

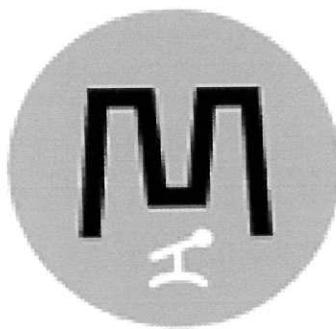
MURRAY
CITY COUNCIL

Council Meeting

6:30 p.m.

Call to Order

Pledge of Allegiance



MURRAY
CITY COUNCIL

Council Meeting Minutes

Murray City Municipal Council

Chambers

Murray City, Utah

The Murray City Municipal Council met on Tuesday, August 27, 2019 at 6:30 p.m. for a meeting held in the Murray City Center Council Chambers, 5025 South State Street, Murray, Utah.

Council Members in Attendance:

Dave Nicponski, Chair	District #1
Dale Cox, Vice Chair	District #2
Jim Brass	District #3
Diane Turner	District #4
Brett Hales	District #5

Others in Attendance:

Blair Camp	Mayor	Jan Lopez	Council Director
G.L. Critchfield	City Attorney	Jennifer Kennedy	City Recorder
Craig Burnett	Police Chief	Brenda Moore	Controller/Acting Finance Director
Jon Harris	Fire Chief	Joey Mittelman	Assistant Chief/Fire Marshal
Travis Bodtcher	Captain	Kim Fong	Library Director
Chelsea Hoffman	Librarian	Kayla Chandler	Library
Blaine Haacke	General Manager of Power	Melinda Greenwood	Community & Economic Development (CED) Director
Greg Bellon	Assistant General Manager of Power	Danny Hansen	IT
Citizens			

Opening Ceremonies

Call to Order – Mr. Hales called the meeting to order at 6:30 p.m.

Pledge of Allegiance – The Pledge of Allegiance was led by Greg Bellon, Assistant General Manager of Power

Approval of Minutes

Council Meeting – August 6, 2019

Mr. Brass stated some of his comments from the August 6, 2019 City Council meeting were not in the minutes and he would like them added. He asked that the approval of the minutes be postponed until the next City Council meeting.

MOTION: Mr. Brass moved to postpone the approval of the minutes of the August 6, 2019 City Council meeting until the September 3, 2019 City Council meeting. The motion was SECONDED by Mr. Nicponski. Voice vote taken, all "ayes."

Special Recognition

1. Murray City Council Employee of the Month, Chelsea Hoffman, Librarian.

Staff Presentation: Brett Hales, Council Member and Kim Fong, Library Director

Mr. Hales said the Council started the Employee of the Month Program because they felt it was important to recognize the City's employees. He presented Ms. Hoffman with a certificate, a \$50 gift card and told her that her name would appear on the plaque located in the Council Chambers. He expressed his appreciation to Ms. Hoffman for all she does for the City.

Ms. Fong spoke about all the great work Ms. Hoffman has done during the time she has been with the Library.

2. Fire Department Swearing-In: Assistant Chief/Fire Marshal, Joey Mittelman; and Captain Travis Bodtcher.

Staff Presentation: Jon Harris, Fire Chief

Chief Harris showed a bugle and explained the history that bugles/trumpets have within the fire service. Chief Harris introduced Mr. Bodtcher and spoke about how he became interested in working for the Fire Department. Mr. Bodtcher has been a paramedic and will soon be a training captain for the Fire Department.

Chief Harris introduced Mr. Mittelman. He spoke about his education and noted he was just accepted to the Executive Fire Officer program with the National Fire Academy.

The Swearing-In Ceremonies were performed by Jennifer Kennedy, City Recorder.

Mayor Camp noted that both Mr. Bodtcher and Mr. Mittelman are fine young men. He is excited for Mr. Mittelman to take on his new position because it is the same position he held from 1994-1999 when he was in the Fire Department.

Citizen Comments – Comments are limited to 3 minutes unless otherwise approved by the Council.

Janice Strobell – Murray City, Utah

Ms. Strobell said Murray City is unique and beautiful and there are experts who recognize that. These experts are coming from all over and will spend all day on Thursday, August

29, 2019, at a community workshop at the Desert Star Theater. The focus will be downtown Murray which is something everyone wants to improve and have better serve the community. During the workshop these experts will talk about ideas and things that have worked in other areas. She encouraged everyone to take advantage of this opportunity.

On Friday, August 30, 2019, the UVU architecture students will be conducting a public survey. Ms. Strobell noted that all of this is to benefit Murray City.

Mr. Nicponski asked Ms. Strobell what time and where the workshop is being held at.

Ms. Strobell responded it is at the Desert Star Theater from 8:30 a.m. to 1:00 p.m. on both Thursday and Friday. There is a \$20 registration fee to attend the workshop on Thursday.

Public Hearings

Staff and sponsor presentations and public comment will be given prior to Council action on the following matters.

1. Consider a resolution approving the City's application for a grant from the Edward Byrne Justice Assistance Grant Program (JAG).

Staff Presentation: Craig Burnett, Police Chief

Chief Burnett said the city applies for this grant every year. Part of the grant requires that the city give notice that we intend to apply for the grant and what we plan to do with the money. This year, the city intends to apply for the grant in the amount of \$34,849 and use that money to purchase five additional HD in-car digital cameras for patrol cars.

The public hearing was open for public comments. No comments were given, and the public hearing was closed.

MOTION: Ms. Turner moved to adopt the resolution. The motion was SECONDED by Mr. Brass.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye

Motion passed 5-0

2. Consider an ordinance relating to land use; amends the Zoning Map for the property located at 4670 South 900 East, Murray City, Utah from C-D (Commercial) Zoning District

to M-U (Mixed Use) Zoning District. Kimball Associates applicant.

