

Minutes of the Planning Commission meeting held on Thursday, February 21, 2019, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Ned Hacker, Chair  
Sue Wilson, Vice Chair  
Maren Patterson  
Phil Markham  
Travis Nay  
Jared Hall, Community & Economic Development Supervisor  
Zac Smallwood, Associate Planner  
Jim McNulty, Development Services Manager  
Briant Farnsworth, Deputy City Attorney  
Citizens

Excused: Lisa Milkavich  
Scot Woodbury

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording is available at the Murray City Community and Economic Development Division Office.

Ned Hacker opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Mr. Nay made a motion to approve the minutes from the February 7, 2019 Planning Commission meeting. Seconded by Mr. Markham.

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

#### CONFLICT OF INTEREST

There were no conflicts of interest.

#### APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for Don Gregory ADU, Marathon Electric CUP and Posse Athletics CUP. Seconded by Ms. Patterson.

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

#### WYNWOOD SUBDIVISION – 709 West Wynwood Park Drive - Project #19-022

Paul Garbett was present to represent this request. Zac Smallwood reviewed the location and request for a Conditional Use Permit for a vehicle parking lot to be located at the property addressed 709 West Wynwood Park Drive (Lot 145 of the Wynwood Subdivision). The property is located within the R-1-6 Zone. Mr. Smallwood stated that the request is for a temporary Conditional Use Permit (CUP) to allow parking for a model home that would advertise homes for sale in the Wynwood Subdivision. The proposed parking lot would reduce on-street parking for the model home by providing seven stalls and one ADA accessible stall. Proposed landscaping around the parking lot would be made up mostly of shrubs and grasses. Temporary Conditional Use Permits allow the use for up to two years with review by the Planning Staff every six months. Based on the analysis of the submitted

materials and Land Use Ordinance standards, Staff has determined that the proposed temporary vehicle parking lot is consistent with requirements of the R-1-6 Zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Paul Garbett, 284 N. Temple Street, stated he has read the conditions of approval and will be able to comply.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment was closed.

Ms. Patterson made a motion to approve a Conditional Use Permit to allow a temporary vehicle parking lot at the property addressed 709 South Wynwood Park Drive, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain a Murray City building permit for any proposed signs.
3. The applicant shall provide a grading and drainage plan to the City Engineer.
4. The subject property must meet city storm drainage requirements, on-site detention / retention is required.
5. The Conditional Use Permit shall be valid for six (6) months with an option to extend for an additional six (6) months for up to a total of two (2) years.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

  A   Maren Patterson  
  A   Phil Markham  
  A   Travis Nay  
  A   Sue Wilson  
  A   Ned Hacker

Motion passed 5-0.

BRADFORD SUBDIVISION 2<sup>nd</sup> AMENDMENT – 602 East 4800 South - Project # 19-023

Craig Ames was present to represent this request. Jared Hall reviewed the location and request for a Flag Lot Subdivision of the existing single-family lot for the property at 602 East 4800 South. The property is located within the R-1-8 zone. Mr. Hall stated that the applicants propose to keep the existing single-family home and the subdivision would be built around it. The existing lot must maintain the required minimum lot size of 8,000 square feet (sq. ft.), and the rear lot must meet the required minimum lot size of 10,000 sq. ft. Both proposed lots meet City standards. The required 28-foot drive access will be located adjacent to the existing home and run to the rear of the property to serve the new lot. Two structures on the rear lot area will need to be removed from the proposed Lot 2 before the subdivision is recorded. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has

determined that the Preliminary and Final Flag Lot Subdivision proposal is consistent with requirements of the R-1-8 Zone and recommends that the Planning Commission forward a recommendation of approval to the Mayor subject to the conditions as outlined in the Staff Report.

Craig Ames, 4738 South Hidden Woods Lane, stated he has read the conditions and will be able to comply and understands that the two structures on the rear property need to be removed before the subdivision is recorded.

The meeting was opened for public comment.

Paul Mash, 609 East 4800 South, stated he wanted to make sure the ditches are not disturbed in the area.

