

Minutes of the Planning Commission meeting held on Thursday, August 15, 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
Scot Woodbury
Travis Nay
Phil Markham
Lisa Milkavich
Jared Hall, Planning Division Manager
Zac Smallwood, Associate Planner
Brian Farnsworth, City Attorney
Citizens

Excused: Maren Patterson

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. Woodbury made a motion to approve the minutes from the July 18, 2019 and August 1, 2019 Planning Commission meeting. Seconded by Mr. Markham.

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

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

There were no Finding of Fact.

MOUNT LIBERTY COLLEGE – 5286 South Commerce Drive # A-136 - Project #19-101

Jennifer Jensen was present to represent this request. Zac Smallwood reviewed the location and request to allow a Liberal Arts College to be located on the property addressed 5286 South Commerce Drive, Suite A-136, within the C-D Zone. Mr. Smallwood explained that the suite is 356 square feet and has two rooms. The restrooms are located outside the suite in the public access area. The applicant proposes to have a maximum of 20 students at this time and will stagger classes so that students finishing a class will have an opportunity to leave the property and a new set of students to arrive. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed Liberal Arts College meets the requirements of the C-D Zone and recommends that the Planning Commission approve a Conditional Use Permit (CUP) subject to the conditions as outlined in the Staff Report.

Jennifer Jensen, 11632 Bear Canyon Drive, stated she had not read the conditions of approval before tonight and was just now reading them on the overhead screen for the first time. Ms. Jensen added that she did not know there was such a thing about a sign permit

and was under the impression that the owner of the building was responsible for obtaining any required permits for signs. Mr. Hacker explained that that this business will need to abide the conditions of approval listed in order to proceed. Ms. Jensen replied okay and asked if in the future the business gets bigger and needs to expand into other suites could this CUP apply to the entire building. Mr. Hecker replied that Staff will address the question. Ms. Jensen stated they will be able to comply and explained that they are a Liberal Arts School that is relocating from S.L.C. and they plan on having only one Freshman Class of 10 or 11 students this fall.

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

Mr. Smallwood stated that the policy regarding notifying an applicant about the conditions is to mail and email an information packet to the applicant with a list of conditions for them to review which that applicant should have received. Staff also holds a pre-meeting and encourages the applicant to attend so they can be aware of Staffs findings. Mr. Smallwood explained that unfortunately, the way the Murray City Land Use Ordinance is written it would not allow the CUP to be applied to the entire building. If the business moves to a different suite it would require a new CUP for the new location unless the new suite had previously been approved for the same type of use. Ms. Milkavich added that we have implemented this policy to make a safe environment for our community. Mr. Smallwood explained that we consider a different suite to be a different location even if it is within the same building. A different suite in the same building could have a completely different layout and need to determine if parking could accommodate an increase of students and Staff wouldn't be aware if there were a need to apply other conditions to the new location if we did not require a CUP for it. Mr. Smallwood stated that the condition is fairly standard, and we require a sign permit for any new signage that may be proposed. Even though signs are typically managed by the property owner the condition still applies. The exception to this is with the existing Monument Sign that has already been permitted, the tenants just change out name placards on it. Mr. Woodbury stated that he is curious why we require different suites within a building to have separate CUPs and encouraged change if there is not a valid reason.

Based on the information presented in this report, application materials submitted, and the site review, Staff recommends that the Planning Commission approve a Conditional Use Permit to allow a Liberal Arts College on the property located at 5286 South Commerce Drive, Suite A136, subject to the following conditions:

1. The project shall meet all applicable Building and Fire Code standards.
2. The applicant shall obtain Murray City Building Permits for any interior remodeling or changes to the building.
3. The applicant shall verify that they have the adequate spacing and number of sprinkler heads needed for the Fire Department.
4. Classes shall be staggered so that students finishing a class have an opportunity to leave the property and a new set of students to arrive for the next class.
5. The applicants shall obtain a sign permit prior to the installation of any attached business signage.

6. The applicants shall obtain a Murray City Business License including a building inspection as part of the process and pay applicable fees prior to commencing operations at this location.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Smallwood.