Staff Presentation: Melinda Greenwood, CED Director

(See Attachment 1 for slides used during this presentation)

Ms. Greenwood said this property is commonly referred to as the "Old Kmart Property" or the "Kmart Property". The property is 10 ½ acres and is currently zoned for commercial use. This proposal is to change the zoning from commercial to mixed use. This property has been vacant for a number of years.

Several people have looked at this property over the years and now there is a proposal to change the zone of the property. The Planning Commission held a public hearing on this item on July 18, 2019 and have forwarded a positive recommendation to change the zone of this property. The re-designation of the Future Land Use Map for this property is in line with patterns of development in the area. Currently, the surrounding area has a mix of commercial and residential uses. The requested amendments to the future land use and zoning map have been carefully considered by staff. Based on the characteristics of the surrounding area, staff feel like this is an appropriate amendment.

Some concerns were brought up at the Planning Commission meeting. However, it is difficult to address a lot of those concerns now because what is being considered tonight is just the rezone of the property and not a specific project. Should the rezone of the property be approved, the public will have the opportunity to have their concerns addressed when a specific project goes before the Planning Commission. Ms. Greenwood noted she and her staff have also received some written communication relating to project specific concerns that cannot be addressed at this level of the process.

Ms. Greenwood said one question that came up during the Planning Commission meeting and when this item was addressed at the Committee of the Whole meeting was whether or not there was an easement across the property going into the residential area at the back of the property. To this point, no formal record of an easement has been located. The applicant has been through two different title searches and the city hasn't been able to find anything either.

Kimball Associates, Applicant

A representative from Kimball Associates noted that they have worked on other sites that are similar to this one. Retail is a changing; the footprints are getting smaller. They are in the due diligence stage of trying to figure out what this property can offer. They don't feel the best use for this property is straight commercial use with a large parking lot. However, they think there is great opportunity for commercial to remain along 900 East and welcome public comments.

The public hearing was open for public comments.

Deborah Hoyt – Millcreek City, Utah

See Attachment 2 for Ms. Hoyt's comments.

Ms. Hoyt also asked how many residential units Kimball Associates planned to put on the property.

Adam Thompson – Murray City, Utah

Mr. Thompson said he supports this zone change. He has a background in real estate development and believes this proposal is in continuity with the surrounding area. He doesn't think buildings will be higher than 35 feet. The only problem he sees is the ingress egress issue. Because the property has been used to access a residential neighborhood for 50 years there needs to be input from the citizens regarding that issue because they can't make a left turn from their neighborhood onto 700 East.

Marion Gary – Millcreek City, Utah

Mr. Gary said the street he lives on is Namba Way and the original owner of the home he lives in was Mr. Namba. Mr. Namba was the one who fought with the courts to keep that easement through the property. Mr. Gary believes when he bought his home, he was told that the easement belongs to his property. There is a record of it somewhere, somebody just isn't finding it.

Mr. Gary believes that property should stay zoned commercial or zoned to residential. There are 17 new apartments within a three mile radius of this area. This property is literally in his back yard and he doesn't want an apartment in his backyard. He would have never bought in that area if he had known there was going to be a big apartment complex beside him. This area has been a nice place to live but it won't be nice if big high rises are built in there.

Loretta Jensen – Millcreek City, Utah

Ms. Jensen believes there are too many high rises in Murray. She asked what the occupancy rate in all the high rises are. She would like to see single-family homes and maybe twin homes built on this property. She agrees that the access to the neighborhood needs to be kept.

Mr. Hales closed the public hearing.

Ms. Greenwood said the maximum height a property can be in a commercial zone is 35 feet but in a mixed use zone the maximum height of a property is 50 feet.

MOTION: Mr. Nicponski moved to adopt the ordinance. The motion was SECONDED by Ms. Turner.

Council roll call vote:

Mr. Nicponski Aye

Mr. Cox Aye

Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye

Motion passed 5-0

Mr. Hales noted that Senator Kathleen Riebe was in attendance.

Business Items

1. Consider a resolution authorizing the execution and delivery of a Power Supply Agreement with Utah Associated Municipal Power Systems and the Red Mesa Tapaha Solar Project Transaction Schedule under such Power Supply Agreement; and related matters.

Staff Presentation: Blaine Haacke, General Manager of Power

Mr. Haacke said this is a renewable, fairly priced resource that is located in Utah. The goal tonight is to have the Council adopt this resolution which will allow Murray City Power to enter into an agreement with UAMPS (Utah Associated Municipal Power Systems) and UAMPS will enter into an agreement with the Navajo Tribe Utility Authority.

This plant is located north of the Arizona/Utah border in the Navajo Nation. It will be a 66 megawatt plant that all the UAMPS members are subscribing to. It is the third large scale solar plant that the Navajos have developed. Murray is asking for five megawatts, about 7.5%, of the plant. The other 61 megawatts will be taken by the other UAMPS members. This will be a 25 year contract and the earliest the plant will be built is June 2022.

The name of the project is the Red Mesa Tapaha Solar Resource. The Navajo nation is using this as a revenue maker. They do not want people to own it. The revenue they receive from the sale of the power will go into the Light Up Navajo project which the city participated in earlier this year.

The Navajo Nation has agreed to build the transmission line. The price will be \$23.12 per megawatt hour for the first year and escalate 2% over the time of the agreement. Over the term of the agreement, the average price will be \$29.60 per megawatt hour.

Mr. Haacke said he has had a couple of questions about this agreement. The first question was about who is responsible for the decommissioning of the plant once the 25 years is up. The answer is it will not be the city's or UAMPS responsibility. The Navajos will own it so they will be involved with the decommissioning of it. The other question was if there would be the possibility to extend the agreement. Currently there is no extension offered in the agreement.

