

Minutes of the Planning Commission meeting held on Thursday, February 5, 2015, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Chair
Buck Swaney, Vice-Chair
Tim Taylor
Karen Daniels
Travis Nay
Gary Dansie
Jared Hall, Community and Economic Development Manager
Brad McIraeth, Assistant Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Scot Woodbury

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.

Phil Markham opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mrs. Daniels made a motion to approve the minutes from January 15, 2015 as submitted. Seconded by Mr. Swaney.

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

Mr. Taylor made a motion to approve the Findings of Fact for Secured Car Brokers, L & A Auto, Inc. Seconded by Mr. Swaney.

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

GENERAL PLAN AMENDMENT/ZONING MAP AMENDMENT – Ken Bell, Steve McPhie UTA – 29 West & 20 East Winchester Street – Project #15-03 & 15-04 – Public Hearing

Kenneth Bell and Stephen McPhie were the applicants present to represent this request. Jared Hall reviewed the location and request for a General Plan amendment from Residential Single Family Low Density to Office and a Zone Map amendment from R-1-8 zone to G-O at the properties addressed 20 East Winchester Street and 29 West Winchester Street. The Murray General Plan future land use map identifies the properties to be residential single family low density. There is an existing dwelling at the east side of the property and a communications pole and facilities at the west

side of the property. UTA has ownership of a small portion of property for a bus stop shelter that has frontage adjoining Winchester Street. The applicants Ken Bell & Stephen McPhie stated on the application, the long term plan is to replace the existing residential structure with a new office building. There are two office buildings located on adjacent properties to the north which are zoned G-O (general office) and C-D-C (commercial development conditional) and an office building is located on the abutting property to the east which is zoned C-D-C (Commercial Development Conditional). The I-215 highway is abutting to the south and west side of this 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. Various permitted uses are allowed in the General Office zone such as business financial, insurance, and real estate office uses, pharmacies, and optical shops. Other types of uses are allowed in the General Office zone with Conditional Use Permit approval such as: restaurants, retirement homes, barber services, travel agencies, education uses. The maximum building height allowed is 30 feet high within 100 feet of the nearest residential zone district. Beyond 100 feet, the building height may increase one foot of height for each four feet of setback from a residential zone. A mailing was sent on January 21, 2015 and to the surrounding property owners in the area. As of the date of this report, one phone call has been received from the adjoining property owner, Perry Homes, which had questions regarding the proposed use for the property.

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 for the subject properties has been identified as residential single family low density use, but there are unique conditions relating to these properties abutting Interstate I-215 highway located to the south and west. Winchester Street is a high volume traffic road to the north of these properties. With the surrounding business uses and high volume traffic conditions with I-215 and Winchester Street, the subject properties are not conducive for residential uses and office uses will be more compatible to this location. The General Plan states that at times there is a need to consider a range of creative solutions for site specific issues that do not compromise broader ideas, related issues and goals and objectives of the General Plan. There are unique issues related to these properties, including close proximity to a major arterial street, abutting Interstate I-215, the separation distance to residential neighborhoods, which makes office uses more compatible to this location. For these reasons a modification to the General Plan is warranted. Based on the above findings, staff recommends the Planning Commission forward a recommendation of approval to the City Council for the requested General Plan Map amendment from Residential Single Family Low Density to Office and a Zone Map amendment from R-1-8 zone to G-O zone at the properties addressed 20 East Winchester Street and 29 West Winchester Street.

Mr. Taylor asked if this would be a public hearing, Mr. Hall stated that it is a public

hearing tonight, yes. Mr. Markham asked if there had been any public comment received at the office. Mr. Hall stated that we have not received any public comment on either of the two applications.

Ken Bell, 2893 County Road, South Jordan, stated that he and his partner, Steve McPhie, feel this use is warranted and there really isn't any residential around it. The property is adjacent to the freeway to the south and 6400 south Winchester to the north, and offices across the street and adjacent to it, and they feel this is a good use for the property where residential really isn't best used for at this time. It doesn't interfere with any other residential uses or zone.

Mr. Swaney questioned the overall time frame for when they will develop the property, and his reason for asking for the zone change, because the City has started updating its general plan. The area, when the last general plan was developed didn't have a transit stop and now it does, which means perhaps there might be some other desirable land uses there that could be compatible with what they are looking for and might be more compressively reviewed in that public process, so he's curious about the proximity of their plans. Mr. Bell stated that they don't have a timeline in place yet, but would probably be a couple years down the road. He stated currently they will maintain the cell tower and have a lease with those folks. He stated they intend to rent out the house for a couple of years. In discussing with staff and others at the office, that idea seemed to make the most sense in discussing traffic issues as well. He stated they thought about high density residential, but it's a little tough getting in and out of there with the traffic signal on State Street and Winchester.

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

Mr. Swaney stated from his own perspective what staff is proposing and what is being proposed are entirely compatible with the land use. He stated that as the public process unwinds, there is a potential that some of the land use around there might desirably change to T-O-D zoning and there may be non-conforming uses in that area. He stated that it is compatible but foreseeable to be within walkable proximity to the transit.

Mr. Taylor asked if Mr. Swaney was thinking transit oriented related to State Street or related to the light rail line. Mr. Swaney stated in proximity to the light rail line. Mr. Taylor stated that it farther than a quarter of mile away at that point. Mr. Swaney stated that it slightly pushes the walkable boundary envelope, but it is equidistance to the transit stop and to the mall, which is a really nice feature of Transit Oriented Development. It gives a walkable proximity to both the transit and to amenities that you might like and want to use.

Mr. Nay stated that personally he believes that the freeway itself is a big physiological barrier, and that perhaps this is the border for office and T-O-D.

Mr. Nay made a motion to forward a positive recommendation to the city council for a general plan amendment from Residential Single Family Low Density to Office for the properties addressed 29 West and 20 East Winchester Street. Seconded by Mrs.

Daniels.

Call vote recorded by Brad McIlrath.

A _____ Karen Daniels

A _____ Tim Taylor

A _____ Phil Markham

A _____ Buck Swaney

A _____ Travis Nay

A _____ Gary Dansie

Motion passed, 6-0.

Mr. Swaney addressed the Zoning Map Amendment from R-1-8 to G-O.

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

Mr. Nay made a motion to forward a recommendation to the city council for a zoning map amendment from R-1-8 to G-O at location 29 West and 20 East Winchester Street.

Seconded by Mrs. Daniels.

Call vote recorded by Brad McIlrath.

A _____ Karen Daniels

A _____ Tim Taylor

A _____ Phil Markham

A _____ Buck Swaney

A _____ Travis Nay

A _____ Gary Dansie

Motion passed, 6-0.

