

Minutes of the Planning Commission meeting held on Thursday, March 16, 2017, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Vice Chair
Maren Patterson
Sue Wilson
Lisa Milkavich
Jared Hall, Community & Economic Development Manager
Brad McIlrath, Assistant Planner
Tim Tingey, Administrative and Development Services Director
Jim McNulty, Development Services Manager
G. L. Critchfield, Deputy City Attorney
Citizens

Excused: Buck Swaney, Chair
Scot Woodbury
Travis Nay

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

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

APPROVAL OF MINUTES

Ms. Milkavich made a motion to approve the minutes from the March 2, 2017 Planning Commission meeting with the changes discussed in the pre-meeting. Seconded by Ms. Patterson.

A voice vote was made, motion passes 4-0

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Ms. Patterson made a motion to approve the Findings of Fact for Wagstaff Crane. Ms. Milkavich seconded the motion.

A voice vote was made, motion passes 4-0.

IRON HORSE CONCRETE – 411 West Winchester Street – Project #17-32

Jeff Horsley was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit Amendment for an addition to an existing concrete contractor office/warehouse building for the property addressed 411 West Winchester Street. Previous approval for the existing two unit building was granted by the Planning Commission on May 7th, 2015. As a building that is used for a concrete contractor, a conditional use permit was required prior to construction, therefore, any proposed addition requires an amendment to that original conditional use permit issued in 2015.

This property is located along the south side of Winchester Street, west of the Fashion Place West Trax Station and east of the I-15 overpass. The building is currently under construction for the first phase of the building with the parking lot and associated improvements. This proposal is to construct a third unit at the south end of the existing office/warehouse building. This addition includes an additional 1,167 square foot warehouse space with a single overhead door and a larger 2,463 square foot warehouse space with adjacent offices and as well as the parking area, onsite retention and detention. The elevations that face the parking lot to the west are a mix of masonry, wood and metal. The new addition on the south side would match the existing design and materials of the current building. The landscaping has not yet been installed as the site has been under construction, but the landscape plans that have been submitted as part of the building permit application for the current construction do meet the landscaping zoning requirements and should be included as part of the conditional use permit. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the proposed Conditional Use Permit Amendment for an addition to an existing concrete contractor office/warehouse building for the property addressed 411 West Winchester Street subject to conditions.

Jeff Horsely, 411 West Winchester, stated he has reviewed the conditions and will be able to comply. Mr. Horsley stated that he has posted a bond with Murray City as a commitment to the future landscaping installation because the winter weather has prevented him from installing landscaping.

Ms. Patterson asked why Iron Horse Concrete needs to expand the current building that is still under construction. Mr. Horsley answered although they have not finished construction or moved in yet they project they have already outgrown the space.

Ms. Wilson asked if landscaping plans have already been submitted to Murray City and what date they plan to start to install the landscaping. Mr. Horsley responded that they have submitted the full plans with the building permit and they plan to install the landscaping as soon as all the City approvals are complete and wish to get started as soon as possible.

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

Ms. Wilson made a motion to grant Conditional Use Permit Amendment approval for an addition to an existing concrete contractor office/warehouse building for the property addressed 411 West Winchester Street subject to the following conditions:

1. The project shall meet all applicable building code standards and comply with the requirements of the Murray City Building Division.
2. The project shall comply with the following Murray City Fire Department requirements:
 - (a) The project shall comply with all current building and fire code standards; and
 - (b) Area separation or a fire sprinkler system must be provided for the new addition.
3. The project shall comply with Murray City Water and Sewer Department requirements.
4. The project shall comply with the following Murray City Engineering requirements:

- (a) The project must meet Murray City drainage requirements with on-site detention / retention and water quality treatment required; and
 - (b) Any damaged curb, gutter and sidewalk along the Winchester Street frontage will need to be replaced.
5. If a trash container is used, it shall be screened as required by Section 17.76.170.
 6. The project shall include the installation of the landscaping and irrigation system approved with the building permit for the first building phase (Permit #15-756).
 7. The applicant shall obtain a Murray City Business License prior to operating the business from this location.
 8. All future signage shall comply with the standards for attached and detached signs in the M-G Zone. The applicant shall obtain a sign permit for all future signage prior to installation.

Seconded by Ms. Patterson.

Call vote recorded by Mr. McIlrath.

 A Sue Wilson
 A Maren Patterson
 A Lisa Milkavich
 A Phil Markam

Motion passed 4-0.