Mr. Haacke said this resource fits nicely into the city's portfolio. The city's landfill

methane, which is a renewable resource, covers about 8% of our energy needs. The Cottonwood hydro, coming out of Little Cottonwood Canyon, covers about 2-3% of our energy needs. The Federal hydro, on the Colorado River, covers about 30% of our energy needs and we are changing our coal fire plant to natural gas. Environmentally, Murray City is doing more than what most municipal cities in Utah are doing.

This resource will fit nicely with the Small Modular Reactors (SMR). There has to be a backup when a solar project is not able to produce. The Power Department has looked at four other solar projects. This project is reasonably priced and is with the UAMPS group.

Mr. Haacke noted there are three changes that need to be made to the resolution. One is changing Murray City Utah to Murray City Corporation. The second is a typo that reads 20 years but should say 25 years. The third is changing the signature line on the resolution so the City Council will sign it rather than the Mayor.

Ms. Turner asked if there is a possibility of increasing the amount of megawatts the city will receive.

Mr. Haacke said not right now with this project, but maybe a year or two down the road on another project.

MOTION: Mr. Brass moved to adopt the ordinance. The motion was SECONDED by Mr. Cox.

Council roll call vote:

Mr. Nicponski	Aye
Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye

Motion passed 5-0

2. Consider a resolution approving an Interlocal Cooperation Agreement between the City, Salt Lake County ("County") and Salt Lake City Corporation ("SLC") for a Brownfields Assessment Grant.

Staff Presentation: Melinda Greenwood, CED Director

Ms. Greenwood said this is for a grant the city applied for earlier in the year and was awarded. The city teamed up with Salt Lake City and Salt Lake County to submit a grant for Brownfields funding through the Environmental Protection Agency (EPA). This will allow the city to conduct studies on properties where the city wants to develop or where there are needs for the assessment of soil contamination. There was approximately \$600,000 awarded between the three entities. This resolution is to formalize the

relationship between the three entities. The city will be submitting project specific items in the future to draw on that grant funding.

MOTION: Ms. Turner moved to adopt the ordinance. The motion was SECONDED by Mr. Nicponksi.

Council roll call vote:

Mr. Nicponksi	Aye
Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye

Motion passed 5-0

3. Consider approval of revisions to the Rules of the Murray City Council.

Staff Presentation: Janet Lopez, Council Director

Ms. Lopez said this item is to make revisions to the governing procedures to the City Council Rules. There were some minor revisions to the agenda section, some revisions to the personnel section, and the addition of the independent financial audit and the council relations anti-harassment policy.

MOTION: Mr. Brass moved to adopt the revisions to the Rules of the Murray City Council. The motion was SECONDED by Ms. Turner.

Council roll call vote:

Mr. Nicponksi	Aye
Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye

Motion passed 5-0

Mayor's Report and Questions

Mayor Camp reported on the following items:

- The hydro in Little Cottonwood Canyon that was shut down by the mudslides is back up and running again. It is still producing about 1.2 megawatts.
- Labor Day Events: There is a family and youth triathlon at 7:45 a.m. on Labor Day. At 6:00 p.m. on Labor Day the Murray Acoustic Festival will be held at the Amphitheater. That will be the last event at the Amphitheater for the year.
- The Park Center has reopened after being closed for maintenance. The basketball court floor was refinished and upgrades were made to the Kids Zone. The indoor leisure pool is

being re-plastered and is still closed.

- The storm drain is still being installed on Vine Street. The section closed to 900 East will be paved in the next week or two then paving crews will be working towards 1300 East.
- There have been discussions brought up in citizen comments recently regarding the topic of short-term overnight rentals. It has been mentioned that they are not allowed in the city. Mayor Camp clarified that there are two zones that these rentals are allowed in. They are allowed in the TOD and M-U zones.
- Beginning tomorrow, the intersection of Commerce Drive and 4800 South will be under construction for traffic signal and pedestrian upgrades. That project will take up to six weeks to complete.

Adjournment

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

Jennifer Kennedy, City Recorder

Attachment 1

CITY COUNCIL MEETING

August 27, 2019



KIMBALL ASSOCIATES

General Plan Amendment from General Commercial to Mixed Use

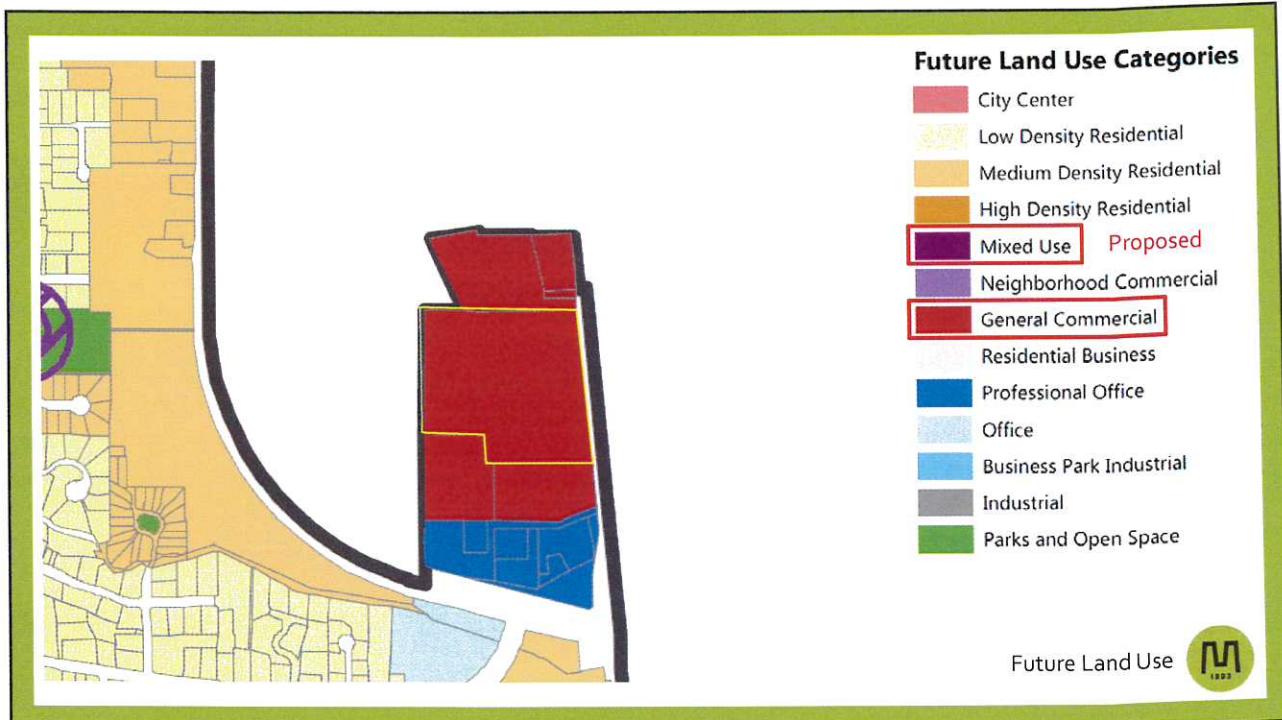
Zone Map Amendment from Commercial Development to Mixed Use

