

Minutes of the Planning Commission meeting held on Thursday, September 15, 2016, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair  
Maren Patterson, Vice-Chair  
Phil Markham  
Scot Woodbury  
Buck Swaney  
Sue Wilson  
Tim Tingey, Administrative & Development Services Director  
Jared Hall, Community & Economic Development Manager  
Ray Christensen, Senior Planner  
G. L. Critchfield, Deputy City Attorney  
Citizens

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

Travis Nay 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 September 15, 2016 as corrected. Seconded by Mr. Markham.

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

#### CONFLICT OF INTEREST

Mr. Nay declared that he had a conflict of interest with Item # 10, Intermountain Heath Care and will recuse himself during that portion. Ms. Patterson will chair the meeting for that agenda item.

#### APPROVAL OF FINDINGS OF FACT

There were no Findings of Fact to be approved.

#### MIKE HALE ACURA – 5601 SOUTH STATE STEET– Project #16-106

Rand Eardley was the applicant present to represent this application. Ray Christensen reviewed the location and request for a Temporary Conditional Use Permit for two mobile sales office building to be located at the existing Mike Hale Auto Dealership property addressed 5601 South State Street. Mike Hale Acura applied for site plan approval for the temporary office buildings at the August 17, 2015 site plan review meeting. Municipal code Section 17.56.100 authorizes the planning commission to approve temporary mobile offices for a period of six months, until about March of 2017. The temporary mobile structures were brought on to the property prior to applying for a conditional use permit. The temporary structures consist of two sales office buildings to be located in the parking lot to the west of the permanent auto dealership, each of the temporary office buildings will contain 660 sq. ft. The temporary office buildings comply with the minimum setback of 20 feet from the property lines on the street frontages. Based on the information presented, application materials submitted and the site review, staff recommends

the Planning Commission grant a Conditional Use Permit approval for the temporary office buildings use for Mike Hale Acura for 6 months, ending March 15, 2017, subject to conditions.

Rand Eardley, 2469 E Fort Union Blvd., indicated he is architect representing Mike Hale Acura. Mr. Eardley stated he has reviewed the staff recommendations and will comply.

Mr. Markham asked why the trailers were brought on site prior to applying for the Temporary Conditional Use Permit. Mr. Eardley responded that the temporary structures were shown on the site plan submitted with the building permit and was not flagged at the time as needing additional approval.

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

Mr. Woodbury made a motion to grant Temporary Conditional Use Permit approval for Mike Hale Acura located at 5601 South State Street subject to the following conditions:

1. The applicant will need to remove the temporary office buildings by March 15, 2017 or receive city approval for a 6 month time extension prior to expiration of the initial permit.
2. The applicant shall comply with applicable building and fire code regulations.
3. The project shall comply with all water and Sewer Dept. requirements. The water and sewer connections shall comply with Murray City specifications.
4. The project shall comply with Murray Fire Department with the 2015 IFC guidelines.
5. The project shall comply with Murray Power Dept. requirements.
6. The applicant shall provide and designate adequate off street customer and employee parking on the site.

Seconded by Mr. Swaney.

Call vote recorded by Mr. Christensen.

A \_\_\_ Buck Swaney  
A \_\_\_ Maren Patterson  
A \_\_\_ Sue Wilson  
A \_\_\_ Phil Markham  
A \_\_\_ Scot Woodbury  
A \_\_\_ Travis Nay

Motion passed 6-0.

THE DIVISION GYM – 4555 SOUTH COMMERCE DRIVE – Project #16-108

Dylan Freed was the applicant present to represent this request. Jared Hall reviewed the location and request for approval for a Conditional Use Permit for fitness & nutrition consultation

gym business to be located at the property addressed 4555 S. Commerce Dr. Municipal Code Ordinance 17.152 allows gymnasiums, athletic clubs, and body building studios (LU# 7425) within the M-G Zoning District subject to Conditional Use Permit approval. The business is at the east end of a shared business access addressed 4550 South. The applicant proposes to operate business hours by appointment only, with no more than six clients per session. The lease space is approximate 3,020 square foot space for fitness training and consulting with the remaining 399 square feet for an office, two restrooms and a storage room. The unit contains two overhead doors and two man doors on the west side along with vehicle parking and access. Parking for this type of use in an office/warehouse development has usually been calculated at the rate of four parking spaces for every 1,000 square feet of net floor area. With this calculation a total of twelve parking spaces would be required for this use. Due to the specific business model of no more than six clients per session, staff recommends that a total of seven parking spaces be provided for this use in order to accommodate the customers and the business owner. Based upon a site visit, parking stalls will need to be striped in front of the unit which should be able to accommodate five parking spaces. The additional two parking spaces may be provided elsewhere with the applicant providing a copy of a parking agreement to city staff. With the close proximity of the parking spaces to the front door and the nature of the fitness business, staff is not recommending the installation of an ADA parking space. The existing landscaping meets the requirements for the M-G zone. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the fitness & nutrition consultation gym business located at the property addressed 4555 S. Commerce Drive #B-650 subject to the conditions.