MARISSA'S BOOKS – 5692 South 900 East #10 - Project -17-33

Cindy Dumas was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a conditional use permit for a used books & gifts business to be located at the property addressed 5692 South 900 East #10. This business is located adjacent to 900 East and at the south end of the 9th Street Marketplace development. The business is currently located in another retail space located in the same development and northwest of the proposed location. The new location is approximately 3,721 square feet and includes two restrooms, a back storage room, and a front door at the north side of the building facing the parking lot. This location provides additional space for the business to expand and better serve customers. Parking for this use is located in the shared use parking lot of the commercial development. There is at least twelve spaces located directly in front of the business location that appear to be designated for the commercial space. Additional parking can be met with the shared parking area located to the northwest of the business. The existing landscaping within the front setback area along 900 East complies with the standards of the landscaping ordinance and does not need to be modified. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval for a used books & gifts business to be located at the property addressed 5692 South 900 East #10 subject to conditions.

Mr. Markham asked if the handicapped parking also meets City standards. Mr. McIlrath responded that the handicapped parking does meet city requirements for the amount and

location of ADA stalls.

Cindy Dumas, 5692 South 900 East, stated she has reviewed the conditions and will be able to comply.

Ms. Patterson commented on how nice it is that Marissa's Books will occupy this space as it has been empty for a very long time. Ms. Dumas stated that they have asked to lease the space for two years and the management has finally given them permission.

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

Ms. Patterson questioned why this applicant had to re-apply for the conditional use permit as the use is only used book sales and within the same strip mall complex and feels that it could have been approved without coming before the planning commission. Ms. Patterson asked that staff look into the conditional uses in the C-D zone and whether a used book store should be a conditional use.

Ms. Patterson made a motion to grant Conditional Use Permit approval for a used books & gifts business to be located at the property addressed 5692 South 900 East #10 subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The applicant shall obtain a building permit for any remodeling that would require review by the Murray City Building Division.
4. The applicant shall obtain a Murray City Business License prior to the commencement of business operations at this location.
5. All signage shall comply with the standards for attached, detached and window signage allowed in this commercial zone as outlined in Chapter 17/48 of the Murray Municipal Code.

Seconded by Ms. Wilson.

Call vote recorded by Mr. McIlrath.

 A Maren Patterson
 A Sue Wilson
 A Lisa Milkavich
 A Phil Markam

Motion passed 4-0.

MARAUDER TATTOO – 4700 South 900 East # 36 - Project -17-36

Steve Webster was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow the operation of a Tattoo Shop on the property located at 4700 South 900 East, #36 in the Ivy Place complex within the C-D zone. The lease space is approximately 940 square feet and would have space for a single artist, or possibly a second. Changes to the interior would involve only the setup of equipment for the stations and other cosmetic changes such as paint. Twelve parking stalls are located immediately adjacent to his unit in the building and only three parking stalls are required. There are several ADA stalls in the area which have been reviewed and meet requirements. Landscaping is well maintained within the Ivy Place complex and the proposed use does not impact the existing landscaping on the site, no changes are recommended. It has been determined that the hours of operation would be from eight a.m. to eight p.m. which would not have a negative impact on the adjacent neighborhood to the west. Based on the information presented in this report, application materials submitted, and the site review, staff recommends approval to allow the operation of a Tattoo Shop on the property located at 4700 South 900 East, #36 subject to conditions.

Steve Webster, 4700 South 900 East, stated he has reviewed the conditions and will be able to comply.

Mr. Markham asked what are the hours of operation of the other adjoining business nearby. Mr. Webster stated that the other business are similar type uses such as beauty salons and spas and they have similar hours. Mr. Webster further stated that he arrives around eleven a.m. and leaves around seven or eight p.m.

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

Ms. Milkavich made a motion to grant Conditional Use Permit approval to allow the operation of a Tattoo Shop on the property located at 4700 South 900 East, #36 subject to the following conditions:

1. The applicant shall obtain Murray City building permits for any work that requires permits and comply with building code requirements.
2. The applicant shall comply with all applicable building and fire codes.
3. The applicant shall ensure that all required state and county health permits are in place, and that all health department requirements are met with respect to the establishment itself and the professionals operating there.
4. Hours of operation are limited to between 8:00 a.m. and 8:00 p.m. daily.
5. The applicant shall obtain a Murray City business license prior to beginning operations on the site.

Seconded by Ms. Patterson.

Call vote recorded by Mr. McIlrath.

A Lisa Milkavich
 A Maren Patterson
 A Sue Wilson
 A Phil Markham

Motion passed 4-0.