Property Address: 4670 South 900 East

Property Size: 10.52 Acres







Planning Commission Recommendations

General Plan / Future Land Use Map Recommendation

On July 18, 2019, the Planning Commission held a public hearing and forwarded a recommendation of APPROVAL to the City Council for the requested amendment to the General Plan Future Land Use Map, re-designating the property located at 4670 South 900 East from General Commercial to Mixed Use.

Zoning Map Recommendation

On July 18, 2019, the Planning Commission held a public hearing and forwarded a recommendation of APPROVAL to the City Council for the requested amendment to the Zoning Map designation of the property located at 4670 South 900 East from C-D, Commercial Development to M-U, Mixed Use.



Findings

1. Re-designation of the Future Land Use Map for the subject property as requested is in keeping with the patterns of development in the area, which currently includes a mix of residential and commercial uses.
2. The proposed amendment of the Zoning Map from C-D, Commercial Development to M-U, Mixed Use is supported by the description and intent statements for the General Commercial land use designation which recognizes the appropriateness of mixed use developments including high-density, multi-family housing in the General Commercial designation.
3. The requested amendments to the Future Land Use Map and Zoning Map have been carefully considered based on the characteristics of the site and surrounding area and on the policies and objectives of the 2017 Murray City General Plan and are in harmony with the goals of the Plan.



Staff Recommendations

General Plan / Future Land Use Map Recommendation

Staff recommends that the City Council APPROVE the requested amendment to the General Plan Future Land Use Map, re-designating the property located at 4670 South 900 East from General Commercial to Mixed Use.

Zoning Map Recommendation

Staff recommends that the City Council APPROVE to the requested amendment to the Zoning Map designation of the property located at 4670 South 900 East from C-D, Commercial Development to M-U, Mixed Use.



Attachment 2

Murray City Municipal Council
5025 S State Street, Room 113
Murray, Utah 84107-4824

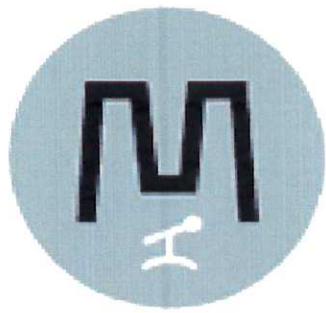
Pertaining to amending the Zoning Map of the property located at 4670 South 900 East

I have been a resident of the Green Valley Subdivision for 41 years. I have two concerns regarding the amendment of the Zoning on the subject property from C-D to M-U.

1. Street Access- An East West running road labeled 4680 South on the West side of the property map and 4705 South on the East side of the property map has been in continuous use to provide access to the Green Valley subdivision for more than 50 years. I request that guarantees be made that this access will be maintained in perpetuity. Should construction activities necessitate temporary closing of the road, access shall be interrupted for less than 4 hours within any 24-hour period. Upon completion of the project full and complete access for ingress and egress shall be available to the Green Valley residents at all times.
2. Subdivision covenants for the Green Valley subdivision restrict the height of buildings to one and one-half stories above ground level. To maintain continuity with the neighborhood the new construction should maintain similar height restrictions.

Thank you for your consideration of these concerns.

Deborah Hoyt
814 Green Valley Drive
Salt Lake City, UT 84107
801-262-5534



MURRAY
CITY COUNCIL

Special Recognition #1



MURRAY

Fire Department

**Employee of the Month, Paul Adams,
Firefighter/Paramedic**

Council Action Request

Council Meeting – September 17, 2019

Department Director Assistant Fire Chief Chad Pascua	Purpose of Proposal <ul style="list-style-type: none">• City Council Employee of the Month Award Action Requested <ul style="list-style-type: none">• Informational only. Attachments <ul style="list-style-type: none">• Employee of the Month Recognition Form Budget Impact <ul style="list-style-type: none">• None Description of this item Paul has been an outstanding firefighter/paramedic for 18 years. See attachment.
Required Time for Presentation	
Is This Time Sensitive	
No	
Approval: N/A	
July 3, 2019	

EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

DATE:

Fire

09/17/19

NAME of person to be recognized:

Submitted by:

Paul Adams

Chad Pascua

DIVISION AND JOB TITLE:

Paramedic

YEARS OF SERVICE:

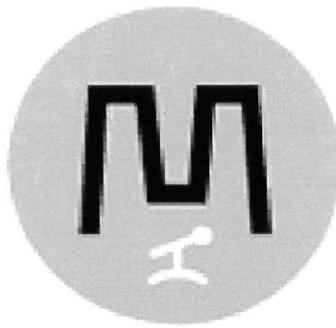
18

REASON FOR RECOGNITION:

Paul has been an outstanding firefighter/paramedic for 18 years. He is considered a senior medic and is looked up to by many. Paul has been a paramedic student preceptor for many years. A preceptor plays a crucial role in the future of paramedics by on the job training and real life lessons. Paul has also been the lead in our Murray Fire Cadet program for the last 8 years and will be unfortunately passing that responsibility on. Paul spent countless hours planning schedules, training, preparing and interacting with the Cadets. The success of the cadet program wouldn't be in where it is without Paul.