Mr. Markham asked about the shared parking agreement and question why there is not an ADA parking stall. Mr. Hall responded that the commission could require installation of an ADA parking stall in the conditions of approval and that the applicants should include a detailed copy of the shared parking agreement with UDOT.

Dylan Freed 4575 South Wellington Street, stated he has reviewed the conditions of approval and will comply. Mr. Freed indicated they have striped five parking stall in front of the building and has a statement from the Landlord, Towers and Company showing they have a parking agreement with UDOT but will obtain a copy of the detailed parking agreement. Ms. Wilson asked if the ADA parking stall could located closest to the front entrance. Mr. Freed responded he would be able to do so.

Mr. Markham asked if any work out activity would be conducted outside the building. Mr. Freed responded all work out activity and instruction would only be conducted inside the building.

The planning commission members were in agreement that the ADA stall be added to the conditions of approval and has been a standard requirement for other applicants.

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

Mr. Woodbury made a motion to grant Conditional Use Permit approval for a fitness & nutrition consultation gym business to be located at the property addressed 4555 S. Commerce Dr. #B650, subject to the following conditions.

1. The project shall comply with all applicable building code and fire code

standards.

2. Parking located in front of the unit shall be striped in accordance with the standards located in Chapter 17.72 of the Murray Municipal Code. The 90 degree parking spaces shall be a minimum of 9 feet wide by 18 feet deep.
3. The applicant shall provide a copy of a shared parking agreement for any excess parking used by the business. The agreement shall be provided to Murray City Community Development staff and kept on record for the conditional use permit. The applicant must include one van accessible parking stall near the building.
4. The applicant shall obtain a Murray City Business License prior to the commencement of business operations.

Seconded by Mr. Markham.

Call vote recorded by Mr. Christensen.

A  Buck Swaney  
A  Maren Patterson  
A  Sue Wilson  
A  Phil Markham  
A  Scot Woodbury  
A  Travis Nay

Motion passed 6-0.

THE LOFTS ON VINE – 5075 – 5139 S.COMMERCE DR & 5123 SOUTH 200 WEST –  
Project #16-114 and Project# 16-119

Duaine Rasmussen was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow a mixed use development that would include an apartment building and an office building and approval for a Subdivision Review for the combination of the existing nine lots into a single lot located on the south side of Vine Street along the east frontage of Commerce Drive addressed 5075 – 5139 S. Commerce Drive and 5123 South 200 West. The existing structures will be demolished. The final lot will extend 457 feet along Commerce Drive, and 21 feet along Vine Street resulting in developing a mixed-use, multi-family residential project and office building on the site. Mixed Use zoning requires that a portion of any multi-family project be developed for commercial use. The single lot resulting from the combined subdivision will ensure development of a new mixed-use commercial and multi-family residential project on the site and includes road dedications for widening and improvements on both the Vine Street and Commerce Drive frontages and finally removes the easements around the small lots.

Mixed use zoning requires that a public entrance be available on every street frontage, therefore staff asks that a public entrance facing Commerce Drive be added to the office building. The applicant propose, to construct a 264 unit apartment building along with a 2-story 30,480 square foot office building. In order to meet the commercial requirements for development in the M-U zone, this project is a horizontal mixed use development where the commercial space is being transferred from the first floor of the apartment building to a separate building located on the

same parcel. The apartment building will include a mix of studio, one bedroom and two bedroom apartments with a seven level parking structure located to the rear of the building. Each floor has access to the parking garage. Amenities for the residential development would include: a pool, hot tub, barbeque pavilion, a clubhouse, a fitness center and a community center next to the leasing office located along the Commerce Drive frontage.