J CABINETS & COUNTER TOPS – 4195 South 500 West #44 - Project #15-08

Pat Richards was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for a granite countertop fabrication business at the property addressed 4195 South 500 West #44. Municipal Code Ordinance 17.152 allows cut stone and stone products (LU #3270) within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant proposes to operate a granite countertop fabrication business at this location. The applicant proposes to use a nine hundred (900) square foot unit for the cutting and fabrication of the countertops. According to the application materials, the unit includes an open floor plan with one (1) unisex restroom and an overhead door. The applicant has indicated that this location will only be used for the cutting and fabrication of the countertops and that the installation will be completed by independent contractors. Parking for this type of use is calculated at the rate of one (1) parking space for each seven hundred and fifty feet (750) square feet of net floor

area. For this proposed use in a nine hundred (900) square foot unit, a minimum of one (1) off-street parking space must be provided. The submitted materials indicate that there are a total of three (3) parking spaces designated for this unit, which meets the minimum required by ordinance. The existing building complies with the setback and height standards of the M-G-C zoning district. The site has landscaping which was previously approved. Access is provided from 500 West Street. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval of the granite countertop fabrication use at the property addressed 4195 South 500 West #44 subject to conditions.

Pat Richards, 6337 Secluded Oak Circle, Salt Lake City, stated that she has personally checked and there have been other granite fabrication done in this same building complex. She also checked with the owner of the facility Kelly Gordon, and he is agreeable with letting them stay there as a granite fabricator. Ms. Richards stated the drain was raised and that no silt will go down in the sewer, and it gets clean after each time they cut granite. She indicated that she has reviewed the staff recommendations and will comply.

Mr. Markham verified with Ms. Richards that she would be able to make plans for the granite to go either inside the building or be stored at another location that won't be allowed to be stored outside; Ms. Richards stated that it wouldn't be a problem.

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

Mr. Swaney made a motion to grant Conditional Use Permit approval for a granite countertop fabrication business at the property addressed 4195 South 500 West #44 subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The project shall comply with all Murray City Water and Sewer Department requirements. The business shall be inspected by Murray City Water and Sewer Department and by representatives from the Central Valley Water Reclamation Facility in order to determine if this use will be required to comply with discharge regulations.
4. The off-street parking spaces provided for this unit shall not be used for outdoor storage, but shall be reserved for motor vehicle parking. All storage of granite and other related materials shall be stored inside the unit or at a separate property designed for outdoor storage.
5. The applicant shall obtain a Murray City Business License and comply with all the standards of that licensure prior to the commencement of business operations.

Seconded by Mrs. Daniels.

Call vote recorded by Brad McIlrath.

A _____ Karen Daniels

A _____ Tim Taylor

A _____ Phil Markham

A _____ Buck Swaney

A _____ Travis Nay

A _____ Gary Dansie

Motion passed, 6-0.

MDECORWOOD, LLC – 4141 South 500 West #4 – Project #15-09

Aldo Murguia was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit for furniture and door manufacturing for the property addressed 4141 S. 500 W. #4. Municipal Code Ordinance 17.146 allows furniture and door manufacturing within the M-G-C zoning district subject to Conditional Use Permit approval. The applicants are requesting approval for a household furniture and residential door manufacturing business at this location. The business location is comprised of a warehouse area of approximately 935 square feet which will be used for manufacturing and a small office which is about 165 square feet. The business will be operated by the owners with a maximum of two (2) people working at the business. The proposed hours of operation will generally be from 7:00 a.m. to 6:00 p.m. The parking requirement for this type of use for office space is calculated at the rate of 4 parking spaces for each 1,000 square feet of net office space plus 1 parking space for each 750 square feet of net warehouse floor area. The submitted floor plans show approximately 165 square feet of office space and 935 square feet of warehouse space which requires two parking stalls for employees working at the site plus one parking stall is required for any customers parking at the site. Based on the aforementioned requirements, a total of three parking spaces must be provided for this business use. This property has seven (7) office/warehouse units with a total of fifteen (15) parking spaces, including the stall for ADA parking. Currently only four of the units are occupied by licensed businesses so there is some additional parking available during daytime business hours. The building with office/warehouse uses on this property was approved and built in 1991 and 1992 and meets the current setback requirements of the M-G-C zoning district. The landscaping for this property complies with the minimum standards of the Landscape Ordinance Chapter 17.68, and no modifications are being proposed. The access to this property is from 500 West Street. The Murray City Water and Sewer Department recommended approval but noted that they do not provide water or wastewater services to this property. The building division requires the applicant to meet all building and fire codes, and provide code analysis and egress plan. Based on the information presented in this report, application materials submitted and site review, staff recommends the Planning Commission grant approval of the Conditional Use Permit allowing a furniture and door manufacturing business subject to conditions.

Juan Vasquez was there speaking on behalf of Aldo Murguia, 6576 West 3785 South, West Valley. Mr. Vasquez stated that Mr. Murguia doesn't speak English very well.

He had no additional comments. Mr. Vasquez stated that he has read and explained the staff recommendations to Mr. Murguia and he will comply.

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

Mr. Taylor made a motion to grant Conditional Use Permit approval for a furniture and door manufacturing for the property addressed 4141 South 500 West, #4 subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The trash container shall be screened as required by Section 17.76.170 of the Murray Municipal Code.
4. Adequate off-street parking shall be provided for the tenants of this development as required by Chapter 17.72 of the Murray Municipal Code.
5. The applicants shall obtain a Murray City Business License prior to commencement of business operations.

Seconded by Mrs. Daniels.

Call vote recorded by Brad McIlrath.

A____Karen Daniels

A____Tim Taylor

A____Phil Markham

A____Buck Swaney

A____Travis Nay

A____Gary Dansie

Motion passed, 6-0.

LAND USE ORDINANCE AMENDMENT – CONDOMINIUM ORDINANCE CHAPTER 17.62 – Project #14-191

The purpose of the proposed new Condominium Ordinance Chapter 17.62 is to replace existing outdated ordinances which were mainly directed to condominium conversions within existing residential properties and apartments which are changing to owner occupied housing. The previous ordinances were not included in the Murray Zoning Ordinance, but this new Condominium Ordinance is a new chapter 17.62 in Title 17 of the Land Use Regulations. The new Condominium Ordinance will apply to both new condominiums and condominium conversions from existing housing and to conversions of existing commercial buildings and new construction for commercial business condominiums. Staff just received comments from the city attorney's staff T-O-Day regarding changes to the condominium ordinance, but those changes were not

included with the packets due to lack of time. A subsequent email was sent to the planning commission members with the changes incorporated. This item has been previously reviewed by the Planning Commission on November 20, 2014, December 4, 2014 and January 15, 2015.