David Nicol, 600 East 4800 South, stated he has concerns about where the house will be built because there are existing buildings on the property lines. If the proposed home is allowed to be built on the property lines it will create a solid wall of homes. Mr. Nicol wondered if the homes will be two stories which will block out the sunlight and create privacy issues.

The public comment was closed.

Mr. Hall referred to the comments made by the City Engineer and stated that the ditches in question fall outside the boundary of the proposed subdivision and will not be disturbed. Mr. Hall addressed the concerns about where the home will be located and reiterated that the removal of both existing accessory buildings will be required before they are allowed to record the subdivision. Mr. Hall addressed setbacks and stated, when the lot becomes buildable it will be required to maintain a 25-foot front setback, 25-foot rear yard setback and an 8-foot side yard setback totaling at least 20 feet. The maximum home height allowed is 35 feet tall, and it's possible to build a two-story home.

Ms. Wilson asked if the flag-lot is approved for one home only. Mr. Hall replied that flag-lots are not approved for multi-family homes or more than one home. It will be a single family home.

Mr. Markham made a motion to forward a recommendation for Preliminary and Final Flag Lot Subdivision approval to the Mayor for the property located at 602 East 4800 South, subject to the following conditions:

1. The applicant shall meet all requirements of the Murray City Engineer including the following:
  - a. The applicant shall meet City Subdivision and Flag Lot requirements.
  - b. The applicant shall provide grading, drainage, and utility plans.
  - c. The subdivision shall meet City drainage standards – 20' paved driveway should drain the to landscaping.
  - d. The applicant shall meet City storm drain requirements. The driveway draining to landscaping.

- e. The subdivision plat shall include standard PUEs on lots.
  - f. The applicant shall replace any damaged curb, gutter, and sidewalk along 4800 South frontage.
  - g. The applicant shall obtain a City Excavation Permit for work within City roadways.
2. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
  3. The Final Plat shall adhere to the requirements for Flag Lot Subdivisions contained in Section 17.76.140 of the Murray City Land Use Ordinance and as outlined in the Staff Report.
  4. The applicant shall provide and maintain a minimum 28' access width including 4' wide landscaped areas on both sides of a minimum 20' of hard surface (asphalt or concrete) for emergency access prior to any combustible construction on Lot 2.
  5. The existing accessory structures will be removed from the property.
  6. The applicant shall provide complete plans, structural calculations and soils reports stamped and signed by the appropriate design professionals at the time of submittal for building permits.
  7. The applicant shall meet all Murray City Power Department requirements.

Seconded by Mr. Nay.

Call vote recorded by Mr. Hall.

  A   Phil Markham  
  A   Travis Nay  
  A   Maren Patterson  
  A   Sue Wilson  
  A   Ned Hacker

Motion passed 5-0.

LAND USE ORDINANCE TEXT AMENDMENT – SECTION 17.160.050, FRONT SETBACK FOR OUTDOOR DINING – Project # 19-024

Nate Porter was present to represent this request. Jared Hall reviewed the location and request for an amendment to the text of Section 17.160.050(B) of the Murray City Land Use Ordinance which establishes a required 20' building setback in the Commercial Development Zone (C-D). The proposed Text Amendment was initiated by the owner of a Murray Business; Prohibition Bar and Grill located at 151 East 6100 South in the Commercial Development (C-D) Zone. The applicant's request is to add language to the City Ordinance which would maintain the 20-foot front setback and the required 10' of landscaping but allow covered outdoor dining for eating and drinking establishments to encroach up to the 10' landscaped setback line. The proposal is to allow this covered outdoor dining only within a specified geographic area of Murray City. The application is the result of a request from the owners of the Prohibition Bar and Grill to cover an existing patio area that currently exists in the front