The office building is a spec office building for lease. The Mixed Use Zone requires that all main buildings be located within 15 and 25 feet for the back of curb and gutter office building is set back 36 feet from back of curb and the residential building is setback within the range of 36 to 50 feet depending on building design. In order to have sufficient clearance from the existing power lines along Commerce Drive, both buildings are set back farther than the maximum allowed by the zone. In order to construct with these setbacks the applicant will need to obtain a variance from the Murray City Hearing Officer. Along Vine Street, the residential building is within twenty five of the curb and gutter except for the eastern most part of the building. In order to comply with the setback standard, the building will need to be adjusted by one foot to the north. The proposed project appears to comply with all other setback and height requirements of the Mixed Use Zone. Additional interior setbacks and building separations may be required by building and fire codes and must be addressed at the time of application for a building permit.

According to the submitted plans, a total of 419 parking spaces would be provided within the parking structure including the rear surface parking lot for the office building. The applicants have indicated that this would result in a total of twenty-one (21) cross over parking spaces that may be used by each use during separate hours. In order to confirm that the proposed parking arrangement with the cross over parking will be sufficient for this project, staff recommends that the applicants provide a traffic and parking study to City staff for review and approval. The submitted plans show two main points of access for the project. The main access will be provided from Commerce Drive and would be located between the residential building and the office building. The second access would be provided from Vine Street at the east end of the residential component. The existing plans show a small visitor parking lot and access north of the main access on Commerce Drive to be used for the leasing office, however parking is not allowed within the front setback of a project therefore this parking lot will not be allowed. To create a pedestrian oriented environment the required access improvements address the first fifteen feet (15') setback from back of curb and gutter. Each new development is required to provide a seven foot (7') wide sidewalk and an eight foot (8') park strip along with public benches, street trees, street lights, and bicycle racks. With city approval, a project may substitute the park strip area for on-street parallel parking that includes forty foot (40') wide planters that include street trees, shrubs and street lighting. The current plans do not include on-street parking, however with the required removal of the leasing office parking area, staff has communicated to the applicant that the park strip may be replaced for on-street parking in order to accommodate the leasing office. Any changes to the access improvement will need to comply with ordinance standards at the time of building permit submittal.

Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the proposed mixed use residential and office project for the properties addressed 5075 – 5139 S. Commerce Drive, subject to conditions.

Mr. Nay asked if a restaurant in this building is allowed by regulations of the mixed use zone. Mr. Hall agreed it would be an allowed for this building but specs designate the use as office.

Mr. Swaney asked for clarification about the impact on the area of the relocation of powerlines as well any issues that may arise in the future with trees and foliage planted beneath the powerline in the park strip area. Mr. Hall reviewed the location of power lines above the park strip which would not be relocated and indicated that certain species of trees could be planted with the permission of Rocky Mountain Power. The on street parking would also allow for certain tree species to plant with review from the power companies. The north end of the project would require a small section of powerlines to be relocated with the further approval from the power company. Mr. Hall replied that no changes to the powerlines would be needed and trees would be planted beneath and behind them.

Mr. Nay asked if the on street parking would not be on Vine Street. Mr. Hall clarified that on street parking would be located on Commerce Drive only, with about 9 or 10 parking spaces in front of the commercial building and leasing office and would not provide direct residential parking form the residential building.

Mr. Woodbury asked why we would not maximize on street parking if we are short on 22 recommended parking spaces. Mr. Hall answered that codes allow and in encourage shared parking where possible.

Duaine Rasmussen with Castlewood Development 6740 S 1300 E stated he has reviewed the staff recommendations and will comply. Mr. Rasmussen stated that the additional stalls are not required by parking code, and believes staff will be satisfied they will meet required parking arrangement with the findings of the traffic studies and clarified that the powerlines located on Commerce Drive do in fact belong to Murray City Power and not Rocky Mountain Power and do not wish to relocate them due to the cost, but the power pole located on the corner of north end of property does in fact belong to Rocky Mountain Power and will need to be moved.

Ms. Wilson asked about the entrance to be added on Commerce Drive west of the project. Mr. Rasmussen replied at the time of application, parking was not allowed on Commerce Drive since then the code has been modified to allow on street parking.

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

Mr. Swaney commented that a good mixed use development includes it to be walkable, close to transit, hospitals, shopping and parks etc. which results in less demand for personal vehicle use. This project meets those goals. He completed Mr. Rasmussen on this project and emphasized the desire for a quality pedestrian friendly walkable community.

