

Minutes of the Planning Commission meeting held on Thursday, October 6, 2022, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

The public was able to view the meeting via the live stream at <http://www.murraycitylive.com> or <https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item may submit comments via email at planningcommission@murray.utah.gov.

Present: Jeremy Lowry, Chair
 Jake Pehrson, Vice Chair
 Travis Nay
 Ned Hacker
 Michael Richards
 Maren Patterson
 Susan Nixon, Senior Planner
 Zach Smallwood, Senior Planner
 Diana Baun, Transcriptionist

Excused: Lisa Milkavich

Members of the Public: Paul Henderson, Bart Burton, Chris Layton, Chris Johnson
 Dale Bennett

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 Department Office.

APPROVAL OF MINUTES

There were no minutes to be approved.

CONFLICT OF INTEREST

There were no conflicts of interest identified.

APPROVAL OF FINDINGS OF FACT

Mr. Pehrson motioned to approve the findings of fact for BD Parris, LLC and Willow Wood Professional Plaza. Seconded by Mr. Hacker. A voice vote was made, motion passed 6-0.

MORGAN JEWELERS – 6102 South State Street – Project #22-140

Ms. Nixon presented this application from Layton Davis Architects, on behalf of Morgan Jewelers, for a new retail and office building at the address above. The property is currently two parcels, previously the Firestone auto care property. The property has some unique obstacles. There is a nonconforming/noncompliant pole sign that will need to be removed; plans are to replace it with a monument sign in the future. Another obstacle on the west side of the property is overhead Murray City Power lines, which require a 15-foot vertical and horizontal separation from any structure. The building to the south is Golf Galaxy, which has a 7–8-foot setback. The architect applied for a variance for the front setback to be more consistent with surrounding buildings, and to meet the buildable area given the constraints; that variance was approved. The first 10 feet of property frontage will consist only of landscaping. In February of this year, the architect and engineer met with UDOT to discuss access off State Street. U DOT indicated that the drive aisle needed to be further to the south, and additionally the Murray City Engineer also requested the drive aisle from 6100 South Street be pushed further to the west and away from the intersection for safety. This building is replacing their previous retail store at the Fashion Place Mall. They are planning on a main floor retail store with some office space, the second

floor will be all corporate offices as they are moving their headquarters here to Murray. She discussed the specifications for the building, landscaping and parking requirements from the Staff Report. One of the conditions listed is that they will need to consolidate the two parcels, and their projects engineer is currently working on that. The parcel consolidation must be completed prior to submittal of a building permit. Ms. Nixon indicated that 21 notices were sent to surrounding residents and business owners. There was a response from one resident to the southwest who was happy to see something being constructed there, and she was thrilled with the plans. The owner of the Tom Knox store across the street was also thrilled and wants to welcome them to the neighborhood.

Chris Layton, architect, said it has been a pleasure to work with the city on this project and they think this is very appropriate for the site. On behalf of the Morgan Family and their many employees, they are very excited to relocate their headquarters from Salt Lake City to Murray. He noted that he works with so many different municipalities, and the planning staff here is exceptional and that Ms. Nixon has covered everything. He stated they are grateful for the opportunity to create this building, which they hope is a fine addition to Murray City.

Mr. Lowry asked if Mr. Layton has had a chance to review the 10 conditions, and if they will be able to comply with them.

Mr. Layton responded that yes, he has reviewed the conditions, and they will be able to comply with all of them.

Mr. Lowry opened the hearing for public comment. There were no comments in person, or sent electronically during the meeting, and the hearing was closed.

