 10 feet of buffer and 1 foot for a fence making the home 36 feet away from the building. However her home is only 10 feet away from this property line. There could also be parking 20 feet from her home. She asked that the commission not approve this zone change proposal until her home has buffer from the potential development.

Dennis Linnell, 6466 South Castlefield Lane, stated a year ago there was this same zone change request. At that meeting the council chambers were overflowing with highly opposed citizens. The city council denied that request. Prior to that when the Make A Wish building was built, the city council had also told the citizens that was it and there would be no more zoning changes, no more commercial encroachment coming the direction that it is currently coming. It seems odd to him that at what point do the citizens trust the city council and Murray City people when they tell the citizens that something is going to occur and the citizens make judgments on their homes, on improvements, investments and can't ever count on that information. He asked how often will they come back to this issue. He expressed concern that the residents on Labrum Avenue will have this building in their back yards. He stated last year the discussion included the proposed building and the developers were more open about the issue and this is a backward approach just wanting to discuss the zoning only. He stated he brought a million dollars' worth of business and real estate on promises that were not kept. He asked if the developers are going to keep nipping at their heels

until it happens and when do the citizens throw in the towel. He stated this feels like a no confidence vote. He stated this an emotional issue. He stated the Murray paper talks about family, a good place to raise a family, good people and he believes in all that but the back bone of good family is doing what you say, be trustworthy, move forward and work with one another.

Pam Squires, 687 East Winchester Street, stated her home is on the corner of 725 East and Winchester Street. She stated when Winchester Street was widened is when the first car came through her retaining wall from Winchester Street. A few years later another truck came through her property from 725 East Street. Another vehicle ran onto her property through the corner and took out her very expensive fence. She stated every time Murray makes a change like making the road a four lane road from a two lane road or increasing the speed limit, their property pays the consequence. She stated that less than a year ago their parking strip along 725 East was eliminated in order to install a left hand turn lane. She stated the left hand turn lane doesn't match the left hand turn lane coming from Midvale across the street. In March and April of 2014, there were three accidents as a result of this. She stated she must now wait for two lanes of traffic before she can turn right or left. When she is going to turn into her driveway, she must wait long periods of time. She stated she installed planter boxes to stop vehicles from coming onto their property.

Colleen Fisher, 740 East Labrum Avenue, stated she has lived here for 38 years. She stated there is an R-1-8 flag lot that wasn't shown on the map adjacent to the east of the properties in question. She stated the Murray General Plan from 2003 has a section entitled "Hot Spots" where she read: "If a rezone were considered, should all residential lots be included regardless of size and development potential". It was a concern back then if a rezone were to be considered, should all residential lots be included regardless of size and development which is her concern because there are no defining lines for zoning boundaries. She stated on July 18, 2013 was the planning commission meeting wherein Mr. Woodbury stated: "He feels more discussion and research in this area is needed." She stated that she agrees with this statement and there should be more research and discussion in this area. She quoted Ms. Daniels from that same meeting where she stated..."In her opinion it may be time to review this area once again with the upcoming update to the general plan. She stated there is a lot of commercial in this area and that 725 East Street is a difficult intersection for traffic in the area." Ms. Fisher stated the update on the general plan has started and tax dollars have been spent on this update. She stated that their tax dollars would be best spent to wait on this zoning request until that update has been done.

Karen Hansen, 5837 Majestic Pine Drive, stated she has lived here her entire life, except for 9 years. She stated when Davis & Angie Hansen decided to buy their home at 736 East Labrum Avenue his father was a city councilman. She stated that she had no idea when the general plan said that everybody already thinks these properties are zoned commercial. She stated that Murray should be careful with their young families and they used to have 60 children under the age of 18 on their street and there are currently only 2 children. She stated young families are starting to come back into the area. Her daughter moved out recently because there weren't any young families in this area. She stated she has lived here long enough to know that

when Make A Wish was developed there were a great deal of problems associated with that. At that time they were told that Make A Wish was going to be the only commercial property in this neighborhood, but it has continually encroached into the residential neighborhood. She stated it made sense last year to deny this request and it makes sense again this time.