Mr. Swaney made a motion to grant Conditional Use Permit approval for The Lofts on Vine, located at 5075 – 5139 S. Commerce Dr. & 5123 South 200 West, project #16-114, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all the requirements of the Murray City Water & Sewer Department which includes the following:
  - (a) Water efficient fixtures must be used throughout the project;
  - (b) A booster pump must be used for the fire sprinkler system;

- (c) The project must comply with all other department requirements.
5. The project shall meet all the requirements of the Murray City Power Department which includes the following:
    - (a) The project must meet clearance from any existing power lines as required by the National Electrical Safety Code;
    - (b) The project must also comply with any Rocky Mountain Power clearance requirements
  6. The project shall meet all the requirements of the Murray City Fire Department which includes the following:
    - (a) The project must comply with 2015 International Fire Code guidelines;
    - (b) No combustible construction may be completed prior to paving of the access driveways/roads;
    - (c) It is strongly recommended that fire riser be pumped as required by the Water & Sewer Department.
  7. The project shall comply with all of the development requirements of the Murray City Engineer which includes the following:
    - (a) The site parcels must be consolidated and right-of-way dedications made along both Vine Street and Commerce Drive part of the one lot subdivision.
    - (b) Road widening must be provided along Vine Street (installation of east bound lane) along with the installation of improvements (park strip, sidewalk, pedestrian ramp, and curb and gutter) for Vine Street and Commerce Drive.
    - (c) Power lines, utilities, and traffic signal equipment that conflicts with the new road and sidewalk alignments must be relocated.
    - (d) The Rocky Mountain Power lines at the east end of the property must be relocated in order to accommodate the east access driveway.
    - (e) A Traffic Impact Study must be provided to the City Engineer for approval with the implementation of recommendations.
    - (f) The applicants must obtain a site plan and access review from the UDOT Chief Railroad Engineer (Eric Cheng) and implement any rail safety requirements.
    - (g) The two proposed accesses on Commerce Drive must be combined in order to meet the spacing requirements of City Access Management Standards.
    - (h) The applicants must provide a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site demolition, grading or construction work.
  8. The applicants shall obtain approval for the lot consolidation and one lot subdivision and record the final plat of the subdivision prior to approval of a Murray City Building Permit for new construction.
  9. A variance for the Commerce Drive setback due to the existing power lines shall be obtained prior to approval of a building permit for new construction.
  10. The project shall not have a setback greater than twenty five feet (25') along the Vine Street frontage.
  11. Parking shall not be permitted within the front setback of the buildings as shown

on the submitted plans.

12. A public entrance shall be provided for the office building frontage along Commerce Drive as required by Section 17.146.070C.
13. Benches and bicycle racks shall be provided and installed as required by Section 17.146.120.
14. The applicants shall submit open space calculations with the submittal of a building permit to ensure that the project has a minimum of 15% of the area designated for open space. Open space does not include the public access improvements.
15. As part of the Traffic Impact Study required by the City Engineer, the applicants shall also include a parking and circulation plan for staff review and approval.
16. The project shall comply with all applicable development standards of Section 17.146.70 (Building Requirements), Section 17.146.090 (Landscaping Regulations), and all other applicable development standards of the Murray Land Use Ordinance.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Christensen.

A  Buck Swaney  
A  Maren Patterson  
A  Sue Wilson  
A  Phil Markham  
A  Scot Woodbury  
A  Travis Nay

Motion passed 6-0.

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

Mr. Swaney made a motion to forward a recommendation of approval to the Mayor of the proposed subdivision by way of lot combination for the properties addressed 5075-5139 South Commerce Drive and 5123 South 200 West, Project #16-119, subject to the following conditions:

1. The applicant shall meet all Murray City subdivision requirements.
2. The applicant shall provide a bond for all public improvements, including any rail safety improvements.
3. The applicant shall provide public utility easements per Murray City utility requirements.



4. The applicant shall provide the required Vine Street and Commerce Drive right-of-way dedications and install all required sidewalks, park strips, and east-bound traffic lanes as a part of the site development.
5. The applicant shall provide a PDF copy of the subdivision plat to the Murray City Engineering Division for final review.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Christensen.

A \_\_\_ Buck Swaney  
A \_\_\_ Maren Patterson  
A \_\_\_ Sue Wilson  
A \_\_\_ Phil Markham  
A \_\_\_ Scot Woodbury  
A \_\_\_ Travis Nay

Motion passed 6-0.