Mr. Hacker moved to approve the architectural and site plan for the proposed Morgan Jewelers retail store and corporate office building for the property address 6102 South State Street, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
 - a) Repair any damaged curb and gutter and sidewalk along the project frontage to State Street and 6100 South.
 - b) Remove unused curb cut, replace with new curb and gutter.
 - c) Ensure that on-site sidewalk meets ADA requirements.
 - d) Meet City storm drainage requirements, on-site detention with a max. release rate of 0.2 cfs/acre is required. Implement Low Impact Development (LID) practices where practical.
 - e) The site is located within a well protection zone, the stormwater detention system should not percolate.
 - f) Move snout upstream of the detention system.
 - g) Provide a drainage summary report.
 - h) Obtain a UDOT site access review and permit for the State Street access.
 - i) Obtain a City encroachment permit for work in 6100 South.
 - j) Develop an erosion control plan and implement prior to beginning site work.
2. The applicant shall meet all Fire Department requirements, including maintain the width of the drive access width to 26 ft or fire sprinkle the building.

3. To meet all Power Department requirements, including:
 - a) Moving the building to the Northeast corner solved the clearance issues to the overhead powerline on the West side of the lot.
 - b) The developer will need to meet with Murray City Power to discuss planning the new power service(s) and future equipment placement to the building(s) with additional line extension costs to provide electrical service.
 - c) Developer must meet all Murray City Power Department requirements and current NESC code and provide required easements for equipment and Power lines.
 - d) Make sure to contact John Galanis 801-264-2723 for meter placement on the building(s) and proper metering equipment before construction begins.
4. To meet all Water Division requirements, including:
 - a) Well protection zone source 2 area, no perc of storm drain on site allowed.
 - b) Sewer lateral line will need to be fused joint pipe.
 - c) There is 1" water lateral stub on north side of property.
5. The applicant shall meet all Sewer Division requirements.
 - a) Plans to include any utility sheets for review.
 - b) Need to see proposed utilities for full review.
 - c) Sewer main line runs down the west property line. New sewer connection must connect to this sewer main
6. The applicant shall meet all landscaping requirements of Section 17.68 of the Murray City Land Use Ordinance for approval with the building permit.
7. The applicant shall meet all parking requirements of Section 17.72, including ADA stall regulations.
8. The applicant shall meet the refuse container requirements of Section Sections 17.76.170.F and 17.160.080.
9. The applicant shall consolidate the two parcels prior to submittal of a building permit.
10. The applicant shall obtain any necessary building permits prior to construction of the site and prior to installing any signage on the property.

Seconded by Mr. Pehrson. Roll Call Vote

A Hacker
A Pehrson
A Nay
A Patterson
A Richards
A Lowry

Motion passed 6-0

THE POINTE @ 53RD – 5177 & 5217 South State Street – Project #22-143

Mr. Smallwood presented this request from the Howland Group to amend The Pointe at 53rd Subdivision, located at the addresses above. This is located in the CMU zone. He reviewed the information from the Staff Report and noted that the proposal is to eliminate Lot 4 and prepare a new lot 101, along with proposing a new lot 201 which encompasses the office building. The reason for this is that they would like to turn the office building into office condominiums in the near future. He shared some pictures from the Staff Report. During the recording process for the condominium subdivision, they will have to provide parking agreements because Lot 201 doesn't have any parking attached to it. Staff recommends approval for this amendment, along with preliminary and final subdivision approval for the creation of Lot 201 on the properties listed above.

Mr. Pehrson asked about the parking agreement, and how that would work in perpetuity forever. Mr. Smallwood said it would be recorded against the property and the property owners. Mr. Smallwood would like to see it written such that each unit is designated a certain number of stalls; he is working with the Howland's to make sure that is taken care of.

Mr. Pehrson asked, if the property was sold, would they have to maintain those parking stalls for Lot 201. Mr. Smallwood responded that is correct.

Chris Johnson, applicant, stated this condo conversion is really an aggregate part of an overall effort to revitalize and modernize The Pointe at 53rd, which will be forthcoming shortly on some additional submissions. Regarding parking, he has been working with his attorneys and they are writing it exactly how Mr. Smallwood described. The parking will be recorded against the owners, and those commitments will run with the land. If they are ever sold, the agreements will run with the transfer of the property.

Mr. Lowry asked if the applicant has had a chance to review the seven conditions, and if he can comply with them. Mr. Johnson said yes, he has read them and they will comply. Opened the hearing for public comment. There were no comments in person or online, the hearing was closed.