 A Phil Markham
 A Lisa Milkavich
 A Sue Wilson
 A Travis Nay
 A Phil Markham
 A Ned Hacker

Motion passed 6-0

ANAHATA REIKI HEALING ARTS – 111 East 5600 South, # 206 – Project #19-103

Tami Colledge was present to represent this request. Zac Smallwood reviewed the location and request to allow a Reiki Business in the Commercial Development Zone on the property located at 111 East 5600 South, # 206. Mr. Smallwood explained that the suite is 298 square feet and the applicant will typically see about 4 clients a day for about 90 minutes each. Mr. Smallwood stated that his Staff report indicated that additional landscaping would be required, but during a site visit, it appears the existing landscaping will suffice, and the Planning Commissioners could remove the condition if they see fit. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed Reiki Business meets the requirements of the C-D Zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Tami Colledge, 5900 South 1490 East, SLC, stated she had 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 portion for this item was closed.

Mr. Markham made a motion to approve a Conditional Use Permit to allow a Reiki Business on the property located at 111 East 5600 South, Suite 206, subject to, the following conditions:

1. The project shall meet all applicable Building and Fire Code standards.
2. The applicant shall obtain Murray City Building Permits for any interior remodeling or changes to the building.
3. The applicants shall obtain a Murray City Business License including a building inspection as part of the process and pay applicable fees prior to commencing operations at this location.

Seconded by Mr. Nay.

Call vote recorded by Mr. Smallwood.

 A Phil Markham
 A Travis Nay
 A Lisa Milkavich
 A Sue Wilson
 A Scot Woodbury
 A Ned Hacker

Motion passed 6-0

CDI CRAIG FISHER PAINTING INC. – 4547 South 250 West – Project #19-105

Craig Fisher was present to represent this request. Jared Hall reviewed the location and request to allow a painting contractor business in the M-G Zone on the property located at 4547 South 250 West. Mr. Hall explained that the building and small parking lot in the front of the building take up much of the site. There was a variance granted years ago that applies to the front landscaping which could not be put in because of the right-of-way that exists to the west of the building. Most of the building consists of open space that can be used for storage, small office space, restrooms, and a small washing area for the painting equipment. Condition # 2 restricts the use of oil-based paints at this location without further review by the Fire Department and Water & Sewer Department. However, the applicant has indicated he will only use latex based paints. The exterior property has a small area that was fenced in by the previous occupants and will be used by the current applicant for the storage of ladders and scaffolding. The concrete parking area has 5 striped parking stalls including an ADA stall. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed painting contractor business meets requirements of the M-G Zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Craig Fisher, CDI Fisher Painting, 12376 South 900 East, Draper, stated he had read the conditions of approval and will be able to comply.

Mr. Markham asked if this business paints only off-site or if they conduct any on-site painting. Mr. Fisher explained that they paint commercial buildings and the subject location will be used only for office space, staging for projects and the storage of products and equipment.

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

Ms. Wilson made a motion to approve a Conditional Use Permit to allow a Painting Contractor Business on the property located at 4547 South 250 West subject to the following conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. Oil-based paints may not be used at this location without further review by the Murray City Fire Department and Murray City Water & Sewer Division, and the installation of oil separators.
3. The applicant shall obtain Murray City Building Permits for any remodeling or construction

on the site.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Hall.

 A Sue Wilson
 A Scot Woodbury
 A Travis Nay
 A Phil Markham
 A Lisa Milkavich
 A Ned Hacker