CUMULUS RADIO CORP / CITADEL BROADCASTING – 1187 West Bullion Street – Project #16-109- Public Hearing

Chris Terry was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Murray Zone Map Amendment from A-1 (agricultural) to R-1-10 & R-1-8 (residential single family low density) for approval, which is located at the 1187 West Bullion Street. The purpose of this application is to allow the property owner to subdivide the property into residential lots. The minimum lot area required for a single family dwelling in the R-1-10 zone is 10,000 sq. ft. lot and the lot area for R-1-8 zone is 8,000 sq. ft. The parcel to the east is requested to be designated as R-1-8 and the parcel to the west has will be designated as R-1-10, as well as the removal of a radio tower. The proposals is consistent with the future land use for the General Plan as residential single family low density R-1-8 and R-1-10.

Mr. Markham asked for clarification of lot sizes of R-1-8 and R-1-10 as well as the number of houses permitted in each. Mr. Christensen explained the "R" represents residential, the "1" represents single dwelling, and the "8" represents eight thousand square foot minimum lot size and "10" represents ten thousand square foot minimum lot size.

Mr. Nay asked if the property to the south is open space. Mr. Christensen responded it is zoned A-1 with Murray City ownership and is part of the Jordan River Parkway.

Chris Terry, 376 E 400 S, stated he is the agent representing Cumulus Radio Corporation and Citadel Broadcasting. He stated he has reviewed the staff recommendations and will comply. He stated the location for of property for R-1-8 is on the east and property for R-1-10 on the west.

Mr. Woodbury asked why the applicant is requesting that half the property be R-1-8 zoning and half be R-1-10 zoning. Mr. Terry responded that they initially wanted to zone all as R-1-8, but

changed the request due to the close proximity of other properties that are currently zoned R-1-10.

The public hearing was opened for public comment.

David Morris, 5778 S Walden Glen Drive, asked that the commission consider the traffic impact on Bullion Street and Walden Glen Drive as several speed related accidents have happened in the area. Mr. Nay responded that there are members of the planning commission who live in this area and travel this route on a daily basis and are familiar with the traffic situation.

Ralph Kemker, 1170 West Bullion Street, stated he wants the zoning changed to R-1-10 entirely due of the uniqueness of the area of open parks, horse trails, and landscaping as well as nearby zoning is also R-1-10 and will keep continuity.

Bob Beaudoin, 5435 S Riley Lane, asked what would be the impact on the property if the Jordan River were to flood in the future and this property is located within the flood plain

Marv Hendrickson, 4914 Ester Circle, stated he developed the properties on Pitch Fork Road. He stated that he believed this property would be zoned similarly (R-1-10) from the beginning that the property would be consistent with an R-1-10 development as it would allow dwellings to comply with modern standards having a three-car garage and wider lot widths of 90 feet to accommodate the three-car garage.

The public comment portion was closed for this agenda item.

Mr. Nay asked for more information on possible flooding and general comments about the zone change in regards to the previous comments. Mr. Christensen answered that it does contain meander corridors and floodplain areas and will require Salt Lake County Flood Control review as part of a future application. Some areas may not be developable due to flooding. Mr. Nay asked if it is inconsistent within the area to have two types of zoning designations such as R-1-8 and R-1-10. Mr. Christensen replied that the General Plan will allow an applicant to request both zoning types in the area.

Mr. Woodbury commented that he is supportive of an all R-1-10 zone. Mr. Nay commented that he supports the dual zoned proposal. Mr. Swaney agreed that R-1-10 is better suited to the area. Mr. Hall commented that some land may not be useable due to the water table and the R-1-8 would mesh better with the previous developments and may be a reason for the zone structure. Ms. Patterson commented that she is supportive with the division of zones as well. Mr. Swaney commented that he believes the intent of the dual zoning is not only to maximize development but also to mesh with the current zoning. Mr. Tingey asked that the council remember that the proposal is to approve or deny the proposal as opposed to making a vote to change the proposal to only R-1-8 or R-1-10.

Mr. Swaney made a motion to forward a recommendation to the City Council for the requested Zone Map amendment from A-1 (agricultural) to R-1-10 & R-1-8 (residential single family low density) for the property addressed 1187 West Bullion Street, because it is consistent with the Murray General Plan for this property location.

Seconded by Ms. Patterson.

Call vote recorded by Mr. Christensen.