Mr. Richards made a motion to approve this amendment for Lots 1 and 4 of The Pointe at 53rd Subdivision, along with preliminary and final subdivision approval for the creation of lot 201 on the properties located at 5177 & 5217 South State Street, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
 - a. Meet City subdivision requirements.
2. Meet all Wastewater requirements including the following:
 - a) Remove Cottonwood Improvement District from Signature Boxes.
 - b) Separate Murray Water and Wastewater as each should be their own signature box.
3. The project shall meet all requirements of the Murray City Land Use Ordinance.
4. When submitting for a condominium subdivision, the applicant shall provide a document outlining the number of parking spaces for each office condo and be recorded against the properties and be in compliance with Murray Parking Standards.

5. If the applicant does not condominiumize the proposed Lot 201, the applicant shall provide a document that provides details on the parking for Lot 201 with compliance with Murray Parking Standards prior to recordation of the new plat.
6. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
7. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.

Seconded by Mr. Nay. Roll Call Vote

A Richards
A Nay
A Hacker
A Patterson
A Pehrson
A Lowry

Motion passed 6-0

PAUL HENDERSON – 97 West Winchester Street– Project#22-139

Mr. Smallwood presented this request to amend the general plan and zone map. This property is currently in R-1-8 zone, along with the properties to the west and east. This requires a change from the current low-density residential designation to the residential business designation. The residential business designation only allows for the RNB zone, and there are no other associated zones. Staff feels this is a natural expansion of the RNB designation, especially with the Fashion Place West area. Photos of the existing home were shown of the lot and were included in the Staff Report. He discussed the future land use designations and possible conditional uses. The RNB zone allows for small office uses, and it is a design heavy zone with architectural standards that have to be met and he discussed those. He also discussed the requirements for parking in this zone. Staff is recommending approval for both the general planning amendment and the zoning map amendment.

Mr. Nay referred to the future land use map and that it talks about the natural progression of expansion of the residential neighborhood business. He asked if staff sees a hard line where these expansions are concerned. Mr. Smallwood responded that typically staff doesn't support anything that isn't touching on Winchester.

Mr. Nay asked how this project fits with the small area plan that was done for Fashion Place. Mr. Smallwood responded that this actually fits more with the 2017 general plan. There are things that may come as part of the Fashion West Place Small Area Plan, but this is an easy transition over to commercial.

Paul Henderson, applicant, said that before buying the house he called the city to see if he could put his office there. The gentleman responded he could, specifically "it's on Winchester, and yes you can." Then, after speaking with Ms. Nixon about it, she looked more closely and discovered this is the only lot on Winchester that isn't included in the RNB Zone. They

discussed the things that would have to happen to bring it up to commercial code, and he is getting plans and bids on those items. He hasn't done anything official yet however, because he is waiting on approval.

Mr. Nay asked what kind of business he will be running. Mr. Henderson responded that it will be an office property management business.

Mr. Lowry opened the hearing for public comment.

Bart Burton, resident, requested that the zoning not be changed. Once it starts, it never stops. He has seen it in so many places and would really like to keep our place a neighborhood. We like it there, you start letting offices in and next thing you know there is a dentist's office, next thing you know they are going to change the zoning to something else and from what I heard, from there with the mall project it may anyway. He asked that the city not approve the request and just let the neighborhoods be.

Mr. Smallwood read an email received prior to the meeting:

Elizabeth Brimley, resident, asked what type of business is anticipated? What business hours are planned? What effect will it have on the neighborhood? Will there be more traffic, people, vagrants, etc.?

Mr. Lowry noted there was another comment received by email.

Mr. Smallwood acknowledged that there was, and it was included in the record for this meeting.

Mr. Lowry wanted to talk about the first concern, the property being located across from what is currently a gravel open space; he would like to clarify who owns that property. Mr. Lowry closed the public comments.