Mrs. Daniels asked about the notice to the tenants and if the state code covers the equal housing or tenant right information. Mr. Hall responded the state code portion is specifically for tenants, and this proposal is related to the Condominium Ordinance as a city and it is not really dealing with fair housing or equal housing issue.

Mrs. Daniels asked if the ordinance should include any fair housing issue in the situation of a condo conversion. Mr. Hall commented that if the commission would like staff to pursue this, there would need to be more time allowed for staff to do so. He stated there was talk some years ago with changes to mobile home parks and other lower income housing developments notices and not just to the property owners. It's the same kind of thing and that still may apply. He stated this may need to be researched further and that this item should possibly be continued to another date; or if we take it forward to the Council, that may still be researched and report back to the commission.

Mr. Markham stated that if there is no urgency it might not be a bad idea to continue it one more meeting.

Mr. Critchfield stated that he would be happy to look into the matter along with Mr. Hall. He stated that the concern arises because when you look at the ordinance what it says is, they not only give the tenants notice but they also have the right of first refusal. He has looked at other states and California, Florida, Massachusetts, have this requirement when there is a condominium conversion, but Utah doesn't require that. He stated that other cities in Utah such as West Valley and Provo also require the tenant notice. He stated that he and Mr. Hall look at this in terms of what does state law say, what does it allow us to do, and that state law is essentially saying in effect is that's a private party agreement, we don't need the government getting in the middle of that and saying here's who you have to offer first to, and here is who you have to give notice to. If there is a housing issue that is out there, it's likely between the landlord and the tenant and not including Murray City itself. That is one issue. The second issue is, if someone violates this what is the remedy? What should the remedy be? He stated currently we have references to the enforcements provisions of the title 17 which applies throughout the zoning code. Which means you can issue a class C misdemeanor, or you could go after an injunction. Once you stop a projects' approval, the concern of course is the timing. He has to view these issues in a legal aspect and how to protect the city from liability and law suits.

Mr. Nay asked if it is just the right of first refusal that Mr. Critchfield has an issue with, or the time period being the 90 days, or 120 day notice. Mr. Critchfield responded both, and the right of first refusal is a huge issue. He stated that, in his opinion, notices are just outside the scope of what the state has told us what we can do. In some respects I think the state legislature looks at cities and sometime thinks we just poke them in the eye if we decide to go beyond what they've said explicitly we can do. This is one of the cases where we don't want to be their test case. This may be

remote, and may never be an issue, but there is no way to predict that.

Mr. Nay questioned if there is no notice requirement included in the ordinance informing residents about the condominium application, if the state's fair housing act would allow them thirty days. Mr. Critchfield stated the proposed ordinance was requiring ninety days. Mr. Nay clarified that he understood the current proposed ordinance would require a ninety day notice, but was asking if the fair housing rules from the state would require a thirty day notice even if any notice requirement were removed from the city's proposed ordinance. Mr. Critchfield said that we could look into the requirements of noticing that might be in the fair housing rules, and that we could look for things we might have missed that would give us authority as a city to impose a tenant notice requirement.

Mr. Markham asked a procedural question about public comments and continuing the hearing. Can he bring the discussion back to the Commission without closing the public comment? Mr. Hall said that the public hearing could remain open, all that was needed was a motion, second and vote to continue the hearing to a certain date.

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

Mr. Markham brought it back up to the commission and asked if anyone was prepared to make a motion of any kind. Mrs. Daniels stated that she would rather rely on advice from legal counsel as to whether or not to include the tenant noticing and first right of refusal in the ordinance. If there is a fair housing thing out there then that will protect the tenants to their equal rights as far as the eviction notices, and so forth and doesn't set Murray City up for litigation. Taylor stated that it is also important to note that this is a recommendation to the city council, that they do have the final say. The council will take their decision into account and make their final decision. Mr. Swaney stated that he would like this worked through by staff before they deliberate over it in a final version.

Mr. Taylor asked if the other cities that were reviewed had any provisions for this? Mr. Hall stated that they do. Mr. Taylor stated that they have already gone out on the line. Mr. Hall said that some states outside of Utah require it. Utah does not. The cities that were looked at do have the provision in it where you notify tenants. Mr. Taylor asked both the notice and the right of first refusal? Mr. Hall said he couldn't tell him that, he did know notice to tenants.

Mr. Swaney made a motion to continue the public hearing for the Condominium Ordinance Chapter 17.62 to the next scheduled meeting on February 19th, 2015.

Seconded by Mr. Taylor.

Call vote recorded by Brad McIlrath.

A_____Karen Daniels

A_____Tim Taylor

A_____Phil Markham

A _____ Buck Swaney

A _____ Travis Nay

A _____ Gary Dansie

Motion passed, 6-0.

LAND USE ORDINANCE AMENDMENT – SECTION 17.08.020; DEFINITION OF LIVE/WORK UNIT – Project #15-14

Brad McIlrath, representing Murray City, presented this proposal. The Transit Oriented Development (T-O-D), Mixed Use (M-U), and Murray City Center (M-C-C-D) Zoning Districts are intended to promote street life and activity by encouraging pedestrian oriented design with a mix of cultural, commercial and higher density residential uses. The mix of commercial and residential uses allows individuals to live or work within close proximity to transit opportunities, restaurants, and other retail and commercial amenities. Within the T-O-D zone, some residential developments have been designed to allow residents to live and work at the same location. Although this type of land use can be seen historically and in areas throughout the country, the Murray Municipal Code does not provide standards for the development and regulation of the live/work use. Recognizing the need for such development standards, Murray City Staff proposes a definition and development standards for this type of land use. The proposed definition and development standards are intended to allow a land use which will be beneficial to these areas and the community.

The proposed definition was written emphasizing the requirements of Section 419 of the International Building Code for Live/Work Units:

Live/Work Unit: A live/work unit is a dwelling unit in which a significant portion of the space includes a nonresidential use that is operated by the owner/occupant. The nonresidential area of the unit shall be limited to the ground floor and shall not occupy greater than fifty percent (50%) of the live/work unit total floor area. The live work unit shall not be greater than 3,000 total square feet and no more than five (5) non-occupant workers or employees are to occupy the nonresidential area of the live/work unit at any one time.

The Murray Community Development Staff recommends that this proposed definition be added to the list of definitions found in Section 17.08.020, and that the term be added as a permitted use in each chapter of the land use ordinance governing the T-O-D, M-U and M-C-C-D zoning districts. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed land use text amendment to add the definition for live/work units to the Murray City Zoning Ordinance.