A \_\_\_ Buck Swaney  
A \_\_\_ Maren Patterson  
A \_\_\_ Sue Wilson  
A \_\_\_ Phil Markham  
N \_\_\_ Scot Woodbury  
A \_\_\_ Travis Nay

Motion passed 5-1. Nay vote was Mr. Woodbury.

ADAM NASH – 1500 EAST VINE STREET –Project #16-112 – Public Hearing

Adam Nash was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Murray Zone Map Amendment from R-1-10 (low density single family residential, 10,000 sq. ft. lot area) to R-1-8 (low density single family residential, 8,000 sq. ft. lot area) for the property addressed 1500 East Vine Street. The applicant is requesting the zone change to the R-1-8 zone in order to create a flag lot subdivision with two lots on this property in compliance to the R-1-8 zone and flag lot regulations which is consistent with the Murray General Plan Future Land Use Map.

Adam Nash, 4376 S 700 E, stated he has reviewed the staff recommendations and will comply. He commented that this property was annexed into Murray City and contains an older, unoccupied home that is in a state of disrepair and a large, dirt floored commercial garage which would be demolished. The property to the west is a flag lot, the property behind is a church with a garden and the area contains a large number of different zoning types. Mr. Nay asked Mr. Nash if he understood the requirements of a dedicated drive on a flag lot. Mr. Nash stated he understood and would clear the entire property.

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

Ms. Wilson asked if the clearing of the old structures was with intent to build two new properties. Mr. Nash replied that she was correct.

Mr. Nash commented the area is consistent with other flag lot designations in the area. Mr. Swaney commented that he was uncomfortable with zoning a single R-1-8 lot in the middle of other R-1-10 lots of traditional single family residential homes and asked for extra consideration from Mr. Christensen of this point. Mr. Christensen replied that the overall area contains a large variety of lot sizes and land uses. At the time of the Murray City annexation a blanket R-1-10 zoning was applied with the prior knowledge of all the different types of home sizes and land uses. Mr. Swaney commented that the area contains a large number of non-conforming lots. Mr. Christensen stated that the area should not be considered for R-1-10 zoning only and upon further review it would be more appropriate to have individual zone changes throughout the area as applications occur. Mr. Hall commented that the owner of the two properties to the east, Mr. Mohammad expressed interest in rezoning his property to R-1-8.

Mr. Swaney commented he wished that the adjacent landowners were present to show their interest in the flag lot as a whole and feels current approval may create a basis for future spot zoning requests. Mr. Hall replied that spot zoning does not apply to this case as the underlying land use in the area varies. Mr. Woodbury makes a point that in fairness the absence of the adjacent landowners does not indicate they are opposed to the zoning change.

Mr. Markham made a motion to forward a recommendation of approval for the requested Murray Zone Map Amendment from R-1-10 to R-1-8 to the City Council for the property addressed 1500 East Vine Street.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Christensen.

N  Buck Swaney  
A  Maren Patterson  
N  Sue Wilson  
A  Phil Markham  
A  Scot Woodbury  
A  Travis Nay

Motion passed 4-2. Nay votes were Mr. Swaney and Ms. Wilson.

INTERMOUNTAIN HEALTHCARE – 4950 – 5056 South State Street – Project #16-115 – Public Hearing

Mr. Nay recused himself from this agenda item and turned the chair over to Ms. Patterson.

Dan Kohler and Tom Uriona were the applicants present to represent this application for Intermountain Healthcare. Jared Hall reviewed the location and request for a Murray Zone Map Amendment from Murray City Center District (M-C-C-D) to Commercial Development (C-D) in order to facilitate an expansion of the existing Intermountain Medical Center campus for the properties addressed 4982 - 5056 South State Street which include the subject properties located at the southernmost extent of the M-C-C-D zoning district, as well as properties owned by Intermountain Health Care, the State of Utah, and the Murray City Redevelopment Agency. The applicant is requesting a zone change in order to facilitate a significant natural expansion of the existing IMC campus onto the subject properties and have the support of all involved parties. The current zoning designation of all subject properties is Murray City Center District, M-C-C-D. The regulations for front-yard setbacks and public right-of-way improvements are unique to the M-C-C-D, and therefore very unlike those of the C-D zone. Because the larger adjoining property (the IMC campus) will be functionally and visually connected to developments on the subject property, the C-D zone would more appropriately guide the subject site's development. Mr. Hall commented that the request for a rezoning not been taken lightly as the change would affect a large part of the M-C-C-D zone. The future land use map currently designates the area as commercial retail and would support the change to C-D zoning and IHC intends to develop this area into a medical building in relation to the larger campus.