Mr. Smallwood said they will do some more research to make sure it is not city property; he suspects it belongs to UDOT. Once the owner is determined, he will either contact the state or city staff to get that cleaned up. The type of business has been addressed already. There are restrictions in the RNB zones regarding operating hours, however he does not know the exact times currently. Regarding the effect on the neighborhood, this is a transitional zone and a good spot for high traffic streets like Winchester. It also separates the single family residential from the area. Regarding traffic, people and vagrants, he can't answer to whether or not this would bring more people or vagrants during a zone change. A zone change also doesn't necessarily mean there will be a traffic increase.

Mr. Nay asked if there are other examples of pieces of property that were not attached to other zones when the general plan was developed; single pieces of property that were missed throughout the city.

Mr. Smallwood said yes, there were a number of properties. They look at general plan amendments quite often, and they entertain things when they seem appropriate or they see a change in the neighborhood. Usually, they tell people what they are asking for is not appropriate, but the planning commission doesn't see that because they generally don't take applications that staff can't support.

Mr. Nay asked for more examples of where a zone change has taken place, and what those properties looked like.

Mr. Smallwood noted the west side of 900 East, from Winchester up to about 5600 South, which is mostly lower scale buildings that look like residential office buildings.

Mr. Hacker asked staff to address Mr. Burton's concerns from his comment.

Mr. Smallwood said he doesn't anticipate this going any further, mostly because this property touches Winchester. Based on the map, this property mostly faces on to Winchester and it just so happens there is a right of way, otherwise the whole property would touch Winchester. This is why they feel this is a good, hard stopping point for the RNB zone in that area.

Mr. Nay asked if they have the capability to change the access as the project moves forward.

Mr. Smallwood said that it depends on who owns the property, as they will have to work with that entity. He also noted they could look at possible changes to the drive approach location during the project review.

Mr. Nay asked about any required buffering on the east side of the property.

Mr. Smallwood said there is at least a 10-foot buffer required for landscaping next to any residential, typically they require fencing to be installed as well.

Mr. Nay asked about the height requirements for the fencing.

Mr. Smallwood said it's typically 6 feet, but the planning commission can grant up to 8 feet on the south side.

Ms. Nixon stated where the site abuts a property that the general plan projects as residential land use, a six-foot-high solid masonry wall shall be located on the property line.

Ms. Patterson noted that this is a really deep property, and the two on the other drive would be the only ones designated for RNB in the future. She wonders if there is something they can do to buffer the sides of that.

Ms. Nixon said that if that was considered a mitigating factor, it could be discussed when it comes in for the site plan.

Mr. Nay asked if the applicant were to come forward with only a business application, and not any change to the property itself, would they lose the ability to enforce the fencing everywhere besides the south side.

Mr. Smallwood said it would be a change of use, so it would need to go through the review process again.

Mr. Pehrson noted that, per code, "commercial uses shall not be open for business before 7:00 a.m. or after 10:00 p.m." However, he also noted that many professional offices do not work that late in the day.

Mr. Lowry asked for details on the height allowances for structures. Mr. Smallwood said that without planning commission approval the maximum is 20 feet tall, but the planning commission may allow up to 30 feet. There is also a condition noting the building cannot be more than two stories.

Mr. Pehrson noted that the image shown was 5 feet shorter than a single-family home and Mr. Smallwood agreed.

Ms. Patterson moved to forward a recommendation of approval to the city council for the requested amendment to the future land use map, re-designating the property located at 97 West Winchester Street from low density residential to residential business. Seconded by Mr. Hacker.

Roll Call Vote

<u>A</u>	Patterson
<u>A</u>	Hacker
<u>A</u>	Nay
<u>A</u>	Richards
<u>A</u>	Pehrson
<u>A</u>	Lowry

Motion passes 6-0

Ms. Patterson moved to forward a recommendation of approval to the city council for the requested amendment to the zoning map designation of the property located at 97 West Winchester Street from R-1-8, single family residential to RNB, residential neighborhood business. Seconded by Mr. Hacker.