setback. They came to the City with the request to cover the patio and were informed that covering the patio would extend the building closer than 20' required set back to the street and could not be approved by Staff. They sought a variance which was denied by the Murray City Hearing Officer. Then they came back to the City and asked if there was anything else they could do. Staff advised them that they could ask to amend the text of the City Land use Ordinance. The request in short, is to establish a district that would include 6100 South to 5900 South and from State Street to Fashion Blvd. Mr. Hall explained that the City does not want to discourage outdoor dining but are hesitant to say that the request will work in this area. The approval of the proposed Text Amendment could have unforeseen implications on other properties within the proposed district. City Staff is asking for additional time to consider the different implications it may have in the city. Commissioner Milkavich, who was unable to attend the meeting submitted a concern that stated the request lacks language stating the new structure should be architecturally sound and similar to the building it is attached to and should prohibit simple metal awnings through the C-D Zone. Mr. Hall stated that Staff also believes that City Council should be involved before the item progresses further. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission discuss the item tonight and continue the Public Hearing to the regularly scheduled meeting on April 18, 2019 allowing Staff time to review it with City officials, do additional research, and make an appropriate recommendation.

Mr. Nay asked, outside of the MCCD Zone, is outdoor dining allowed anywhere else. Mr. Hall answered that it is not disallowed anywhere, but the issue is with covering the patio area. City Code states that the building can not be extended into the required 20 ft. setback. Many businesses could and do have an outdoor covered dining area behind the required 20 ft. setback. Staff would like to assess all of those buildings and see how many would be affected by the proposed text amendment. Ms. Patterson asked if this proposal would allow all businesses to have covered outdoor dining in the C-D Zone, or if they did not qualify would they get a conditional approval to have it. Mr. Hall answered that the applicants have proposed that the city allow for a small district within the C-D zone that would allow the outdoor covered dining area for only restaurants and bars. Staff is not sure at this time if it should be allowed for only that small district, or for the entire zone throughout the City. The suggestion of continuing the item would be to allow more time to find out if we are excluding properties that would benefit from the text amendment as well.

Nate Porter, 11468, Sandy, Utah, stated that he appreciates Staff's recommendation and would invite any discussions that would create a Text Amendment which would work for everybody. Mr. Porter explained that his goal is to make what he sees as a restaurant district within the C-D zone similar to the Historic District or the Downtown District which doesn't have setback requirements. Mr. Porter stated that he considers his business to be in the downtown district and wants his business to have more of a lively street appeal as often seen in a downtown district. Mr. Porter explained that his outdoor patio has always been in existence and they propose to cover it with a wood structure that would have a 1920's look and feel to it. The landscaping would be enhanced as well, and the project would cost about \$30,000.00 in total. Mr. Porter continued that he was able to get a petition signed from 200 customers and neighboring businesses in support of the covered patio.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment was closed.

Mr. Markham stated that this topic is a worthwhile topic to discuss and feels it's important to give Staff enough time to really digest this as well as, look at the boundaries and merits of

possibly creating an entertainment district. Mr. Markham stated that he personally likes the idea of doing something like this, if it is done properly and that something of this size and scope and agreed it needs to be examined by Staff and City Council.

Mr. Nay asked Staff if there is any G-O zoning near Fashion Blvd. Mr. Hall answered that there is on Fashion Blvd. to the northeast. The required setback is also 20 ft' in that zone. On the west side of Fashion Blvd. is C-D Zoning. Mr. Nay added that he has concerns with extending the proposed district and is not sure if 5900 South is going to be appropriate for it, especially with the Shopko business leaving that area. Mr. Nay agreed that he wants to give Staff extra time to look at this closer.

Ms. Patterson echoed what has been said and stated she thought it would be interesting to see how many other cities provisions have to allow covered outdoor patios and eating areas. Ms. Patterson added that she does not agree with creating a Murray City restaurant and entertainment district, instead a change should apply city wide. If a restaurant in the City meets the requirement, it should be granted for all zones. Ms. Patterson encouraged Staff to write the language to be more broad allowing outdoor dining for all zones.

Ms. Wilson stated she agrees that the idea is good, and she feels that Staff needs more time to get the language written correctly.