Mr. Swaney expressed concern over the potential loss for the design, style and architectural related components of the MCCD and commented that this is a long-term vision for Murray City

and what the city wants it to look like in the future. He asked what type of design is being contemplated for the property and if it reflects what the MCCD is supposed to bring into Murray City which is a place-making, that is beautiful, something that looks right, has colors, textures, and scale. Mr. Tingey responded that he understands the concerns expressed thus far and this is a rezone application and not site plan approval. He stated the city has been meeting with Intermountain Healthcare for quite some time now regarding these properties and the city is aware of that IHC is contemplating to do with the property, unfortunately that is not the issue at hand. The issue at hand is a zone change. Mr. Tingey stated this area is the downtown area and the Redevelopment Agency and Murray City are very heavily involved in the whole area, especially integration with IMC and the downtown and this is key. Mr. Tingey stated the city is very appreciative of the partnership with Intermountain Healthcare and IMC and have been in meetings on the redevelopment for the downtown for years talking about this integration. He is confident that integration will happen and the issues being discussed will be positive for this area. However, Intermountain Healthcare and IMC is a "campus" concept they have and is a very long term plan that will be for many years to come. The reason this rezone is so important is to ensure that integration of what is going to happen with this site is going to integrate with the existing "campus" of IMC. The MCCD focuses on the design elements toward the streets, etc. rather than a campus type approach. Having this rezone to C-D will allow for that integration and will not cause problems.

Mr. Swaney asked about the need for pedestrian connectivity as indicated in the General Plan. This plan shows connectivity across State Street. He stated if there are grant or federal monies available for this type of infrastructure that should be pursued for future development. Mr. Tingey concurred with Mr. Swaney's comments. Mr. Tingey stated the Redevelopment Agency and Murray City are working with Intermountain Healthcare and UDOT on these issues. He noted there are funding elements associated with these goals. He stated that the city recognizes the importance of connectivity across State Street and not just pathways, but possibly bridge concepts that are pedestrian and bicycle friendly.

Mr. Swaney stated the MCCD zoning district requirements are an insurance policy to the planning commission for obtaining these goals and what is developed will meet those goals. He stated this zone change, if it were made for someone different than IHC, would cause him a lot of worries because that MCCD insurance policy would be gone. Mr. Tingey stated the design concepts related to connectivity, such as trails, etc., in the MCCD are not specified required elements. He stated with the C-D zone that will still occur, and IHC plans to incorporate those design elements in their "campus" concept.

Mr. Swaney stated he is not concerned with the quality of projects done by IHC, but there are elements that need to be protected to make Murray a better place and he wants to ensure that those elements are not eliminated or left out by changing the zoning from MCCD to C-D.

Mr. Markham asked if the IHC hospital is exempt from tax rules. Mr. Tingey replied that IHC is exempt from some taxes, but they do contribute to other funds that maintain the area and the new development would not bring any change to the current tax status.

Dan Kohler, with IHC facility planning and development, 36 S State Street, stated he has reviewed the staff recommendations and will comply.

The public hearing was opened for public comment.

Eliot Seltzer, 4739 S Brown Street, commented that UTA obtained a federally funded Tiger Grant for a bicycle bridge over State Street and would like a future bridge located in the immediate vicinity of the existing bridge and possibly connect directly to the City Hall.

Ms. Patterson commented that even though IHC owns the land and wishes to develop as medical buildings, that the proposed rezoning does not meet the future M-C-C-D plan in regards to the commercial development to match surrounding state street frontages.

The public comment portion was closed for this agenda item.

Mr. Woodbury made a motion to forward a recommendation of approval for the requested Zone Map Amendment from Murray City Center District (M-C-C-D) to Commercial Development (C-D) for the properties located at 4982 – 5056 South State Street. Seconded by Mr. Markham.

Call vote recorded by Mr. Christensen.

A \_\_\_ Buck Swaney  
A \_\_\_ Maren Patterson  
A \_\_\_ Sue Wilson  
A \_\_\_ Phil Markham  
A \_\_\_ Scot Woodbury  
Abstain \_\_\_ Travis Nay

Motion passed 5-0, 1-abstention (Travis Nay).

Mr. Nay resumed chair of the meeting.