Kristin Fisher, 802 East Silver Shadow Drive, stated last year after the meeting she read through all the planning and zoning meetings for the R-N-B zone when it was developed. She stated there are some holes in the R-N-B zone and it is contradictory. She quoted "The zone should share design characteristics of nearby residential uses, provide a good neighborhood 'fit' and exude a distinct residential character." "Color shades shall blend into the neighborhood and unify the development. Building materials shall either be similar to the materials in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architecture detailing, color and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible." "The development shall have a residential character defined by appropriate density, massing, building materials, texture, style and rooflines. Generally, roof shall be of gable construction to provide a residential feel. Flat and mansard roofs will not be allowed in this zone except by conditional use approval." She stated the only regulation on density is provided by the number of parking stalls. She asked on a property this big, how can there be appropriate density to fit in a neighborhood. She stated at the meeting in 2013, Mr. Woodbury said once the zoning is changed if it is an allowable use and there is nothing else that can be done about it. Ms. Fisher stated she does not want the zoning to be changed until there are provisions put in for density because there cannot be a building that is 20,000 sq.ft. look like a residential home. She stated when the property owners asked her to sign a petition in favor of the Clarus Vision Center building, she indicated her opposition to that proposal because that building does not fit in the R-N-B zone. She stated that Mr. Tingey and the planning division recommended denial of the Clarus Vision building because it did not fit the zoning, but that the planning commission approved it anyway. She asked who the citizens hold accountable to uphold the laws because the laws of the R-N-B zone were not followed for the Clarus Vision building. She stated she is opposed the proposed zone change because she doesn't trust that the zoning laws and standards will be upheld.

Connie Mascherino, 6422 Joma Street, stated she feels this R-N-B zoning proposal is being shoved down the citizen's throats whether they want it or not. She stated a traffic flow evaluation should be done and 725 East Street is a residential street with children there going to school and the traffic is heavy and the crossing guards have a hard time. She stated that Silver Shadow will become a thoroughfare and there are a lot of children on the street. she stated during the holidays Winchester Street is a big concern and Silver Shadows will become an alternative east-west thoroughfare.

Alma Hansen, 5837 South Majestic Pine Drive, stated the most important word heard tonight is "re"zone. He stated when his children moved into the home at 736 East Labrum it was zoned. When a property is zoned, people have certain rights and expectations. When those rights and expectations are taken away by "re"zoning that is called a "taking" in the law. A taking costs cities money when they get sued

because they took away someone's right. When a property is rezoned, you must have a compelling reason to rezone. Last year the commission turned down this same exact request. What has happened in the last year that has caused it to be great. There has been nothing shown as to be compelling for a reason to change it. That zoning already provides for a transition from commercial to residential with the zoning it currently has. Just because someone asks for a zoning change and because it may partially be part of the general plan, so is R-1-8, but is a much less severe change than R-N-B. There is a good chance that Murray City will be sued for a "taking" in the law because of the rights of these people. Last year the citizens spoke loudly in opposition to the zone change and there has been no compelling reason to change it now.

Davis Hansen, 736 East Labrum Avenue, stated he concurs with the concerns expressed previously and that he is opposed to this proposed zone change.

Colleen Fisher, 740 East Labrum Avenue, stated she is opposed to this proposal.