Motion passed 6-0

UNIQUE PLUMBING LLC – 4425 South 500 West, Units A & C – Project #19-107

Chas Kerouac was present to represent this request. Jared Hall reviewed the location and request to allow the operation of a plumbing contractor business in the Manufacturing General Zone (M-G) on the property located at 4425 South 500 West. Mr. Hall explained that the subject units A & C have 8 parking stalls and most of the workers take their trucks home except for the office employee who drives a personal vehicle. The unit has an open warehouse area, small offices, restrooms, and storage area. All work will be conducted off-site. Per condition # 2 Staff has recommended that one of the eight parking stalls be converted into an ADA compliant stall. The subject property has well-kept landscaping however, it does not meet the Murray City Land Use Ordinance 17.68 for landscaping and will be required to install additional plant materials per condition # 1. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed plumbing contractor business meets requirements of the M-G Zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Chas Kerouac, 1400 North Morning Vista Road, Lehi, stated he had read the conditions of approval and will be able to comply. Mr. Kerouac stated that the landlord would like to move the ADA parking stall away from the overhead door so they can maintain access through both overhead doors.

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

Mr. Hall addressed the landlords concerns and stated that Staff's objective is to have an ADA stall added without impacting the overall parking on the site. Staff will work with the applicant or landlord to advise them where is best to locate the ADA stall and still accommodate the use of the second overhead door if possible. Mr. Hacker asked if two of the stalls were to be removed to accommodate the ADA stall, would the property still meet parking requirements. Mr. Hall replied, yes.

Mr. Nay made a motion to approve a Conditional Use Permit to allow for the operation of a plumbing contractor business on the property located at 4425 South 500 West, subject to the following conditions:

1. The applicant and/or property owner shall work with Community Development staff to

provide additional plant materials in the landscape buffer adjacent to 500 West including 2 trees, 4 five-gallon shrubs, and 8 one-gallon shrubs as outlined in the Staff Report to comply with the requirements of Section 17.68 of the Murray City Land Use Ordinance.

2. The applicant and/or property owner shall convert one of the parking spaces for use as an ADA compliant, van accessible parking space as outlined in the Staff Report.
3. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
4. The applicant shall obtain Murray City Building Permits for any remodeling or construction on the site.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Travis Nay
 A Lisa Milkavich
 A Sue Wilson
 A Phil Markham
 A Scot Woodbury
 A Ned Hacker

Motion passed 6-0

PETER & HALEY SHIOZAWA – 100 West Magic Isle Drive – Project #19-108

The applicant was not present to represent this request. Zac Smallwood reviewed the location and request to allow an Accessory Dwelling Unit (ADU) in the R-1-6 Zone on the property located at 100 West Magic Isle Drive. This ADU is preexisting and the new homeowners wish to bring the property into conformance. Mr. Smallwood explained that the subject property has a two-car garage and driveway space to accommodate the two required off street parking spaces. The proposed ADU is 489 square feet (sq. ft.) of the 1700 total sq. ft. home. The Murray City Building Official has fire safety concerns because the proposed ADU is exiting directly into a garage. The applicant will keep the existing egress to the garage and install fire rated walls around that door to block it off from the main garage. They will also add an additional door to that newly created hallway which will exit to the back yard. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed Accessory Dwelling Unit meets the Design Standards in Section 17.78 of the Murray City Land Use Ordinance pertaining to Accessory Dwelling Units as well as the 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.

Mr. Woodbury asked since the applicant is not present, is it known if they able to review the conditions of approval. Mr. Smallwood stated he has had communications with the applicants, and they were aware that this meeting was scheduled tonight. Mr. Woodbury stated that he would feel more comfortable if the applicants were present to address any concerns on the public record. Mr. Smallwood replied that the concern is understandable, and the Planning Commission has the authority to table the item and then schedule it for a later date. Mr. Markham requested for the benefit of the public, that the conditions of approval

be explained in detail for any person who may have interest in this agenda item because the applicant is not present to address any possible concerns.