COUNCIL USE:

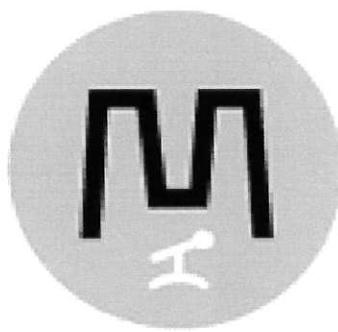
MONTH/YEAR HONORED September 17, 2019



MURRAY
CITY COUNCIL

Citizen Comments

Limited to three minutes, unless otherwise approved by Council



MURRAY
CITY COUNCIL

Consent Agenda



MURRAY

Mayor's Office

Reappointment of Mildred Horton to the History Advisory Board

Council Action Request

Council Meeting

Meeting Date: September 17, 2019

Department Director Lori Edmunds	Purpose of Proposal Reappointment of Board Member
Phone # 801-264-2619	Action Requested Consider confirmation of the Mayor's reappointment of Mildred Horton to the History Advisory Board.
Presenters Mayor Camp	Attachments Resume
	Budget Impact None
Required Time for Presentation	Description of this Item Mildred Horton will be reappointed to the History Advisory Board for a 3-year term, ending 8/1/2022.
Is This Time Sensitive Yes	
Mayor's Approval 	
Date August 27, 2019	

MILDRED HORTON
5184 Spring Clover Drive, Murray, Utah 84123 801-598-8910
E-Mail: rmhortonutah@yahoo.com

PERSONAL

Attended the University of Utah for two years where I met my husband Ralph Maurice Horton. We were married July 14, 1961.

Moved to Pullman, Washington where Ralph joined the faculty of Washington State University and I enrolled and received a B.S. and M.S. degree in Secondary Education (Physical Education and Recreation and Health).

After fifteen years we moved to Idaho Falls, Idaho.

In 1982 we moved to Murray and have lived at the above address since then.

We have five sons and one daughter, 22 grandchildren and 5 great grandchildren.

COMMUNITY INVOLVEMENT

Den Mother, Girl Scout Leader and Camp Fire Girls Leader

PTA: Room Mother, President of Riverview Junior High, Murray High and Murray District, Region Director and Several State Committees.

ADVISORY BOARDS: Murray School, Salt Lake Park and Recreation, Salt Lake/Tooele Applied Technology College, Murray Cultural Arts.

Citizens Foster Care Review Board for Salt Lake County
Renaissance Committee at Murray High School, Concessions.

President of the Friends of Murray Library
Tour Guide at the Murray Museum

CHURCH ACTIVITIES

Wide variety of responsibilities including a mission as a tour guide at a Church Historical Site at Kirtland, Ohio.

Volunteer and representative at IMC in Murray

HOBBIES AND INTERESTS

Reading, gardening, walking, sports, traveling, singing (choir member) and attending grandchildren activities.



MURRAY

Council Action Request

Mayor's Office

Appointment of Lynette Lloyd to the History Advisory Board

Council Meeting

Meeting Date: September 17, 2019

Department Director Kim Sorensen	Purpose of Proposal Appointment of new board member
Phone # 801-264-2619	Action Requested Consider confirmation of the Mayor's appointment of Lynette Lloyd to the History Advisory Board.
Presenters Mayor Camp	Attachments Resume
Required Time for Presentation	Budget Impact None
Is This Time Sensitive Yes	Description of this Item Lynette Lloyd will be appointed to the History Advisory Board for a 3-year term, expiring 8/1/2022. Lynette is filling the position vacated by Sara Roach, who fulfilled two full terms.
Mayor's Approval 	
Date August 27, 2019	

LYNETTE LLOYD
5965 SO. LAKESIDE DRIVE
801-63381

Lynettelloyd @ Hotmail.com

EXPERIENCE

AUGUST 1991 – JANUARY 2013
ASSISTANT TO THE DIRECTOR
DIVISION OF UTAH STATE HISTORY, UTAH STATE HISTORICAL SOCIETY

EDUCATION

**GRADUATED FROM MURRAY HIGH, ATTENDED THE UNIVERSITY OF UTAH
STATE OF UTAH CERTIFIED PUBLIC MANAGER**

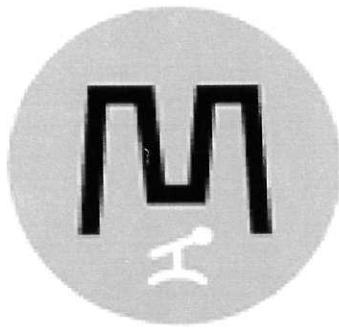
SKILLS

I managed the Annual State Historical Society Meeting included arranging for speakers, professional workshops and sessions for history, archaeology, preservation and collections.

- I prepared all information for the Board of State History quarterly meetings. This is a governor appointed Board. Their responsibilities include approving all nomination for the National Register, state history rules, policies and procedures.

ACTIVITIES

I am interested in preserving our past for the present and future by understanding, remembering, and preserving important historic buildings and landmarks.



MURRAY
CITY COUNCIL

Public Hearing #1

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 17th day of September, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to amending the Zoning Map from the G-O (General Office) to the C-D (Commercial Development) zoning district for the property located at 284 East 4500 South, Murray, Utah.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the Zoning Map as described above.

DATED this 23rd day of August, 2019.