BEDFORD PROPERTIES – 533, 551, 565, 583, 593, 631 East Winchester Street and 6363 South 525 East – Project # 17-36 & 17-35 – Public Hearing

Robert Smith was the applicant present to represent this request. Jared Hall reviewed the locations and requests for a General Plan Amendment from Residential Business and Residential Single Family Low Density to Office and a Zoning Map amendment from R-1-8 to G-O for the properties located at 533, 551, 565, 583, 593, 631 East Winchester Street and 6363 South 525 East. The parcels are vacant except for 525 East which has a home. The current zoning of the parcels is R-1-8 Single Family Low Density Residential. The future land use designation map shows that this area is designated as Residential Neighborhood Business. Any future changes to the area would take into consideration the future land use map, which staff would support. The analysis from staff does not support any of the proposed changes, as it does not find a compelling reason to change the Future Land Use map designations to office.

A list of some of the permitted and conditional uses that are allowed in the G-O zone that are not allowed in the R-1-8 or R-N-B zones are offices for equipment rental and leasing, assisted living facilities, convalescent centers, radio or television broadcasting etc., because of the types of intense hours that they are in operation and number of employees that are at these facilities during operation hours. A comparison of the type of things that are regulated by the R-N-B zone that are not controlled by the G-O zone are screening, noise, large parking lot areas, density, massing, building materials and roof lines. The R-N-B zone has restrictive language for design control, which is not found in the G-O designation. The surrounding properties are used for residential homes, and the R-N-B zone provides the best buffering methods from businesses to protect the residential area. Based on the General Plan, Staff does not recommend approval for both proposals because the G-O designation change could significantly impact the city's ability to protect and stabilize the neighborhood as well as appropriately develop the frontage of Winchester Street in a way that does not negatively impact the surrounding neighborhood.

Mr. Markham asked Mr. Hall to give a general description of the area for the visual benefit of the audience. Mr. Hall reviewed the location and proposed and recent business that were approved under the more regulated R-N-B zoning.

Ms. Patterson asked Mr. Hall to address how this zone change is different from a site plan request submittal. Mr. Hall stated that when the City considers requests to change the general plan or to change a zoning district, it does not consider any specific projects because a project has potential to change from the intended use. The City reviews the proposal as it relates to the current General Plan and the current Zoning Ordinance.

Robert Smith, 7839 Mystic Meadow, complimented City officials on the hard decisions they are faced to make and wanted to point out that the applicant would like the intent of the

application to be shared, which is to build an assisted living center. Mr. Smith further stated that the uniqueness of the property represents something greater than R-N-B as it is larger in size than any other property in the R-N-B zone, and that the general plan allows for changes when there is a unique characteristic or situation. This land has a large depth which would allow separate buffering, landscaping and parking requirements from the residential properties and could supply a meaningful buffer. Mr. Smith clarified that the size of his potential assisted living development has not been determined and does not want it to effect the outcome of tonight's decision. He stated he would encourage input from the neighbors if the zoning is approved. Mr. Smith stated that he feels City Staff have been indifferent to him in allowing his development to happen and asked Planning Commission to help him to rezone so he can develop the parcel.

Ms. Wilson stated that she has been in a similar position with a similar proposal and in her experience felt that staff was not indifferent, but rather tried to maintain impartiality.

The hearing was opened for public comment for the General Plan Amendment for Residential Business and Residential Single Family Low Density to General Office.

Sandy Miller, 640 East 6340 South, stated that the vacant lot is located directly behind her property. Ms. Miller stated she is not opposed to assisted living developments in general, but does not wish to lose the stable residential area that exists in the area. Ms. Miller does not support the G-O proposal because it runs the risk of opening up different types of business that may change the structure and feel of the neighborhood, and the potential increased traffic if the assisted living development falls through and does not get developed.

Jake Young, 239 Ironside, stated that he has worked with the Smith family on this development and their intention is to build only an assisted living facility and wants the G-O rezone for only this type of a development. Mr. Young further stated that in order for Mr. Smith to have a successful project he needs the right site and this site is a good one for a business like this. He stated this property will be a business of some type in the future as much of Winchester is a businesses and commercial area and is no longer a single family home neighborhood. He stated that a market study has been done and determined this area to be a good area for an assisted living center as this area is similar to other areas in cities that have assisted living centers because seniors want to live near neighborhoods, commercial areas and have good freeway access. Mr. Young further stated that he and Mr. Smith want to work with the city to find out if there is any way to make this possible such as stabilizing the neighborhood by adding the assisted living because they are senior residents, lowest traffic count of any type of business and a development that would mesh with the residential neighborhood and landscaping.