Discussion between Mr. Nay and Mr. McIlrath regarding the designation of live/work units in a development. Live/work units must meet building code standards and the commercial component must be independent of the residential. Conversion of a residential unit to a live/work unit would require a building permit. Mr. Nay asked about the use of the residential area for business storage. Mr. McIlrath stated that all

of the business use including storage must be confined entirely within the non-residential area of the live/work unit.

Mr. Nay and Mr. Markham discussed the requirement for separate restrooms for the residential and non-residential areas. Mr. McIlrath and Mr. Hall stated that building codes would dictate the location of and the number of restrooms required for residential and non-residential uses. They also stated that building code occupancy standards would be different for both the residential and non-residential areas. Mr. McIlrath referred to section 419 of the building code requiring separate plumbing facilities of the non-residential area. Mr. McIlrath stated that the existing corner live/work unit appeared to have separate facilities when he performed a site visit.

Mr. Dansie stated that some time ago, that specific corner live/work unit was marketed with the ability to rent the ground level as office and the remaining area as residential. Mr. McIlrath replied that with the adoption of the proposed definition for live/work units, all future developments would require that the person operating the business would also have to reside there.

Discussion ensued regarding existing live/work units that are being rented separately as Mr. Dansie stated, and how those would be treated as legal non-conforming uses with the adoption of this definition and accompany development standards. Mr. Swaney asked about the types of uses allowed within the non-residential area. Mr. McIlrath replied that the uses would be determined by the underlining zoning district and provided examples. Mr. Nay asked about allowed uses, citing dance halls, ball rooms and bars. Mr. McIlrath and Mr. Hall addressed the question with those types of uses complying with appropriate parking and design standards. They stated that some uses would not work because of the type of scale of those uses and the scale of live/work units.

Mr. Taylor stated that he had a couple of comments about the terms tenant and owner. Tenant seems to denote someone leasing the place. If a person lived upstairs and rented out the downstairs, could they say they were running a business, because they were renting the first floor to someone? Mr. Hall stated it was a good point to consider. He thought the difference might be a result of the language coming from building codes where the term tenant simply meant an occupant. Mr. McIlrath stated that currently the city required a person renting a dwelling to someone else to have a business license, but the situation described would probably not be allowed, it would violate the intent. Mr. Taylor stated that he didn't think we'd be dealing with the situation a lot, but thought it might be better if we changed the term from tenant to occupant. Mr. Swayne inquired about business licensing. Mr. McIlrath reviewed the standard for home occupation business licensing. Mr. Taylor then stated that he had one more definition issue regarding first floor or main floor. Could people argue that their second story was really their main floor? Mr. McIlrath asked if he thought it would read better as the ground floor. Mr. Markham stated that he thought that made more sense.

Mr. Markham stated that all three of the zones being discussed tried to have on-street parking available for those coming and going, and then the off street parking is reserved for people living in the area. He wondered if at night any on-street parking

would really be available. Mr. Nay asked if the business hours could be limited to address that. Mr. McIlrath stated that the issue is addressed in the RNB zone, limiting business hours to between 7:00 a.m. and 10:00 p.m. That could be addressed here as well, but people living in the area may want to have a business available after those times. The situation is slightly different. Because the on-street parking is public, no businesses could truly reserve that for their use. Mr. Markham asked if the businesses could call them drop off zones only. Mr. Hall stated that the roads in question are all public rights of way, so the city would have to make the designation.

Mr. Nay asked if someone could build a PUD in this area and if so do you have that same authority, I guess you are doing the design phase. Mr. Hall stated that we do not do private roads in PUDs. Mr. McIlrath stated that in the T-O-D you can have private roads, but with specific approval. The city is going to be heavily involved with those private roads. He spoke with Tim Tingey and he did mention that we can have private roads. I didn't think we could in the entire city but in the T-O-D from what I understood from him you can, but it is going to be highly regulated by the city. The private roads have to be developed to city standards.

Mr. Taylor asked if somebody comes into the MCCD with a new development proposal, where they have a really swanky nice way to do mixed use that is retail down and has nice condominiums above where somebody would like to run something bigger that's a 3,000 sq. ft. restaurant but they want to be able to live above the restaurant space that they operate. Mr. McIlrath stated that essentially yes the development type would be different, and wouldn't be a live/work. Mr. Taylor stated that we just wouldn't designate what we call it. Mr. Nay they essentially would own that portion up above if it was ownership. They would own their condo above and then they would probably own the space below. It would be different.

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

Mrs. Daniels made a motion to forward a recommendation of approval to the city council for the proposed land use text amendment to add the definition for live/work units to the Murray City zoning ordinance with the following changes to the definition;

Live/Work Unit: A live/work unit is a dwelling unit in which a significant portion of the space includes a nonresidential use that is operated by the owner/occupant. The nonresidential area of the unit shall be limited to the ground floor and shall not occupy greater than fifty percent (50%) of the live/work unit total floor area. The live/work unit shall not be greater than 3,000 total square feet and no more than five (5) non-occupant workers or employees are to occupy the nonresidential area of the live/work unit at any one time.

Mr. Taylor asked before they vote could they discuss the ground floor; also add that this would be for T-O-D, MU and MCCD zones.

Mrs. Daniels agreed to the change.

Seconded by Mr. Taylor.

Call vote recorded by Brad McIlrath.

A _____ Karen Daniels

A _____ Tim Taylor

A _____ Phil Markham

A _____ Buck Swaney

A _____ Travis Nay

A _____ Gary Dansie

Motion passed, 6-0.

MURRAY FIRECLAY TRANSPORTATION MASTER PLAN – MURRAY FIRECLAY
TRANSPORTATION MASTER PLAN AMENDMENTS – Project #15-11

Brad McIlrath presented this request. In February 2007 the Murray City Council passed a resolution adopting the Fireclay Redevelopment Project Area, Street Network, Circulation Plan, and Street Design Cross Sections (Fireclay Transportation Master Plan) as part of the Transit Oriented Development (T-O-D) Zoning District Design Guidelines. The Fireclay Transportation Master Plan specifies the road configuration of future and existing roads and development standards for those roadways. This plan also includes proposed future road connections, the establishment of gateways to the Fireclay T-O-D and development of a pedestrian pathway system within the area. The intent of these design standards is to create a specific design character for the Murray Fireclay District which is pedestrian and transit oriented. Since the adoption of the Fireclay Transportation Master Plan, roads and pedestrian pathways have been developed which have created the unique design character desired for the Murray Fireclay District.