Mr. Smallwood explained that the ADU and main dwelling are required to provide interconnected smoke detectors and C.O. sensors. The dwelling must meet all building and fire code standards. The applicants are required to obtain a Business License if they are going to rent it out. Rentals such as Air B&B or VRBO (short term rentals) are not allowed. The owner is also required to record an Accessory Dwelling Unit/Owner Occupancy Affidavit with the Salt Lake County Recorder's Office stating that an ADU exists on the property and if ownership changes then the new owner will have to record a new one as well. Mr. Smallwood explained that there are occupancy requirements which limit ADU's to have no more than two related or unrelated adults and their children occupy it. The homeowner must occupy one of the units as their primary residence and live on the property. The required inspections will be addressed when the homeowner applies for a Business License. Typical parking requirements are that two off-street parking spaces must be provided for the main dwelling as well as two additional off-street parking spaces for the ADU. Mr. Woodbury asked if parking should be listed in the conditions. Mr. Smallwood stated that the parking requirement falls under condition # 9 that states "the proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78". The egress windows which allow people to exit the dwelling in the event of a fire is too small and finding a way to address it will be handled by the building department and applicant.

The applicant was not present to address the conditions of approval.

The meeting was opened for public comment.

Jeff Boggard, 5630 South Magic Drive, stated he would like to know if this unit is going to be used as a rental because he received information that it would not be operated like a mother-in-law apartment. Mr. Boggard stated that he is concerned that the off-street parking would be difficult to achieve because the property is wedge shaped and the on-street parking would also be difficult because the property is in a cul-de-sac.

The public comment portion for this item was closed.

Mr. Smallwood explained that staff has verified that there is enough room to provide the two additional off-street parking stalls within the driveway and garage. Mr. Smallwood stated that the ADU may be used as a rental because it is a permitted use in all single-family zones, and the applicant previously indicated that they plan to rent it to family. The City can't control who they choose to rent it to but does prohibit any short-term rentals.

Mr. Woodbury stated that the Planning Commission reviews many ADU proposals through this process to protect the quality of the neighborhood. Because the condition for parking is not spelled out on this Conditional Use it is best that the applicant be present to hear the presentation and understand the conditions and not having the applicant present to state that they intend to abide by all the conditions of approval is unsettling. Mr. Woodbury asked if Staff is aware of how many of the conditions of approval listed are already in compliance. Mr. Hall commented that we have previously listed the condition for parking stalls on some permits but only if they have to provide it. In some cases, it may not be listed if they already have it provided, regardless off-street parking stalls are still required per City Code. In the past Staff has received complaints about renters in basements and multiple families living in homes, we usually don't have complaints about multiple families living in a dwelling when that

property has gone through the ADU process.

Ms. Milkavich stated that she shares Mr. Woodbury's concern about the applicant not being present and asked if there is an unreasonable hardship that would be imposed if we postponed the item until a time the applicant can be present. Mr. Hall stated that the item can be continued and is unsure what effect if any it would have on the applicant. Mr. Hall further explained that if the CUP were to be issued tonight that there are many other things that must be completed from the list of conditions before we would issue a Business License. At this point the process is only about 40% completed and this approval does not give them a final go ahead to rent. Mr. Woodbury stated that he feels that this process illustrates the need to have the applicant present because we have a lot of rentals in this city that are not following the process. When an applicant has to stand in front of their neighbor and state for the record that they are going to comply, it has a larger impact for them to actually follow through. Ms. Milkavich stated that she prefers the applicant to be present but is concerned that they may have an emergency preventing them from attending. Attendance is not mandated therefore, the applicant should not be reprimanded for not being present.

Mr. Nay asked if this application came to the City based on enforcement issues or was it brought proactively by the new owners of the home. Mr. Smallwood stated that it was submitted forthright by the owner. Mr. Nay stated that he feels more comfortable with allowing it to be approved in this case. Mr. Markham stated that in his opinion he believes there are enough safety checks in place, as Mr. Hall explained they are only part way through the process and it gives all the appropriate parties opportunity to check and make sure the Conditions of Approval are met before a Business License is issued. However, the applicant is making it harder on himself by not being present to learn in detail about what is required. If, an issue was to come up and the applicant was unaware of the condition he could be delayed in getting his license to operate. Ms. Milkavich clarified that although she also preferred the applicant to be here, there is no requirement to be present. Mr. Smallwood stated that he is aware the applicant has most of the requirements completed but they still need to submit a building permit to build the hallway walls in the garage area, and find a fix for the windows that are just slightly shy of being conformance. They are actively working with Staff on that item. Mr. Smallwood spoke about the character of the applicant and stated that they seemed reliable and was in attendance at the Plan Review Meeting held on July 29, 2019. Ms. Wilson stated that it seems there is still follow up by Staff after this and if we approve it tonight that it will not fall through the cracks. Mr. Smallwood added that Staff sends out an official copy of the Condition Use Permit to all the applicants after this meeting.