Julie Collett, 10359 South 2460 East, in Sandy, stated she represents the Collett property and none of the other owners of their property in question live in the state. She stated the current owners of the property addressed 709 East Winchester Street, are now the children of the Collett family who lived in the home for many years. Most of the owners of the three properties are well into their 70's and many hours of time and effort have gone into trying to sell these properties over the past five years, and to put forth a project that would reflect the quality of the neighborhood and be useful to the buyer. During the time the owners, the realtor and the buyers have consulted Murray City planning and zoning commission as well as the city council many times. They have all worked very hard and paid many fees to meet the requirements for rezoning to R-N-B as outlined in the city municipal code. They have been told many times that everything they are doing will bring about the requested change, however, when the time came to make the change the request to the city council was denied. The Murray City General Plan indicates that a satisfactory use for this property in question is for a small business that blends in with surrounding residences and provides a transition from a busy street and surrounding businesses. She stated Winchester Street is not a residential street, it is not a place for people to live, it is a place for a business. She stated that she sells shutters and blinds for a living and she is in every area of the valley 2-3 times a week and over the past 15 years she has seen every city progress and evolve. There have sometimes been growing pains and not every change will make every property owner happy. Never the less change does occur. She stated they are here to discuss the progress of Murray City and the decision is not to side with one group or the other, but to put forth a plan that will better the city by having an attractive and profitable solution to this property which has become run down and is an eye sore. This home was originally built on a dirt road, and over time more homes were built, the road was paved and traffic increased, the neighborhood to the north was built. The mall was later built, then R. C. Willey and traffic increased. A freeway was built two blocks away. Winchester Street was widened to four lanes. The speed limit changed to 40 m.p.h. The residents feared for their safety when they left their driveway. They had a choice to make. The area had changed. They could choose to remain or choose to move. They chose to remain. Each of us makes decisions for our lives everyday but we don't get to decide for

others. The property owner behind them on the small lot bought a home that had a 10 foot rear yard and it was their decision to buy that home where their property to the south was master planned for R-N-B. The current property owners have chosen to sell their property and it has taken 5 years so far. There has been no one come forward with a market value offer to buy any of the three residences. No one wants to live there. It is prime commercial property on a high traffic road. They are left with only one option, to sell commercial. The value has been reduced because the value has gone down. They have an offer from a reputable developer who has gone to great expense to develop a plan that would increase the beauty of the neighborhood. Along with their realtor, they have made sure to meet every condition that the city has required. Once this is approved for a zone change, there is still a lot of work remaining to be done for the site plan and architecture to be approved. Approving the rezone does not let the developer loose to do whatever he wants, there are many regulations. There will be an opportunity for the citizens to give their input on the development.

Michelle Ruben, 689 East Silver Shadow Drive, stated she lives on the corner of Silver Shadow and 725 East Street. She stated her biggest concern is if these properties are rezoned as commercial it would increase the traffic on 725 East Street. She stated she can sit in her front yard and watch the drivers go past the speed posting sign showing speeds of 40 m.p.h. There are children who play on 725 East Street. She asked if there is a way that Murray City can help alleviate the traffic on 725 East Street that would be perfect.

Sergey Krasovskiy, 739 East Labrum Avenue, stated that the property owners could sell their property, but they just want more money for their property, that's why they are trying to rezone it. He stated the residents are going to suffer because these property owners want more money for their property. The rezone would affect everyone who lives around this property.

Glen Collett, 10259 South 2460 East, Sandy, stated his parents built the home in the 1930's and that home is falling apart. He spent \$7,000 last year just making the home livable and the two adjacent homes are in worse shape. The McDonalds have had their grandchildren in the home just to have someone there so it wouldn't fall apart. He stated he agrees with the traffic concerns and asked if anyone has tried to back out onto Winchester Street from a residence and it is deadly with 40 m.p.h. and four lanes of traffic. All the commercial properties require vehicles to enter and exit a car going in a forward motion. That's why the realtor met every requirement in the R-N-B zone last year and it was turned down and that opens the door for a law suit because they met every regulation in the R-N-B zone, not to mention 5 years or work put forth in that effort.

Joyce Jones, 5961 South Suwannee Circle, stated that listening to these people is bothersome that Ms. Collett would say that she was told that the property would be rezoned; therefore they all let their homes run down. It is wrong that they were told that their property would be rezoned and that they have been looking for five years is ridiculous. The other residents have bought their homes and trusted that this area would be a residential neighborhood. She stated she personally has been looking for homes in this area and their home has never been on the market as a home, it was

on the market as a commercial property. She has been told that here are people that would love to live in those three homes in question.