With the literal implementation of the Fireclay Transportation Master Plan, proposed streets, trails, and future road connections have been identified as either existing or future conflicts. Certain streets cannot be developed due to the physical nature of the area without drastically affecting the layout and character of this district, while other streets and pathways cannot be developed due to life-safety conflicts with the light rail lines. The existing plan also includes proposed streets in the location of the UTA light rail station and the UTA paratransit center. The proposed modifications outlined in this report are intended to address these potential conflicts while preserving the goals and vision of the Fireclay Transportation Master Plan for the Murray Fireclay District. Due to the complexity of this report, Staff has included attachments with the existing map layout of the master plan and the changes of the design standards outlined in this plan. Please contact Brad McIlrath with the Community Development Division for additional assistance in understanding the material outlined in this report.

Elimination of Couplet Street Section

The Couplet Street Section is identified as 4250 South and 4300 South from West Temple to 200 West. This street section consists of a one-way travel lane and one parallel parking lane. Both 4250 South and 4300 South (Fireclay Avenue or 4295 South) have not been developed in accordance to these standards due to the need to have two travel lanes. The 4300 South Section (Fireclay Ave.) has been developed

with the street standards for a Principal East-West Street, and 4250 South has been developed with the standards for Residential Streets with limited on-street parking. There is an area of 4250 South that has not been developed, but will need to be developed as a Residential Street. Because no street has been developed or will be developed with the Couplet Street Section standards, and in order to provide clarity and consistency with the implementation of the Fireclay Transportation Master Plan, Staff is recommending the elimination of this street section.

Modifications of the Principal North-South Street Section (Main Street) and the Principal East-West Street Section (Fireclay Avenue)

The Principal Street Sections are identified as collector or arterial streets and are designed to provide safe and free flowing traffic circulation for automobile and pedestrian traffic. The existing standards for Main Street include two 11 feet wide travel lanes, one 11 foot wide center turn lane, and two 9 foot wide parallel parking lanes along with wide sidewalks and park strips. The development standards for Fireclay Avenue are identical to the standards for Main Street, except that there is no requirement for a center turn lane. With a mix of residential, transit, and existing industrial uses, each street is traveled by personal automobiles, dump trucks, semi-trailers, and buses accessing the light rail transit station. Because of the use of these roads by vehicles with wide profiles and the on-street parking, the Murray City Engineer and Community Development Staff recommend an increase of the travel lanes from 11 feet wide to 15 feet wide. This proposed modification will provide better traffic circulation and a safer street environment for on-street parking and pedestrians. The proposed increase in travel lane widths will not be accompanied with an increase in the design speed of these streets which will remain at 20 miles per hour.

Modification of the Promenade Street Section (Birkhill Boulevard)

The Promenade Street Section is designed to provide a unique/open residential and commercial character with wide travel lanes, front setback landscaping, planted park strips and a planted median. This street section is a vital component of the Fireclay Transportation Master Plan, promoting street and pedestrian connectivity (with accompanying design standards) in a location which could be considered the “heart” of the Fireclay District. The current location of the Promenade Street Section intersects the UTA Paratransit Facility and would require this facility to relocate if the road is fully developed. The facility is located adjacent to the UTA Trax and Bus Station, which is an important and central location in the Salt Lake Valley and Murray City for providing this type of service. In order to allow for the development of this street and the accommodation of the services provided by UTA to the public, Staff is recommending modifications to the west side of the Promenade Street section and the redirecting of the future street area further to the east. However, Staff proposes that at any time that UTA relocates this facility, these eliminated standards should be reinstated and required by Murray City to be provided by all future developments of this site.

Modification of the Secondary Street – Rail Adjacent Street Section (125 West)

This street section has been utilized with the development of 200 West and 125 West. The purpose of this street section is to provide a street with two-way traffic and one on-street parallel parking lane while also facilitating the development of the internal pedestrian pathway system for this district. Due to life/safety concerns any road or

street that parallels any rail line is required to have the connection with the street which crosses the rail lines (Fireclay Ave.) located a minimum of 250 feet away from that rail crossing. The existing plan places the connection of 125 West and Fireclay Avenue within that minimum distance requirement creating a life/safety issue with traffic turning onto the rail lines. In order to comply with this life/safety requirement, Staff proposes to redirect this section of 125 West in order to connect with Fireclay Avenue at the approximate location of the existing drive access of the foam manufacturing business (See Revised Plan). Because this street section would no longer include the pedestrian pathway, it would be reclassified as a Residential Street Section. Trails do not require the same distance separation as street connections, so the proposed pedestrian pathway will continue north in the same location and connect with Fireclay Avenue.

Elimination of Streets Dissecting UTA Trax Station & Paratransit Property

The existing transportation master plan proposes streets in the locations of the UTA Trax Station and the UTA Paratransit Facility. Both of these facilities are to remain long term due to the character of the T-O-D Zoning District; the light rail station being a vital component of the Fireclay District. The services which these facilities provide are extremely valuable to this area and the replacement of these facilities with the proposed streets would be detrimental to the success and character of this transit oriented zoning district. The elimination of these proposed streets will ensure that these facilities remain as an important component of this district.

Modifications to Pedestrian Pathway Network

The purpose of the Fireclay Transportation Master Plan is to provide both a street network and pedestrian pathway network. This pedestrian network is intended to include both trails and sidewalks for recreation and walkable access for individuals throughout the Fireclay District. The proposed modifications include:

- The connection of the Railside Trail east of the Trax lines to Main Street with a Pedestrian Trail.
- The relocation of the Pedestrian Trail located within the Lionsgate and Brickgate Apartments to be adjacent to the commuter rail lines and reclassifying that trail as a Railside Trail.
- The removal of the Pedestrian Trail between Main Street and State Street.

The removal of the Pedestrian Trail between Main Street and State Street is proposed because this area is not included in Fireclay District and is predominantly zoned C-D-C with properties that did not wish to be included in the T-O-D Zone.

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed modifications to the Fireclay Transportation Master Plan which includes the following:

1. Elimination of the Couplet Street Section and the associated standards.
2. Modification of the Principal North-South Street Section. (Main Street)
 - a. Widening of the right-of-way width from 82 ft. - 102 ft. to 86 ft. -106 ft.
 - b. The proposed widening will allow an increase of the width of the travel lanes from 11 feet to 15 feet.
 - c. The total pavement width will increase from 51 feet to 59 feet.