Mr. Markham made a motion to approve a Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) on the property located at 100 West Magic Isle Lane subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. Interconnected smoke detectors and CO sensors shall be provided throughout the house.
3. Separately controlled heating shall be provided for each area, such as base board heating, a dual zone furnace, etc.
4. Access from the ADU to a circuit breaker panel shall be provided.
5. Appropriate egress windows and window wells shall be provided.

6. Required egress door shall open directly to the exterior without going through garage, applicant shall work with both Community Development and the Building Department to ensure compliance.
7. The applicant will obtain Murray City Building Permits for any new work needed in conjunction with the ADU.
8. Inspections by the Murray City Building Division will be required prior to occupancy of the ADU, and will include general inspection of the items mentioned in the Staff Report.
9. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
10. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
11. The property owner shall complete and record with the Salt Lake County Recorder's Office, the Accessory Dwelling Unit – Owner Occupancy Affidavit (Provided by Community & Economic Development). A copy of the recorded document shall be provided to the Murray City Community and Economic Development Division prior to occupancy of the ADU.
12. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU. Rental of the ADU must meet the requirements of the Murray City Land Use Ordinance.
13. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used as temporary rentals such as an Air B&B or VRBO.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall

 A Phil Markham
 A Lisa Milkavich
 A Sue Wilson
 A Travis Nay
 A Scot Woodbury
 A Ned Hacker

Motion passed 6-0

LAND USE ORDINANCE TEXT AMENDMENT - Section 17.146 – M U Zone (Mixed Use)
Text Amendments Project – #19-106

Mr. Hall presented the proposed Text Amendment to Section 17.146 of the Land Use Ordinance for the Mixed Use Zone and explained that Murray City has three zones that are considered Mixed Use; Murray City Center District (MCCD), Transit Oriented Development (TOD) and the Mixed Use Zone (M-U). "Mixed Use" can be applied to any zoning that allows both commercial and residential uses. Mr. Hall explained that we are proposing several changes to accommodate the difficulties that we have encountered in several projects over

the years with regulations in the Mixed Use Zone. The proposed amendments create the need for three new definitions, the first definition is; Transit Station, which refers to any of the three transit stations located in Murray City which are Fashion Place West, Murray Central and the Murray North. The second added definition is; Horizontal Mixed Use, which is a single property in which any component of that property has a separate building that is commercial and other buildings that are residential, and all are arranged horizontally. The third definition is; Vertical Mixed Use which is a project where commercial components are provided within the same building with the residential components. Mr. Hall explained that a Density Gradient was also added. Currently multi-family condos and apartments are allowed without any density limits which was applied to accommodate the needs of locations directly related to the Transit Station. Because a recent zone change was approved to expand the M-U Zone further from the transit station it creates a need to add a density limit. Without easy access to public transit further from a transit station it is harder to justify those kinds of unlimited density that could have the potential to seriously impact to community, traffic and parking. Staff's recommendations for the proposed limited density are; up to 80 units per acre when within one-half mile away from a transit station, up to 50 units per acre when further than one-half mile away from a transit station and up to 40 units per acre if it's when further than one mile from a transit station. In a Mixed Use project, a higher density is allowed because the people that are living in those zones have more access to services that otherwise they would travel to. Those densities increase the closer to a transit station the project is located. Ms. Milkavich asked if these changes will be applied to the TOD and MCCD zones. Mr. Hall Explained that our General Plan designates a Mixed Use land use designation and within that designation there are three corresponding zones; TOD, MCCD and Mixed Use. The proposed changes will only affect the Mixed Use Zone at this time.