MURRAY CITY CORPORATION



Jennifer Kennedy
City Recorder

DATE OF PUBLICATION: September 6, 2019
PH 19-31



ORDINANCE NO. _____

AN ORDINANCE RELATING TO LAND USE; AMENDS THE ZONING MAP FOR THE PROPERTY LOCATED AT 284 EAST 4500 SOUTH, MURRAY CITY, UTAH FROM THE G-O (GENERAL OFFICE) ZONING DISTRICT TO THE C-D (COMMERCIAL DEVELOPMENT) ZONING DISTRICT. (Hidden Treasures/Dana Williams)

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL AS FOLLOWS:

WHEREAS, the owner of the real property located at 284 East 4500 South, Murray, Utah, has requested a proposed amendment to the zoning map to designate the property in a C-D (Commercial Development) zone district; and

WHEREAS, it appearing that said matter has been given full and complete consideration by the City Planning and Zoning Commission; and

WHEREAS, it appearing to be in the best interest of the City and the inhabitants thereof that the proposed amendment of the zoning map be approved.

NOW, THEREFORE, BE IT ENACTED:

Section 1. That the Zoning Map and the zone district designation be amended for the following described property located at 284 East 4500 South, Murray, Salt Lake County, Utah from G-O (General Office) to C-D (Commercial Development):

[Legal Description follows on Page 2]

Parcel 1: [22-06-331-010]

Beginning at a point in the center of 4500 South Street, said point being South 03°12'15" East 265.58 feet (record 4.2 chains South) and North 89°51'51" East (record East) 2164.93 feet from the West 1/4 Corner of Section 6, Township 2 South, Range 1 East, Salt Lake Base & Meridian; thence South 00°09'00" East 213.50 feet; thence South 89°51'00" West 80.65 feet; thence North 00°09'00" West 213.50 feet; thence North 89°51'00" East 80.65 feet to the point of beginning.

Parcel 2: [22-06-331-034]

Beginning at a point in the center of 4500 South Street, said point being South 03°12'15" East 265.58 feet and North 89°51'51" East 2172.10 feet from the West 1/4 corner of Section 6, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence South 00°43'14" East 213.52 feet (along a line parallel with, and .85 feet West, of an existing fence extended) thence South 89°51'00" West 3.93 feet; thence North 00°09'00" West 213.52 feet; thence North 89°51'00" East 7.17 feet to the point of beginning.

Less and excepting that portion, if any, lying within the property described in deed to George Bilanzich and Doris H. Bilanzich, by deed recorded in Book 4437 at Page 534 of Official Records, described as follows:

Beginning at a point on the westerly side of Atwood Boulevard, said point being South 3°12'15" East 265.58 feet and North 89°52'45" East 825.18 feet to a corner monument at the intersection of 4500 South Street and State Street and North 89°51' East along the 4500 south street monument line 1437.07 feet and South 0°02'45" West parallel with State Street 200 feet and South 89°51' West 6.97 feet from the West Quarter Corner of Section 6, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence South 1°58'45" West along the west side of Atwood Boulevard 90.46 feet; thence South 89°51' West 170.63 feet; thence North 0°02'45" East 76.9 feet; thence North 89°51' East 80.65 feet; thence North 0°02'45" East 13.5 feet; thence North 89°51' East 93.03 feet to the point of beginning.

Tax ID: 22-06-331-010, 22-06-331-034

Section 2. This Ordinance shall take effect upon the first publication and filing of copy thereof in the office of the City Recorder.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 17th day of September, 2019.

MURRAY CITY MUNICIPAL COUNCIL

Dave Nicponski, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this _____ day of _____, 2019.

D. Blair Camp, Mayor

ATTEST:

Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the _____
day of _____, 2019.

Jennifer Kennedy, City Recorder

Minutes of the Planning Commission meeting held on Thursday, August 1, 2019, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present:

Sue Wilson, Vice Chair
Travis Nay
Scot Woodbury
Phil Markham
Maren Patterson
Zac Smallwood, Associate Planner
Susan Nixon, Associate Planner
Briant Farnsworth, Deputy City Attorney
Citizens

Excused:

Ned Hacker, Chair
Lisa Milkavich

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

Sue Wilson opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

There were no Minutes to approve.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for the Ryan Stock Accessory Dwelling Unit. Seconded by Mr. Woodbury.

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

HIDDEN TREASURES – 284 East 4500 South. – Project # 19-096

Dana Williams was the applicant present to represent this request. Zac Smallwood reviewed the location for an amendment to the Murray City Zoning Map for the subject properties from G-O, (General Office) to C-D, (Commercial Development). Mr. Smallwood explained that there are a few medical offices and multi-family housing units in the area and the General Plan calls for those properties to be designated as General Commercial which would also be in harmony with the Commercial Development Zoning. The applicant for the proposed zone change intends to open a Secondhand Antique Store on the property. Some of the past uses have been a residential home, beauty salon, and massage establishment. Based on the background, analysis, and the findings in this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map for the subject properties.

Mr. Markham asked what other uses might be allowed in the Commercial Development Zone. Mr. Smallwood replied that the G-O Zone and the C-D Zone allow many similar uses, but the C-D Zone will allow for a stronger retail component while the G-O would allow only office uses.

Dana Williams, 284 East 4500 South, stated she has read the Staff Report and had no additional comments.

The meeting was opened for public comment.

Jim Wickens, 244 East Cottage Glen Lane, stated that most of the lots west of the subject property are very nice residences. Mr. Wickens stated that the subject property is littered with solid waste and hopes that the proposed business will not be approved if they are responsible for the trash on the site. Mr. Wickens stated that he is aware there are some insurance companies, apartments houses, an optical shop, and old homes nearby and does not believe the proposed business is appropriate for this area.

Linda Kessimakis, 4845 South 345 East, stated she has a property owned by a family trust abutting the subject property and her son also owns abutting property. Ms. Kessimakis added that she has issues with the property on the corner (296 East 4500 South) because the properties owners have had junk stored outside and does not want another business in the area that will store a lot of trash outside.