Mr. Hacker stated that he appreciates the request and he believes that Staff appreciates it as well, but there is a lot more at stake. The Commission should give Staff and City Council more time to research this request.

Ms. Wilson made a recommendation to continue the Public Hearing to the regularly scheduled meeting on April 18, 2019 allowing Staff time to review it with City Officials, conduct additional research, and make a recommendation.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

  A   Sue Wilson  
  A   Phil Markham  
  A   Maren Patterson  
  A   Travis Nay  
  A   Ned Hacker

Motion passed 5-0

MURRAY CENTRAL STATION SMALL AREA PLAN RECOMMENDATION TO THE CITY COUNCIL

Mr. Hall presented the draft Murray Central Station Small Area Plan and stated the City was awarded a Transportation & Land Use Connection Grant (TLC) to commission the Plan. The goal is to take this Plan forward with a recommendation from the Planning Commission to the City Council which would involve them in work sessions and a future adoption by resolution. This Plan will not become a section of the Murray City lane Use Ordinance, instead it will be a long-range planning tool that Staff will use to consider as guidelines for future change to our Zoning Code. For example; adding width to a right-of-way or encouraging that buildings be oriented in a certain direction. Mark Vlastic, the Lead Consultant on the project is in

attendance to present the Plan to the Commission.

Mark Vlasic from Landmark Design presented the draft Murray Central Station Small Area Plan and explained that the Plan is laid out with a four-point agenda. First, to assess the built environment which was a very challenging area and to understand what it means for future development. In particular, it is difficult because of the environmental implications of the Smelter Overlay District and the environmental mitigation that took place about 20 years ago. The beginning of the process was to focus on the environmental do's and don'ts. Secondly, the market potential was assessed to understand what the market was for different types of uses and how they could be reflected in the development of the area. Thirdly, was to understand more about transportation and access to the site and how people can get around to create a more walkable city. Fourth, to create policies that would address future development proposals and land uses which would direct the vision for new city developments and codes.

Mr. Vlasic stated that the study area was very broad in the beginning and ended with a focus on the Murray Central Station. Several guiding principals were established to maintain alignment with the Goals of Murray City throughout the process. The principals that were established were to ensure that the design of the station aligned with the General Plan vision, ensure investments were leveraged in order to make it a truly walkable center, develop a quality station in recognition of the constraints and limitations, create an iconic station that would bring people to the area and serve as a way to get them around, protect and ensure the uses are compatible with human health, create value by creating a plan that will serve a long term use for the City, keep the site flexible as the city changes and to have a plan that will allow the City to work with development partners such as UTA and other private partners. In essence, this Plan would create a place that has great demand and is of use to the City.

Mr. Vlasic presented a map and several charts which he used to explain key elements in developing the proposed plan. Mr. Vlasic stated that his group met with the IMC Hospital representatives to understand their needs and it was found that they have a hundred-year Plan that does not conflict with the Murray Central Station Small Area Plan. They are aware that they are a beneficiary of the Plan, but do not see themselves as a partner in the Plan. As the design concept was created, the areas that needed focus became clearer. Those areas are Vine Street as a connector of the Station to State Street and the City Core. As the data was analyzed they looked at areas that may provide a lot of opportunity or constraints. They were handled on an individual basis and incorporated into the transportation plan where it would allow. The key findings that came out of the study were to eliminate residential in the core area, leave the remediated areas alone, the redevelopment of residential areas to the north, identify nearby business demand, and focus on redevelopment of the Station and Vine Street, all of which need to simultaneously align with the goals and focus of the City. With the core focus of development on the Station itself, one concept was produced with two iterations. The first idea focuses on eliminating parking stalls to develop more business around the westside of the tracks, which in turn causes the need to add a parking structure with a bridge that would connect the new west development and facilitate a walkable district. The second concept takes an approach where the bulk of the Station itself serves as a classic station with a modern face to it. The drop off would be on the east side of the rail lines and there would be a connection directly onto the rail platform for all the different modes of rail transit. The parking and commercial uses would be on the east side and would merge directly over to the station building which would facilitate the need for a larger parking structure. It has been commented that perhaps the station rendering is a bit grandiose, but the idea of the rendering was to capture a vision that created an iconic building, otherwise you could end up with a