Mr. Hall explained the way that the proposed changes will require commercial components within Mixed Use projects and stated that a Mixed Use Zone is not a Multi-Family High Density Zone, it's a Mixed Use Zone that requires both commercial and residential uses. For a Vertical Mixed Use project within one-half mile of a transit station it is recommended that commercial development must occupy 75% of the ground floor footprint of residential buildings that face public streets. Ms. Milkavich wondered if the changes are being proposed because it's difficult for potential developers to provide the required commercial component within the allowances of the code. Mr. Hall explained yes, it can be especially difficult for a project with buildings that are designed to sit deep on a property because there is less street frontage. The current code inhibits the potential redevelopment that we need, and our current code requirements are not very common among other cities. In a Horizontal Mixed Use, we recommend that the commercial component be provided in separate buildings or on contiguous parcels as well as build a commercial square foot development that is equal to an area that is 75% of the frontage measured 40 feet deep. In addition, if there are multiple properties involved or sites larger than 5-acres we are proposing a Master Site Plan requirement. There are 4 components to the Master Site Plan which are; building orientation, central feature, open spaces, and memorandum of understanding. Mr. Hall explained the four components of the Master Site Plan requirements and stated that the first component is; Building Orientation, which states that wherever possible all residential and commercial buildings should orient toward public streets. The second component is; Central features which are important in horizontal projects and projects larger than 5-acres. The central feature ties the project together, force developers to look at how the buildings are related and provide ways for the site to interact as a whole. The third component is; Outdoor Space which provides a link from the residential to the commercial aspects of a development as well as provides outdoor spaces that make it easier for project residents and other pedestrians to access the commercial areas. The last component is the Memorandum of Understanding

which can be likened to a Development Agreement which ensures the Master Site Plan is followed, and commercial components are built creating a true Mixed Use development. Mr. Hall explained the proposed changes to the parking requirements and stated that we will disregard the current parking requirement of 1 space per 265 square feet of useable office or retail space and instead use the proposed requirement of 3 spaces per 1,000 square feet of net usable floor area for all office and retail uses. The proposed change aligns with industry standards and makes more sense to developers who are familiar with the proposed calculation. In addition to that change we are also proposing to disregard the current requirement that if parking exceeds 110% of the minimums it can only be provided in parking structures. Instead we propose to increase the allowance for extra parking up to 125% of the minimum. The current parking codes have the possibility to impose unreasonable parking standards on smaller business uses such as smaller scale restaurants and could require them to install expensive structured parking. The proposed increase will make it easier for smaller infill projects to be able to meet the parking standards of the M-U Zone. Mr. Hall explained the changes to building setbacks and stated that frontage measurements are taken from the back of the curb and gutter. These measurement requirements are different in this zone than any other zone in Murray. The code now includes an illustrated graphic to help define this set back, and help people understand the code. Mr. Nay added that on street parking has recently been added to code to utilize the front setback space and it works well with this proposed change. Mr. Hall stated that Staff is open to suggestions if the Planning Commission has any additional ideas, changes, or additions.

Mr. Hall concluded by stating that the proposed amendments and objectives are in keeping with the Murray City General Plan. One of the objectives of the General plan is to encourage a form-based development pattern at smaller commercial nodes and to support multiple nodes of access and mobility. The strategies applied to meet this objective are to create a neighborhood Mixed Use Zone designation and support it with form-based development and design guidelines.

Mr. Smallwood used the Home 2 Suites building as an example to demonstrate the new proposed calculations and how to determine the required retail space in a Mixed Use project and stated if a building just like this were to be built under the standards of Section 17.146 it would require 16,726 sq. ft. of retail space on the bottom floor. However, under the newly proposed ordinance it would require only 10,500 feet. When developers initially meet with Staff to propose a new development and they are informed how much retail space they are required to have by code, they are skeptical whether or not they will be able to find retailers to fill so much space, and some have chosen not to pursue development in Murray.