- d. The pedestrian crossing time will increase from 15 seconds to 18 seconds. (3.3 ft. per second)
3. Modification of the Principal East-West Street Section. (Fireclay Avenue)
 - a. Widening of the right-of-way width from 71 ft. – 81 ft. to 79 ft. -89 ft.
 - b. The proposed widening will allow an increase width of the travel lanes from 11 feet to 15 feet.
 - c. The total pavement width will increase from 40 feet to 48 feet.
 - d. The pedestrian crossing time will increase from 12 seconds to 15 seconds. (3.3 ft. per second)
4. Modification of the Promenade Street Section. (Birkhill Boulevard)
 - a. Reduction of the minimum right-of-way width from 85 feet to 66 feet.
 - b. Reduction of planted median from 12 feet to 11 feet.
 - c. Removal of the west 9 foot parking lanes.
 - d. Removal of the west 5.5 foot concrete park strip.
 - e. Removal of the west 6 foot wide sidewalk.
 - f. The pedestrian crossing time will decrease from 19 seconds to 12 seconds. (3.3 ft. per second)
 - g. *In the event of relocation of this UTA facility, these eliminated standards should be reinstated and required by Murray City to be provided by all future developments of this site.*
5. Modification of the Secondary Street – Rail Adjacent Street Section (125 West)
 - a. This modification will realign this proposed street further to the west for compliance with access proximity requirements of the rail crossing at Fireclay Avenue. The future intersection of this road and Fireclay Avenue must be a minimum of two hundred and fifty feet (250') away from the rail crossing.
6. Elimination of all streets dissecting the UTA Trax Station and the UTA Paratransit property as shown in the existing Fireclay Transportation Master Plan.
7. Elimination of all proposed connections to Commerce Drive (300 West) across or under the Union Pacific and commuter rail lines.
8. Adjustment of the proposed trails and pedestrian pathway network to only show areas that are within the T-O-D zoning district.

Mr. Nay stated that that if a person is at the Trax station, they would have to cross the street to the east side of Birkhill to get to a sidewalk.

Mr. Markham asked Mr. McIlrath if UTA has indicated they will relocate elsewhere if the city does not accommodate their street improvement requests. Mr. McIlrath stated that he has not participated with the discussions with UTA, but they do have strong concerns with having that road go there because it greatly impact them and would cut through some of their buildings. It wouldn't allow them to have the site the way that they currently have it and they would probably have to relocate or do something else there at that site.

Mr. Markham expressed concern with amenities being eliminated if the footprint of the road is as indicated. Mr. McIlrath concurred. Mr. McIlrath stated this has come as a compromise with UTA and trying to make sure that at least the majority of the road still gets developed. Originally they wanted to have the road entirely eliminated. Mr. Hall stated that it is important to note that this is regarding the future right of way and

we don't have a road there now, and we are taking it as development happens. We need UTA to cooperate if we want to see the road go through, and see any kind of fulfillment of the proposed transportation master plan. Otherwise the road just doesn't go anywhere from there, because we need their land to do it.

Mr. Nay stated if this paratransit facility has persons coming to the site or are is this a dispatch location only. If it is a facility where people will frequent, then the sidewalk improvements are of great importance to be installed. Mr. Markham stated that it is an operations facility basically. Mr. McIlrath stated it's UTA's paratransit facility but they don't have people go to that area and it is not a hub. It's been a compromise between the city and UTA to make sure that this road and future right-of-way gets developed while accommodating some of the things that they would like to see. If we weren't able to make this type of a compromise, the road would essentially end at Edison. As staff we feel that it is important for connectivity in this area, that the road does get developed even if it's not necessarily to the full standards that we want it right now. He stated it is essentially trying to get what we want in the future while trying to accommodating the current concerns.

Mr. Nay ask if we could still achieve our goals and require a sidewalk on that area and still accomplish what the city needs by eliminating the 9 ft. of parking. Mr. McIlrath responded that yes, it is possible that to eliminate the on-street parking and have a park strip and sidewalk as well.

Mr. Swaney asked if anybody has reviewed UTA's T-O-D design standards handbook to see if what they are requesting is consistent with their own. Mr. McIlrath responded that the people that run this site are not necessarily the ones that developed the T-O-D standards or the planners for UTA and there are conflicting interests there.

Mr. Swaney stated when you build a T-O-D the question is, are you following standards that make it into a great T-O-D or are you compromising those standards with a number of smaller decisions. He asked about the standards for UTA and if those standards are different than their property.

Mr. Swaney mentioned that he understands that this area is in transition and the city is moving from industrial to T-O-D, and that because there are still a lot of high profile, tall, big, vehicles with lots of axels moving through the area. He questioned if the city makes accommodations for those kinds of vehicles now, we are slowing that transition. If we want to transition to a place that is walkable and bikeable are for families who can then forsake one of their automobiles, we don't do it by widening roads inside of what supposed to be built for, and designed for walkability and non-auto utility.

Mr. McIlrath stated that this area is intended to be an intimate pedestrian area and to be developed at a human scale. Along Main Street to the north there are a lot of industrial uses so there are semi-trucks and dump trucks that travel this area, and there are also buses that drive this same route.

Mr. Markham suggested that there be a caveat stating that if the UTA facilities move, then these standards get reinstated. Mr. Taylor asked if the city is going to spend 5 million dollars to redo a road. Mr. McIlrath stated it would be completing that side of

the road, and it would either be done by Murray City or it would be done by future developers. He explained that the current practice is any of these rights-of-way that get developed are developed by those who have developed the site. The developers put in the roads and then it is turned over to the city for future maintenance. They incur the initial cost but Murray City has the liability there after.

Mr. Nay asked if Murray City owns Main Street through that T-O-D section. Mr. McIlrath responded that yes it is a city right-of-way. Mr. Swaney asked the reason that people on Fireclay and on Main Street, the reason that they are driving in the middle lane is because they are creating enough buffered space so that they are not near the cars that are parked along the sides, if that corridor is widened, but instead of widening the traffic lanes we put a 3 foot bicycle lane on each side, that also creates that same buffer and would keep the cars out of the center lane and would increase mobility. It's probably a better solution. He stated he would like to be out at the site before making a decision. Mr. McIlrath stated we could recommend that to our city engineer because if you're going from an 11 ft. lane to a 15 ft. lane you have to the room to accommodate that size of a bike lane. There are two 11 ft. lanes and if you are going from 11 ft. to 15 ft. that's a 4 ft. increase, but it is a minimum increase. At a minimum we could add 1 (one) bike lane.

Mr. Swaney stated that if you buffer the driving cars from the parked cars by a bike lane, then those cars in the driving lane won't feel the need to create so much space and they can stay in the travel lane safely. That's perhaps a better way for us to look at this street section design and to help support the point and purpose of a T-O-D. Mr. Taylor agreed with Mr. Swaney, and stated that he doesn't think we need bike lanes on all of the streets. Mr. Swaney stated that he thinks it would be good for them to look at the whole thing comprehensively and he would be interested in participating in an onsite work session to look more carefully at the place and the opportunities and the challenges. Mr. McIlrath stated that staff would be in favor of going with the planning commission to look at the T-O-D area on mobile workshop and try to address the concerns. The T-O-D currently is a little under a half way developed. So this is a critical point in making sure that we get what we need there for the rest of the development.