Carolyn Walker, stated her husband's father and mother lived in the corner which is 703 East Winchester Street. When they bought the home it was two lane dirt road and had the back yard with a garden with irrigation water. As growth occurred, the irrigation water was changed to culinary water. She asked who the people are that would like to buy the homes, and they would love to sell to them, but no one wants a house that was built in 1940 and is 800 sq.ft. and is falling apart. She stated they do not want to continue putting money into the home because it is ridiculous and no one would want to buy it knowing they would have to back out onto Winchester Street. That is why the property is being sold commercially because of the location. She stated personally she would rather have a home on Labrum Avenue that backs up to a brick wall and with landscaping and is well maintained than what is currently there. She stated this proposal is much better than apartments or some other use.

Shauna Nelson, 812 East Silver Shadows Drive, stated she has lived on Silver Shadows for 15 years and when she moved there all of the homes were operating as residential homes. She expressed concern where the commercial encroachment will stop. She stated they were promised that the north side of Winchester Street would remain residential.

Joyce Hamer, 824 East Silver Shadow Drive, stated her rear yard is the R. C. Willey parking lot and she knows what it is like to be behind a commercial building. They have trucks come at 3 a.m. in the morning and run their engines and wake them up. There are cars that park along the back fence and play their music loudly. Car alarms go off in the parking lot. There are special events and outdoor tent sale events that occur in the parking lot that are noisy. The commercial business encroaches on their residential life and she would hate to see it continue with this proposal. She asked the commission to deny this request.

Ned Walker, 1601 Shenandoah Circle, Taylorsville stated his parents are the owners of the corner property addressed 703 East Winchester Street. This property is probably the oldest and most run down. Winchester Street is a busy street and they cannot get in and out of the driveway. Mrs. Collett was given a ticket for driving into her driveway some years back. He stated they have been trying to get this rezone passed because there is no way anyone will keep these homes. Their proposal meets the requirements of the general plan for this area and the entire street of Winchester Street on both sides would be rezoned.

Richard Seiger, 753 East Labrum Avenue, stated the property owners haven't made any effort to interact with the neighborhood to get their input as to what would be acceptable. He stated last year the developer attempted to have a neighborhood meeting a couple days before the city council meeting which was last minute. He stated if these three properties are rezoned, there is one home at 757 East Winchester Street, that will be boxed in as still being residential. He stated his neighbor has to put out sand bags to prevent flooding from these properties in question. He asked if the drainage would be addressed if these properties become commercial. He stated he is not in favor of the zone change.

The public hearing portion of the meeting was closed.

Mr. Feder stated the residents will be pleased with the final plans that will be submitted in the next stage should the rezone change occur. He stated he has heard the comments and concerns and is fully aware of them. There will not be ingress and egress off 725 East Street. There will be plenty of buffer and screening between the building and the residential properties. The lighting will not impose upon the residents. He stated he can address concerns as they go through the final planning state for the development and the residents will be pleased with the outcome. The impact it will have is it will beautify the corner.

Mr. Tingey stated the purposes of the R-N-B zone include that it is to be an appropriate transition between high traffic arterial streets to adjacent residential neighborhoods. This is the purpose statement in the R-N-B zone, that it is a "transition" and is not the same as the Make A Wish zoning which is general office (G-O). The R-N-B zoning is a much less intense business residential zoning. The general plan process has started and it will most likely be a 1½ - 2 or 3 year process to go through the general plan which is very intensive. The first meeting will be the first week of October. No funds have been expended on the general plan to date, but it will be moving through the process. The existing general plan is in place and it could be a number of years before a new general plan is adopted, and the existing plan is what has to be evaluated now.