simple shed type structure. Other components of the plan are to create a more walkable district that supports all the different modes of transit with an emphasis on cycling as they come to catch the Frontrunner and light rail. Additionally, a more walkable corridor could be created by treating street intersections better, providing great sidewalks, plazas, small patios, street trees, lighting and public art. The challenge was how to apply these ideas where there are variable conditions and a limited public right-of-way. One solution would be developed on the private rights-of-way, which could be the start of a very positive contribution to the proposed district.

Mr. Nay asked if there are any City policies in place now that would be considered as road blocks to the implementation of the plan. Mr. Vlastic answered that he is not aware of any. The City zoning is fairly wide open, and this area has been set up for something like this already.

Mr. Hacker asked how far the MCCD Zone extends toward the Central Station. Mr. Hall answered it extends to Box Elder Street and there is also a Mixed-Use Zone in this area as well. The MCCD complements the proposed transit district much better than the Mixed-Use Zone does. Something to consider in the future is if we may want to adjust the zones in this area to better serve the Murray Central Station Small Area Plan by using the MCCD Zone instead of the Mixed-Use Zone.

Mr. Nay encouraged the City to come up with a policy that would require properties within the hospital area that want to build additional parking structures which front onto any of the streets to be required to have ground floor commercial. This would eliminate blocks and blocks of parking structures. Mr. Hall added that parking structures could be more decorative or have false fronts as an alternative. Mr. McNulty added that the Murray Central Station Small Area Plan is the vision for the area, and we have to look at using it as a tool for future development of the area. Staff will be studying the findings and taking from it what we can use to form our City Codes. In the future we will be presenting the updated and new City codes to the Commission, this is only step one.

Mr. Nay asked how important it is to include access over to Commerce Drive. Mr. Vlastic answered it is very important, as it will create synergy and a connection between the surrounding areas. We were very careful not to tread on other established, nearby districts. Rather, we deferred to them as we got closer to them. We tried to establish a "Zone of Influence" of the station, meaning how far do you go before the station is no longer the main player that is drawing people in. Standard thought is within half a mile, and what you start to see is other areas are then shouting out for redevelopment. Mr. McNulty agreed and added that because we have the smelter overlay to the south, we may not get the residential uses into our plan, but UTA will have an opportunity at some point in the future to redevelop the area and redo their station.

Mr. Nay asked if any thought had been given to the residential neighborhood off 5300 South and Woodrow Street because residents had some hopes that the neighborhood would be stabilized or is the new thought to bring in business uses instead. Mr. Hall stated that most of that is being redeveloped. When we first started to contemplate the area most of it was vacant. Mr. Vlastic added that the business uses close to the station are very critical and that is why the bridge access is so important to bring a walkable route to restaurants and offices located nearby. It is important to get the layout right from the beginning because the vision is to get as many people passing through the station area and disbursing where they need to go with as much ease as possible.



Mr. Hacker stated that the Murray Central Station is one of only three Frontrunner Stations between Sandy and Downtown, it is a big deal and should be taken advantage of.

The Commissioners thanked Mr. Vasic and Staff for the hard work on the Murray Central Station Small Area Plan.

Mr. Nay made a motion to forward a recommendation for the Murray Central Station Small Area Plan to the City Council to consider a final resolution and adoption. Seconded by Ms. Patterson.

Call vote recorded by Mr. Hall.

  A   Travis Nay  
  A   Maren Patterson  
  A   Phil Markham  
  A   Sue Wilson  
  A   Ned Hacker

Motion passed 5-0

#### OTHER BUSINESS

Mr. McNulty stated that the next Planning Commission meetings are scheduled for March 7, 2019 and March 21, 2019.

The meeting was adjourned at 7:39 p.m.

  
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Jared Hall, Supervisor  
Community and Economic Development