LAND USE ORDINANCE TEXT AMENDMENT to Municipal Code Section 17 - SENIOR HOUSING – Project #16-111 – Public Hearing

Jared Hall presented the Land Use Text Amendment addressing Senior Housing. Mr. Hall expressed the concern for the growing need for housing and care for senior resident. The need for assisted living has changed immensely over the last 10 years and the codes have not kept up with those changes. The Murray City Land Use Ordinance and accompanying Standard Land Use Code provide definitions for permitted and conditional land uses throughout the municipal code. With an aging population, it has become important for municipalities to provide a variety of housing types for individuals that need medical care or seek congregate living arrangements. As of the date of this report Murray City Ordinances only provide definitions and development standards for a limited number of senior housing options. These options include, retirement homes, sanitariums, convalescent and rest homes, and senior apartments. Places such as assisted living facilities, congregate care retirement communities, and continuing care retirement communities are not addressed appropriately within the current land use ordinance. Based upon research of other regional and national development patterns and land use ordinances, it has been made clear that standards for a wide range of senior housing types should be provided and addressed in Murray City. In order to address this growing demand for senior housing facilities, Murray City Staff has drafted amendments to the current code. The proposed amendments will update the standard land use codes and Murray City Land Use ordinance in the following ways:

- 1) Establish updated industry related definitions and land use codes;
- 2) Separate assisted living from skilled nursing, convalescent and rest home services;
- 3) Update the allowed land uses in the individual zoning chapters and the corresponding land use code numbers.

The proposed amendment would add definitions for "assisted living-meaning assistance that would not require a nurse to administer but rather an able person to assist with daily needs" as well as separate it from the "Nursing Care" category. This also adds a definition for "Congregate Care (or independent living)", "Continuing Care". These definitions will be assigned a specific Land Use # in the Murray Standard Land Use code. The LU# 6516, currently is "sanitariums". The term "sanitariums" does not get used much anymore and will be updated to be "skilled nursing, convalescent or rest home facilities", etc. There will be the addition of LU # 6516.1 "Assisted Living".

Mr. Hall reviewed the zoning districts where these new categories will be allowed either by permitted uses or conditional uses. Much of the research was done based on the market. The age cut off for "seniors" is 55 years of age. The "Assisted Living" category use will be added to the MCCD zoning district. He stated there have been no new applications for these types of facilities, but many inquiries.

Mr. Nay asked how many of these types of facilities there are, in general, across the city. He mentioned the facility on Vine Street, 5600 South 900 East and 5200 South Murray Blvd. Mr. Hall responded those are the main facilities located within the city.

Mr. Swaney asked how the city would receive an application for a 2,000 bed assisted living facility, if these changes are adopted. Mr. Hall responded that the planning staff has considered that potential and it would be processed accordingly to the code. He stated a lot of rooftops supports urbanization and is the goal of the MCCD zoning district. He stated that planning staff feels that skilled nursing does not belong in the MCCD district and would be better suited in the C-D or M-U zone.

Mr. Swaney asked in the fact that the IHC rezone request, which the previous agenda item, would in essence remove a lot of the properties from the MCCD zoning district, has the planning staff considered rethinking the MCCD district and allowed uses and the best mix of those uses. Mr. Hall responded the planning staff has not considered making additional changes to the MCCD zoning district as a result of this senior housing text amendment. He stated that staff is comfortable with the MCCD as it currently exists with the addition of the "Assisted Living" use.

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

Mr. Markham stated in order to address the growing demand for senior housing, he made a motion to send a positive recommendation to the city council for approval of the proposed Land Use Ordinance Text Amendment for Senior Housing. Seconded by Mr. Swaney.

Call vote recorded by Mr. Christensen.

A \_\_\_ Buck Swaney  
A \_\_\_ Phil Markham

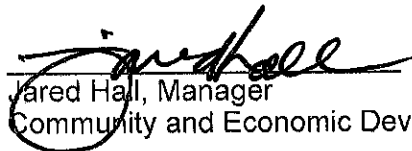
A \_\_\_ Maren Patterson  
A \_\_\_ Scot Woodbury  
A \_\_\_ Sue Wilson  
A \_\_\_ Travis Nay

Motion passed 6-0.

OTHER BUSINESS

Mr. Hall reminded the commission members of the Joint Study Session with the city council to review the Draft General Plan next Thursday, September 22<sup>nd</sup>. Dinner will be included with the study session. The study session is scheduled from 6 p.m. to 8 p.m.

Meeting adjourned at 8:30 p.m.

  
\_\_\_\_\_  
Jared Hall, Manager  
Community and Economic Development