Mr. Markham reiterated the intent of tonight's meeting is to focus only on the general plan amendment and zone change, and not a future development.

Ms. Milkavich commented that the City does appreciate good applicants who want to add value and beauty to the city, but the city does have to look at the future use long term as businesses and uses may change no matter what the intent of the primary owner may be.

Ms. Wilson added that the reason Murray city has the R-N-B zone is to provide a buffer between residents and to protect their neighborhood from being encroached upon. First and foremost Murray needs to protect it residents and the R-N-B zone does a great job in defining

what is allowed in the area for good reason.

Jeff Squires, 687 East Winchester, stated that he lives across the street from the site that The Advocates new building is being built, and he agrees with the city to deny the zone change because he feels G-O is too tall, and there should be additional zoning that regulates one story and two story structures. Mr. Squires believes The Advocates may be too tall once it is finished and that he appreciates what the Smiths are trying to accomplish but does not want the zoning to change.

Mr. Markham closed the public meeting for the General Plan Amendment for Residential Business and Residential Single Family Low Density to General Office.

The meeting was opened for public comment for the Zone Map amendment for R-1-8 to G-O.

Jerry Nelson, 6334 South 560 East, stated that he supports the Planning Commission's recommendation to deny the zone change and is glad they recognize the impact that a zoning change would bring. Mr. Nelson added an approval would destroy the surrounding property values, set a negative precedence for the future, and change the complexion of the neighborhood, and increase traffic and noise.

Pam Squires, 687 East Winchester, stated that when she moved in thirty years ago Winchester was a two lane street and now it is four lanes, has an uneven turn lane near the Midvale boarder, lost parking spaces, is infested with gophers, and there are frequent car crashes in this area. Ms. Squires believes that her property value will decrease with if this is approved and states she does not support the zone change.

Mr. Markham closed the public hearing for the Zone Map Amendment for R-1-8 to G-O.

Mr. Markham stated that the General Plan has been in development for several years and it has been a very transparent process, but his concern is that it is in direct conflict with the zone that is being requested. Mr. Markham stated he is concerned if the Zone Map Amendment is approved, it would grant certain legal rights to property owners and could open the possibilities for the zoning to allow any type of G-O developments. Mr. Markham further stated although the intentions of Mr. Smith are not in question, there is still a potential for the intended development to fall through and open up any number of unintended developments to be dealt with that may have an even more negative impact on the area.

Ms. Patterson stated that she considers the applicant's property and proposal to be very unique and admirable but does not feel she can make a decision based on a future site plan and whatever happens to the property regardless of what is intended, the impacts of this zone would change long term. According to the General Plan the City is directed to protect stable neighborhoods, and the current R-N-B zone does that because it is a buffer that offers restricted structure heights, design styles, and hours of operation. Ms. Patterson further stated that she is conflicted because one of the goals of the General Plan is also to provide facilities for aging Murray residents to stay in place. Although the City has both goals in mind there are places in the City that are zoned specifically for these types of facilities and encouraged Mr. Smith to seek out those locations.

Mr. Markham reminded all in attendance that the planning commissions task at hand is strictly a recommendation to the City Council and the City Council has the final decision. The

Planning Commission does not have the authority to approve or deny the two proposals.

Ms. Patterson made a motion to forward a recommendation of denial to the City Council for the requested General Plan amendment from Residential Single Family Low Density and Residential Business to General Office for the properties located at 533, 551, 565, 583, 593, 631 East Winchester Street and 6363 South 525 East. Seconded by Ms. Wilson.

Call vote recorded by Mr. McIlrath.

 A Maren Patterson
 A Sue Wilson
 A Lisa Milkavich
 A Phil Markham

Motion passed, 4-0

Ms. Patterson made a motion to forward a recommendation of denial to the City Council for the requested Zone Map Amendment from R-1-8 to G-O for the properties located at 533, 551, 565, 583, 593, 631 East Winchester Street and 6363 South 525 East. Seconded by Ms. Milkavich.

Call vote recorded by Mr. McIlrath.

 A Maren Patterson
 A Lisa Milkavich
 A Sue Wilson
 A Phil Markham

Motion passed, 4-0

Ms. Patterson thanked all in attendance for coming and expressing their opinions and encouraged them to attend the City Council Meeting to reiterate their opinions expressed tonight as they will make the final decisions for approval or denial.

OTHER BUSINESS

Mr. Hall mentioned to the Planning Commission that the agenda for the April 6, 2017 is quite full and asked that any planned absences be communicated to Planning staff.

The meeting was adjourned at 7:38 p.m.



Jared Hall, Manager
Community and Economic Development