Mr. Tingey stated the application regarding the R-N-B zoning for the Clarus Vision property was considered several months ago. That application was never an issue on the staff recommendation of density or massing and that building was appropriate in density and massing. Where there were issues was some of the color shades, blending, architectural materials of the building and the planning commission does not have to take the staff recommendations and if the commission feels a proposal meets the zone and the characteristics of the zone and adhere it is the commissions prerogative to make that decision and they did that based on their feelings related to that. Staff is not always right, and the commission has the prerogative to go against staffs' recommendation. Mr. Tingey stated he disagrees with the comment made regarding density in the R-N-B zone having a loop hole. He stated the 30 foot height is the least height of any zoning district. You cannot build tall buildings in this area and the buildings have to be shorter than a residential home. That limits density. There are setback requirements and additional requirements that are not typical in other commercial zoning districts that limit density of a building. He stated there is no loop hole that relates to density in the R-N-B zone. The maximum height of 30 feet in the R-N-B zone is allowed only through approval of a conditional use permit, otherwise the height allowed is 20 feet.

Mr. Dansie asked if it is appropriate to change a zone when it creates a violation of the setback requirements on these other houses. Mr. Tingey responded the residential properties that do not have the adequate setback. Setbacks are based on the individual property and not on the adjacent property owners. There are legal nonconforming setbacks in that residential area and this rezone application does not

impact that. This proposal does not impact the existing setbacks of the residential homes to the north.

Mr. Dansie stated that it is a hardship for the residential property owners that they don't have an opportunity to get the proper setback. Mr. Tingey responded that is the residential property owner's problem and not this owner's property who is requesting the rezone. There is no obligation for this developer to give the adjacent property owners any property to make their setbacks meet the minimum.

Mr. Swaney asked about the Future Land Use map was in the 2003 General Plan which was part of an open city wide public process to develop this General Plan and future land use map. He stated the process included public hearings, public meetings, planning commission review and city council review and adoption. Mr. Tingey responded in the affirmative.

Ms. Mackay stated this proposal is a really safe way to go about having a transition and accommodating the growth in Murray City. The R-N-B zoning is the most restrictive type of zoning in the city. The R-N-B zone took into consideration the homeowners that would be impacted by any change and is a very suitable way to handle a transition from a busy street into a residential neighborhood.

Mr. Woodbury stated the comment regarding where does the commercial encroachment stop, that the Future Lane Use map shows where it will stop. He stated the city is functioning under the existing general plan, it is shown clearly where the commercial encroachment stops.

Mr. Swaney pointed out that if this zone change was not on a future land use map, he wouldn't consider it. But this has been through a public process and this property is the precise definition of what R-N-B is supposed to do and accomplish in the Future Lane Use and zone descriptions. It is difficult for him to understand what basis the commission would have to not follow that plan based upon these issues.

Mr. Woodbury stated last year he was one of the commission members that made the motion to deny the request but one of the comments he made that he thought was important was that the residents have influence and have their voices heard. He stated the process is going as it is supposed to go and it is following the general plan. The applicant is working with the city staff to follow all the different options. Many of the concerns regarding the zoning and what it allows are being addressed tonight. There will be another opportunity for site development input. He stated there was discussion amongst the planning commission and applicant regarding the Clarus Vision building and what was appropriate. He stated that it is important that the citizen's voices are heard and complimented those in attendance tonight.

Mr. Swaney stated there is something of a social contract with regards to this application. People have expectations as they look at the zone and what the properties of the development is supposed to look like and there is a social contract and the commission needs to stick to the ordinance to ensure that the end product is consistent with the definition and expectation.

Mr. Woodbury asked for a motion. He clarified that the motion is a recommendation to the city council which will be heard at a later date.

Mr. Taylor made a motion to forward a recommendation of approval to the city council for the requested zone map amendment from R-1-8 to R-N-B for the properties addressed 703, 709, & 753 East Winchester Street. Seconded by Ms. Mackay.

Call vote recorded by Mr. McIlrath.

A Gary Dansie

A Tim Taylor

A Vicki Mackay

A Buck Swaney

A Scot Woodbury

Motion passed, 5-0.

Mr. McIlrath mentioned that the general plan open house is scheduled for October 9th, 2014 at the Murray High School, Spartan Cove at 5-7:00 p.m. This will be the first public meeting for the general plan update.

OTHER BUSINESS

Meeting adjourned at 8:20 p.m.

Jared Hall, Manager
Community and Economic Development