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

Ms. Wilson asked if we could also apply a density limit for classifications 1210 and 1515 pertaining to Rooming and Boarding Houses, and Transient Apartments rented by the Day or week. Mr. Hall replied that it may be appropriate to do so, and Staff will work on updating these uses as well. Mr. Woodbury asked if Tiny Houses would pertain to this type of density. Mr. Hall replied that they do not fall into these categories and they are actually classified as Single-Family detached homes.

Mr. Nay asked, in Staff's opinion, what the difference is between an apartment and Condominium and why densities would matter more or less in one or the other. Mr. Hall explained that they matter exactly the same. There is no difference in density. Under Utah aw

one can be owned by the occupant and the other can't. Mr. Nay asked if an owner-occupied unit versus a transient use has any physical impact on Zone. Mr. Hall replied that he does not believe that the ownership style effects those outcomes as much as the unit size. For example, around Transit Stations we mostly see one and two-bedroom units being built. In a Mixed Use Development outside of one mile of a transit station you might see as high as three and four-bedroom units.

Ms. Milkavich inquired about the restriction for darkly tinted windows, and mirrored windows which block two-way visibility are prohibited as ground floor window coverings and stated that she has seen wraps and mural type stickers as window covering and wondered if our code should also prohibit these as well. Mr. Hall stated that shade devices are permitted, and we do allow up to 50% of windows that are in retail business to be covered by signs. What the code is trying to prohibit is reflective, uninviting architecture like spandrel glass that does not improve the activity on the street.

Mr. Nay directed the discussion to walkability, area width, frontage and yard regulation and stated he noticed that the drive-thru use has been added into the Horizontal-Mixed Use Zone. Mr. Hall replied yes, that it could be possible to permit a drive-thru in that zone but would require the submittal of a Master Site Plan to determine if it would be appropriate and meet the codes of the M-U Zone. Mr. Nay asked where on a development site we would like to see them located. Mr. Hall stated that we would rather see them in the 20 foot of frontage on a busier street and not located in a place separating them from the use. Mr. Nay stated that in his opinion it is not appealing to see drive-thru's from the State Street frontage. Also, if a pedestrian is going to walk down State Street to go to one of our restaurants they would need to cross through a drive-thru blocked que of cars to access the building because it is in the street frontage. Mr. Hall stated that he would rather not prohibit the possibility of allowing a drive through in those areas and instead leave it up to the design of a specific site. If the drive-thru needs to be located in the street frontage, I would rather look at the Master Site Plan and see if it would work rather than disallowing them all together. Mr. Nay replied that he would like to caution Staff with allowing this type of change in the M CCD because this type of development should not be allowed there. Mr. Hall agreed that it may be less appropriate in the Down-Town Zone. This is the first of many zone changes for this area and it is something we need to consider when writing updated codes in the future. Mr. Nay asked if Staff has any thoughts about putting a parking cap on a project so it will only go up to 125% on a four acre development. On a 20 acres property the 125% maximum could allow a large amount of the site to be developed into a vast parking area. Mr. Hall stated that might be best applied to the off-street code, and that Staff will look into it further because it also raises a concern about parking on a smaller development. Mr. Nay commented that he thinks Staff did a good on and he likes the changes.

Ms. Wilson made a motion to send a recommendation of approval to the City Council for the proposed amendments to Murray City Land Use Ordinance section 17.146, mixed Use, M-U Zoning.

Seconded by Mr. Nay.

Call vote recorded by Mr. Hall

 A Sue Wilson
 A Travis Nay
 A Scot Woodbury

A Phil Markham
 A Lisa Milkavich
 A Ned Hacker

Motion passed 6-0

Mr. Hall added that Staff will look over the suggested changes and apprise the Planning Commission aware of the changes as it goes forward to City Council.

OTHER BUSINESS

Mr. Woodbury made a motion to adjourn. Seconded by Ms. Milkavich.

 A Sue Wilson
 A Travis Nay
 A Scot Woodbury
 A Phil Markham
 A Lisa Milkavich
 A Ned Hacker

Motion passed 6-0

The meeting was adjourned at 8:07 p.m.



Jared Hall,
Planning Division Manager