Mr. Taylor asked if the plans show a 15 foot lane increase means we're widening the pavement section by 8 feet, but are showing the right of way increasing only by 4 feet, what are we getting rid of in the pedestrian realm? The overall right of way is going from 82 ft. to 86 ft. but we are increasing the work of the pavement by 8 ft.

There was a discussion about the maps that were included in the packets. Which maps showed the existing road layouts and which maps showed the future road layouts and right of way widths. The planning commission requested that they be provided with the entire transportation master plan, which includes the street sections lay outs and street cross sections. Planning commission is requesting the documents to review before the next planning commission meeting. And that the footage should be modified from 82 ft. to 90 ft. which would change drainage, inlets, etc.

Mr. McIlrath this plan was done in CAD and includes the actual right-of-way widths. The right-of-way includes not just the road, but also the sidewalks and all the

improvements. Mr. Taylor asked if the widening that is going to happen is only west of Main Street on Fireclay. Mr. McIlrath stated if the widening happens here and then these wouldn't match up. The west-east lane would need to be moved a little bit to line up. Mr. Taylor stated that the street is wide where it shouldn't be wide and narrow it shouldn't be narrow. He stated the Daybreak development in South Jordan has their Parkway which goes right through as a couplet. Those lanes are 11 foot wide and have 7.5 feet parking lanes including the curb and gutter, and they have semi-trucks all going out to the dump. The speed limit through there is 35 but people are driving about 30 on that. I understand that we are trying to accommodate some existing uses, but I have never been in the T-O-D development with 15 foot travel lanes. Mr. McIlrath stated the Daybreak development has smaller parking lanes are smaller and the travel lanes are smaller than what we've already got. The parking lanes here are 9 feet wide. Mr. Taylor said it's on an internal street and these are just local connector type streets. Mr. McIlrath stated that those recommendations are coming from other city departments to make those changes. As planning staff we are not in complete agreement with some of those recommendations, but we have been asked to include them.

Mr. Markham asked if we were to have a site visit with as many people that can come would it be possible to have the engineering staff there? Then they can hear the concerns from us as well. Mr. McIlrath stated it would be vital to have engineering come to the site visit, especially with the concerns about the bulb outs. Mr. McIlrath stated if any of the members of the planning commission would like copies of all the T-O-D design guidelines and this existing plan, we would be more than happy to provide that. That way you can go through the existing plan as it is, the street sections and provide more comments. The planning commission asked if this is a time sensitive issue. Mr. McIlrath responded that this is not a time sensitive issue, but if there are any development that goes on at this time, it would be using the existing standards.

The meeting was open for public comment.

Steven Anderson, 6550 Millrock Drive, Coldwell Banker Commercial. Mr. Anderson is representing the owners William Hansen and Karen Bortz on the property at 4390 South Main Street. Mr. Anderson stated that the impact of the 4390 South Main Street property is increasing due to road placement moving further east as a result of the evolving transportation plan. The changes appear to require additional land increasing amounts of road way on public property, decreasing the parcel size from 2.46 acres down to 1.9 acres, taking approximately .56 acres and then most likely requiring the developer to pay for those improvements, thus drastically affecting the value of the property. He stated this property is currently for sale and with the development going on; it's obviously going to be a development type property. He asked the commission to reconsider the plan, or have some sort of compensation in the form of an RDA or TIF incentive applicable to the property when the property is developed and to commiserate with those increased impacts.

Mr. Markham stated that the commission does not have final word on this project but we will be forwarding a recommendation to the city council. The ultimate decision on any those types of issues in the form of incentives or alternate financing, would need

to be decided by the city council. The planning commission will be forwarding a recommendation to them at some point.

Adam Lambert, 2475 North 860 West, Pleasant Grove, stated he is the acting developer on the piece of property at 57 West Fireclay Avenue. He stated they are close and in discussion with submitting for a site plan approval. He stated from their perspective, this is something that they would hope would be considered, as well as taking into consideration that they want to add to the community. He stated that from a developers stand point, if the roads are widened onto the property, it reduces the amount of buildable area which impacts their development.

Mr. Nay asked Mr. Lambert if he knew how much property would be taken. Mr. Lambert responded that from their perspective, they have already planned for all these things to take place. He stated their site plan has already done all the requirements for the T-O-D zone; widening the road, including the sidewalks and different things like that and have incorporated that already in their current site plan version. He stated that looking to the south on Edison Avenue, they would bear the brunt of the improvements and they are going to improve that entire area as well as 50 West, which is currently owned by UTA and they will be putting in the improvements for that as well.

Mr. McIlrath addressed Mr. Lambert's concern stating that the one change that would happen with this is that Fireclay would be widened, but the Birkhill area that abuts his property wouldn't change and the location of Edison wouldn't change. He stated they haven't calculated how much square footage would be taken on their property if Main Street were to be widened.

Mrs. Daniels stated that since we are making a motion to continue, that means that we will not close the public hearing and comment portion.

Mr. Swaney made a motion to continue the discussion of approving the proposed modifications to the Fireclay Transportation master plan until the February 19, 2015 meeting. Seconded by Mr. Taylor

Call vote recorded by Brad McIlrath.

A ___ Karen Daniels

A ___ Tim Taylor

A ___ Phil Markham

A ___ Buck Swaney

A ___ Travis Nay

A ___ Gary Dansie

Motion passed, 6-0.

TRANSIT ORIENTED DEVELOPMENT DISTRICT T-O-D - TRANSIT ORIENTED DEVELOPMENT DISTRICT ORDINANCE AMENDMENTS – Project #15-12

Brad McIlrath presented this proposal. The Transit Oriented Development (T-O-D)

zoning district is one of three mixed use zoning districts in the city. The purpose of this zoning district is to encourage pedestrian oriented design, promote development and protect public health, safety and welfare by preserving the unique character of existing areas for future use and development. The T-O-D encourages carefully planned mixed use development near transit stops which include multi-family residential, neighborhood oriented commercial and restaurant space, and increased opportunities for transit and pedestrian activity. By providing a mix of residential, commercial and transit opportunities, this area promotes public health and an active street life for those working, visiting or residing in this district.