Janet Wall, 296 East 4500 South, stated that she lives in the house on the corner that was previously mentioned. Ms. Wall stated that she has spoken to the applicant who wants to open the business at the proposed location and is aware that there are a lot of items stored on the property, but she said she will keep it clean. Ms. Wall stated that she is in support of the proposal for a zone change.

James Kessimakis, 4520 South Atwood Blvd., asked for clarification about what commercial zoning allows and wondered if the business could operate under the General Office Zoning as a retail shop.

The public comment portion for this agenda item was closed.

Mr. Smallwood addressed the public comments and stated that during a site visit he noticed the items on the property and was concerned as well. Mr. Smallwood added that because this hearing is for a zone change only, that a condition to clean the property can't be added now but a condition for no outside storage can be added when an application comes through for a Conditional Use Permit. The C-D Zone also restricts the use of outside storage. Mr. Smallwood explained that the property located at 284 East 4500 South is zoned General Office and that Staff is aware of the public concerns and will be looking into them. Mr. Smallwood explained that the G-O Zone is strictly office uses and the commercial zone allows for retail uses, which is what the applicant is seeking for her small antique shop.

Ms. Patterson asked if the property was vacant prior to receiving this application. Mr. Smallwood stated that he believes it was vacant and that the applicant is purchasing the property. Mr. Markham added that we are focusing on the potential use of the property, but it is not what can be focused on tonight, we are looking at the re-zoning. The proposed zoning will bring the subject property and the abutting properties in line with the Future Land Use Map. If an application is received for a future business use, many of these concerns will be pre-addressed and there will also be an opportunity for another Public Hearing in which residents can participate again. Mr. Smallwood replied that if this re-zone is approved and the City receives an application for Conditional Use that Staff will review the requirements of the C-D zone for what is allowed to ensure she understands what is expected of her during the Planning Review Meeting.

Ms. Wilson asked if there were a chance that the property might revert to residential rental in the future. Mr. Smallwood replied that he does not believe that would ever be the case because it doesn't make sense since the building and property is completely set up as a commercial store front. Ms. Wilson added that that we are considering re-classifying from one type of commercial use to another.

Dana Williams, applicant, addressed some concerns and stated she is purchasing an empty building and that she has fixed the electrical, plumbing and added some cosmetic upgrades. The business has received donations of broken appliances, which are stored outside and are going to be recycled, which is part of the business plan. The mess that is being commented on by the neighbors is due to us cleaning up. When they first moved in, the weeds were much taller, and vagrants were living in the back yard for past three years. She stated that they immediately installed security cameras to keep the area secure and the weeds will be cleaned up by the time they are in operation. She stated this is just the process in order to get the business ready to operate. They are looking into the possibility of using some sort of storage container to have outside storage. If there any concerns people can stop by, and she will be happy to discuss any concerns.

Mr. Woodbury encouraged all in attendance to place emphasis on the re-zone instead of the intended business use at this time. He stated that even though it has been made aware of the type of business use that is proposed. This re-zone is consistent with the General Plan and the planning commission will have the opportunity to mitigate any issues if a Conditional Use come before them.

Travis Nay made a motion to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation for the property located at 284 East 4500 South from G-O, General Office to C-D, Commercial Development.

Seconded by Ms. Patterson.

Call vote recorded by Mr. Smallwood.

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

Motion passed 5-0

ORDINANCE TEXT AMENDMENT – Municipal Code Section 17.82 –Small Wireless Facilities
Ordinance – Project #19-098

Zac Smallwood reviewed the proposed, new ordinance regulating the installation of Small Wireless Facilities (SWFs) in the Murray City for Municipal Code Section 17.82. Mr. Smallwood explained that the Federal Government passed an amendment to set additional guidelines for how Municipalities can regulate SWF's. Murray City has added some changes to our ordinances on order to match what the Federal Government is requiring. Some of the proposed changes to the code are; Aesthetics, Shot Clocks and Fees. Mr. Smallwood explained that aesthetics was not originally addressed in the city's design districts at the time. The design districts in Murray City are MCCD, TOD and the Mixed-Use Zone and the change will indicate what color, shrouding, hardware attachments and conduit should look like. Mr. Smallwood explained that a Shot Clock indicates the turnaround time Staff will have to review



MURRAY CITY CORPORATION
Community &
Economic Development

Building Division 801-270-240C
Planning Division 801-270-242C

TO: Murray City Planning Commission
FROM: Murray City Community & Economic Development Staff