Roll Call Vote

<u>A</u>	Patterson
<u>A</u>	Hacker
<u>A</u>	Richards
<u>N</u>	Nay
<u>A</u>	Pehrson
<u>A</u>	Lowry

Motion passes 5-1, Mr. Nay had dissenting vote due to his belief that the buffering clauses in the code need to be updated and provide better buffering from residential properties.

Mr. Pehrson added that the planning commission is only forwarding a recommendation, this will still be going before the city council. The public is welcome to attend the council meeting and voice their opinion on this rezone as well.

OTHER BUSINESS

Ms. Patterson shared that the Murray Region PTA is hosting a Meet the Candidates Night at Murray High School on Monday, October 10 from 6-8 pm. It will be an open house style event and they have received RSVPs from 30 of their representatives. They will be available to talk to the public; there will be no debates or speeches. To see the candidates, visit MurrayPTA.org, or the school district's social media, "We Are Murray" on Facebook and Instagram.

Mr. Pehrson noted that Mr. Nay brought up a desire to change the buffering in the RNB zoning. He believes that, as a commission, they have the ability to talk about and forward a recommendation in regard to that.

Mr. Nay said that he feels the east and west sides of the property need the buffering, in this case specifically. This is not a noisy business, but whatever comes in later could be a different story. This is supposed to be a buffer, but it doesn't cover all the neighboring properties.

Ms. Patterson said that in the past, most properties are like the ones to the west, a shallower property in a corner. Those properties would definitely need some additional conditions on site plans and things like that in this section.

Mr. Nay noted that this is a very unusual piece of property, but they should have the power to enforce the additional buffering.

Ms. Patterson said that some of the properties on Winchester have done the conversion, and some have rebuilt as new.

Mr. Lowry asked if it would be possible to propose that any zoning change that abuts residential would require buffering.

Mr. Smallwood said that technically they can't put conditions on a rezone, as it's a legislative item.

Mr. Nay asked if they could make requirements for a particular zone itself.

Mr. Smallwood said yes, they can change the text of the zoning.

Ms. Patterson asked if there are a lot of these lots to be rezoned to RNB.

Mr. Smallwood responded there are still a few properties just to the west of this one that are for sale.

Ms. Nixon said that when they initially adopted the RNB zone, they had proposed having a buffer wall between RNB and R-1-8, like on 9th East. Initially, the wall was required on both sides as well as rear, but then after applications started being submitted, they realized it could ultimately end up with a solid wall the whole way down the street.

Mr. Lowry noted that some areas could use some updating, but it's a tough situation where these residents have been here for a long time and they are very protective of their neighborhood.

Mr. Nay noted that the resident who spoke will not see much change on his property from what he understands will go into this zone.

Ms. Patterson asked, once this property is rezoned to RNB, and someone else comes in after this applicant leaves, if they don't want whatever conversion has been done, could they implement different requirements at that time.

Mr. Smallwood said that even in the conversion, it will have to come through the planning commission for parking changes, site upgrades, etc. There will be a chance to look at the fencing at that time as well.

Mr. Nay asked if they have discretion in the fencing requirements.

Mr. Smallwood said that yes, if it is found that there is an impact that needs to be addressed.

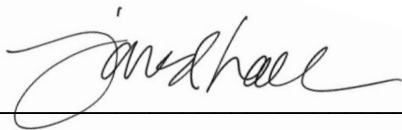
Mr. Pehrson noted that, separate from this issue, his comments are regarding ideas the commissioners might have. He thinks they should be discussing those, putting them on the agenda for future meetings.

Mr. Smallwood said they just need to let staff know if they want to schedule a discussion item.

Mr. Pehrson added that, as a commission, they don't technically have to have staff write all that for them. They can technically write it up themselves, propose and vote on it. He's not saying that has to be done, as staff does a great job, but he wanted to point out that the planning commission members can initiate change.

Mr. Hacker agreed.

Mr. Pehrson move to adjourn the meeting at 7:28 p.m. A voice vote was made, vote was unanimous.

A handwritten signature in black ink, appearing to read "Jared Hall", is written over a horizontal line.

Jared Hall, Community & Economic Development Director