First Floor Requirement:

T-O-D, M-U and M-C-C-D Background

Similar to the other mixed use zoning districts in the city, (M-U and M-C-C-D) an appropriate mix of both residential and commercial uses must be provided in order to accomplish the purpose and vision for this area. In order to ensure that commercial uses are provided in the Mixed Use (M-U) and Murray City Center (M-C-C-D) zoning districts, each district includes development standards requiring either a minimum percentage of new projects to be developed as commercial, or that the entire ground floor area must be developed for commercial use. The M-U Zoning District requires that residential use on the ground floor be limited to 25% of the ground floor square footage in a project (See Section 17.146.050.G.). The M-C-C-D allows the development of residential uses, but prohibits that residential component from being developed on the ground floor (See Section 17.170.080.B.). The T-O-D does not include a similar requirement, but mostly relies upon main floor development standards (See Section 17.168.080, First Floor Requirements) and development agreements to encourage commercial uses. These methods have not been as successful in providing the commercial areas needed for this district; as a result, staff is proposing the adoption of a similar development standard for the T-O-D Zone as established for the M-U and M-C-C-D zoning districts.

Proposed Modification

The T-O-D has included, as part of the Fireclay Transportation Master Plan, the identification of principal streets and development standards for those streets. Those streets (which include Main St. and Fireclay Ave.) are envisioned to be the main pedestrian, transit, and commercial corridors of this district. Unlike the M-C-C-D, which requires commercial on the ground floor of all developments, staff is proposing that commercial uses be required for all ground floor areas of those developments fronting principal streets. Developments or areas of developments that do not front on principal streets would not be required to develop the ground floor for commercial uses; however, ground floor commercial uses will still be preferred for all areas of the T-O-D and will need to be developed in accordance with the standards of Section 17.168.080 of the Murray Municipal Code. It is important to note that accessory uses provided for the residential component of the development (such as parking, storage, maintenance facilities, amenities, etc.) will not be counted towards meeting this requirement for ground floor commercial.

Regional Analysis

With the proposal of this standard, staff has reviewed the non-residential

requirements of the M-U and M-C-C-D zoning districts in Murray City, along with other similar standards for mixed use areas in Utah and other Western States. These ordinances also required the residential component of the development to be located above first floor commercial or retail uses. In one area buildings with residential uses must include the ground floor area as office or retail if the buildings are located along an identified street, which is similar to this proposed standard for the T-O-D Zoning District. The review and analysis demonstrate that similar standards have been successfully implemented in other development areas, and that the requirement of this standard is appropriate for this type of area and in harmony with the development practices of other communities in the region.

Residential Hotels and Apartment Hotels:

As listed in Section 17.168.050.B, Residential Hotels and Apartment Hotels (Land Use Code #1300) has been allowed as a permitted use in the T-O-D Zoning District. As defined in the Murray City Standard Land Use Code, Residential Hotels and Apartment motels are developed and required to have "seventy-five percent (75%) or more of the available accommodations occupied by permanent guests residing more than thirty (30) days if such can be determined." In order to provide a more permanent and secure residential character for existing and future residents in the T-O-D Zoning District, Staff proposes the elimination of this permitted use from Section 17.168 of the Murray Municipal Code. The elimination of this use from the T-O-D would not entirely eliminate this use from Murray City because residential hotels are also allowed in the Mixed Use (M-U) Zoning District. Hotels, motels and other lodging accommodations are also allowed within mixed use or commercial zoning districts of the City. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning text amendments.

Mr. Swaney stated that the areas of concern at the principal streets and other areas like Birkhill, the area facing the UTA parking lot, and areas of high utility for commercial on the lower floor. He asked if the rest of the T-O-D area will the development standards for 11 or 12 foot ceilings through the whole area. Mr. McIlrath stated that these areas where commercial would be required will have to meet the ceiling height requirements.

The meeting was open for public comment.

Steven Anderson, 6550 Millrock Drive, Coldwell Banker Commercial. Mr. Anderson is representing the owners William Hansen and Karen Bortz on the property at 4390 South Main Street. Mr. Anderson asked if this proposal is to only have commercial on the frontage of Fireclay and Main Street and not the entire first floor of those properties. He stated that originally he understood that it was 100% commercial of the main floor. He expressed concern for the requirement for commercial in the area as being in the industry and pushing for commercial development. He stated they have had many potential buyers that have expressed concern about the commercial requirements along that development area. He asked the commission to consider some flexibility whether it be higher ceilings that could be retrofitted later when the based on the use demand. He stated that they feel that the commercial demand is probably premature to how many residential units are there currently. Mr. McIlrath

stated it would just be the frontage of that property and it would only be the main floor of that frontage. The entire rest of the property, the main floors could still be developed as residential. He clarified that zoning ordinance currently includes those standards to develop the main floor with the 12 foot ceiling.

Mr. Taylor clarified that this proposal is to eliminate Land Use #1300, residential hotels and apartment hotels. He suggested this proposal should also include the elimination of #1515, transient apartments rented by day or week and they are similar uses. The use category #1515 is currently listed as an allowed use with conditional use permit approval. Mr. McIlrath responded that is a good suggestion and he would modify this proposal to eliminate the LU#1500 along with the #1300 in the T-O-D zone. He stated that by removing them from the T-O-D it wouldn't necessarily be completely eliminating that type of use from Murray City.

The public comment portion of the meeting was closed.

Mr. Dansie suggested that the commission continue this proposal and have a mobile workshop at the property being discussed. He asked if plans have been submitted by a developer that would affect this proposal. Mr. Hall responded that there is a site plan in review for this area and a concept review for a portion of the property. Mr. Markham questioned if it would have to have the 12 foot ceilings standard and stated that it would be very simple to retrofit it. Mr. Hall responded yes, it would.

Mr. Swaney made a motion to continue the discussion of Transit Oriented Development District Ordinance Amendment to the February 19, 2015 meeting. Seconded by Mrs. Daniels.

Call vote recorded by Brad McIlrath.

A____ Karen Daniels

A____ Tim Taylor

A____ Phil Markham

A____ Buck Swaney

A____ Travis Nay

A____ Gary Dansie

Motion passed, 6-0.

OTHER BUSINESS

Mr. Hall stated that the General Plan update continues to roll forward and the steering committee met again recently. There are some focus groups that have begun meeting. There has been one meeting with the Bikes, Trails & Transit focus group and the Downtown/TOD focus group. Those groups have will all met again in February and March. The others have not convened but they will soon. The website for the general plan update information is planmurray.com.

The commission members agreed to have a mobile workshop to tour the T-O-D area that has been discussed in this meeting. They agreed to meet on Thursday, February

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12, 2015 at 4:30p.m. at the UTA Murray North Trax parking lot, approximately 50 West_Fireclay.

Meeting adjourned at 9:09p.m.

Jared Hall, Manager
Community and Economic Development