DATE OF REPORT: July 25, 2019

DATE OF HEARING: August 1, 2019

PROJECT NAME: Hidden Treasures

PROJECT NUMBER: 19-096

PROJECT TYPE: Zone Map Amendment

APPLICANT: Dana Williams, Hidden Treasures

PROPERTY ADDRESS: 284 East 4500 South

SIDWELL #: 22-06-331-010 & 22-06-331-034

EXISTING ZONE: G-O, General Office

PROPOSED ZONE: C-D, Commercial Development

PROPERTY SIZE: .35 acres

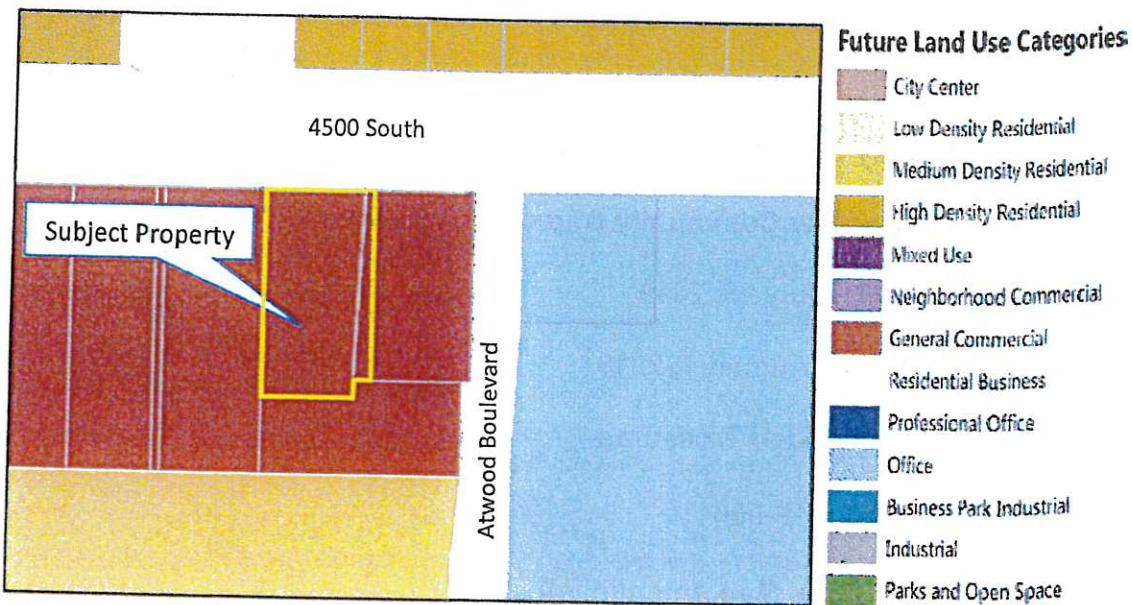
I. REQUEST:

The applicants are requesting approval for an amendment to the Murray City Zoning Map for the subject properties from G-O, General Office to C-D, Commercial Development. The applicants propose to amend the Zoning Map in preparation to apply for a Conditional Use Permit to open a business on the subject properties.

II. BACKGROUND AND REVIEW

1. Project Location:

The subject properties are a .35-acre parcel located on 4500 South and west of Atwood Boulevard. There is a vacant building on the subject properties and multiple businesses have been located here in the past.



Staff finds that the request to amend the Zoning Map is appropriate and in keeping with the Future Land Use Map and General Plan. Additionally, the requested amendment to the C-D Zone is consistent with the pattern of development in the area.

III. CITY DEPARTMENT REVIEW

A Planning Review Meeting was held on July 15, 2019 to review the application for Zone Map Amendment. All reviewing departments supported the request to amend the Zoning Map to C-D without conditions or concerns.

IV. PUBLIC INPUT

Notices of the requested rezone were sent to property owners in the vicinity and to affected entities. Community Development Staff has not received any feedback from the approximately sixty (60) notices that were sent.

V. ANALYSIS & CONCLUSIONS

A. Is there need for change in the Zoning at the subject location for the neighborhood or community?

The Future Land Use Map currently identifies the subject property as "General Commercial". This designation supports a rezone to C-D, Commercial Development. Considering the Future Land Use Map designation, Staff finds that there is an appropriate need for the requested change in the zoning of this property to allow the property owner to use the property.

2. *Surrounding Land Uses & Zoning:*

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Multifamily Residential	R-M-20
South	Single Family Residential	G-O
East	Single Family Residential	G-O
West	Single Family Residential	G-O

3. *Analysis:*

Zoning Districts & Allowed Land Uses

- Existing: The existing G-O zone primarily allows uses that are related to office buildings. A few of the uses are: Advertising Services, Employment Services, Pharmacies and Professional Services. This district is intended to include activities normally related to the conduct of office uses. This zone also allows public and quasi-public uses with conditional use permits.
- Proposed: The proposed C-D Zone allows for a wide range of Commercial and Retail uses. The applicant has the intention of opening a second hand/antique retail establishment at this location. Given the size of the properties Staff has determined that it could not become a high traffic use without substantial renovation or reconstruction.

General Plan & Future Land Use Designations

Map 5.7 of the Murray City General Plan (the Future Land Use Map) identifies future land use designations for all properties in Murray City. The designation of a property is tied to corresponding purpose statements and zones. These "Future Land Use Designations" are intended to help guide decisions about the zoning designation of properties.

The subject properties are currently designated as "General Commercial". General Commercial is primarily for larger retail destinations such as Fashion Place Mall or big box stores. Mixed use developments may also be considered if mainly commercial in nature and use. The only corresponding zoning designation included is the C-D zone.

Compatibility

The existing building on the properties has been used as a massage parlor and in the past as a single-family home. The applicant has submitted an application for a Conditional Use Permit to open an Antique/Second Hand retail establishment at this location. This is a separate application from the request to amend the Zoning Map that is being presented at this time. If the Zone Map Amendment is approved, the application for a CUP will be presented.

B. If approved, how would the range of uses allowed by the Zoning Ordinance blend with surrounding uses?

The C-D Zone would allow for a wider range of commercial uses, such as second hand/thrift retail establishments, restaurants, and general retail. 4500 South near State Street already has many of these uses and is zoned C-D. This change would represent a natural expansion of the zone along an arterial corridor.

C. What utilities, public services, and facilities are available at the proposed location? What are or will be the probable effects the variety of uses may have on such services?

Staff expects no adverse impacts to services as a result of development of the property under the requirements of the C-D Zone. Murray City Public Works has reviewed the application as part of the review and did not see any concerns with the Zone Map Amendment.

VI. FINDINGS

1. The rezoning of the property to C-D is supported by the Future Land Use Map designation of General Commercial and will not have negative impacts to the surrounding properties, infrastructure, or utilities.
2. The requested rezoning has been carefully considered based on the characteristics of the site and surrounding area and the policies and objectives of the 2017 Murray City General Plan, and have been found to support the goals of the Plan.
3. The proposed amendment to the Zoning Map from G-O to C-D is a natural expansion of the established Commercial land use designation of the subject property.

VII. STAFF RECOMMENDATION

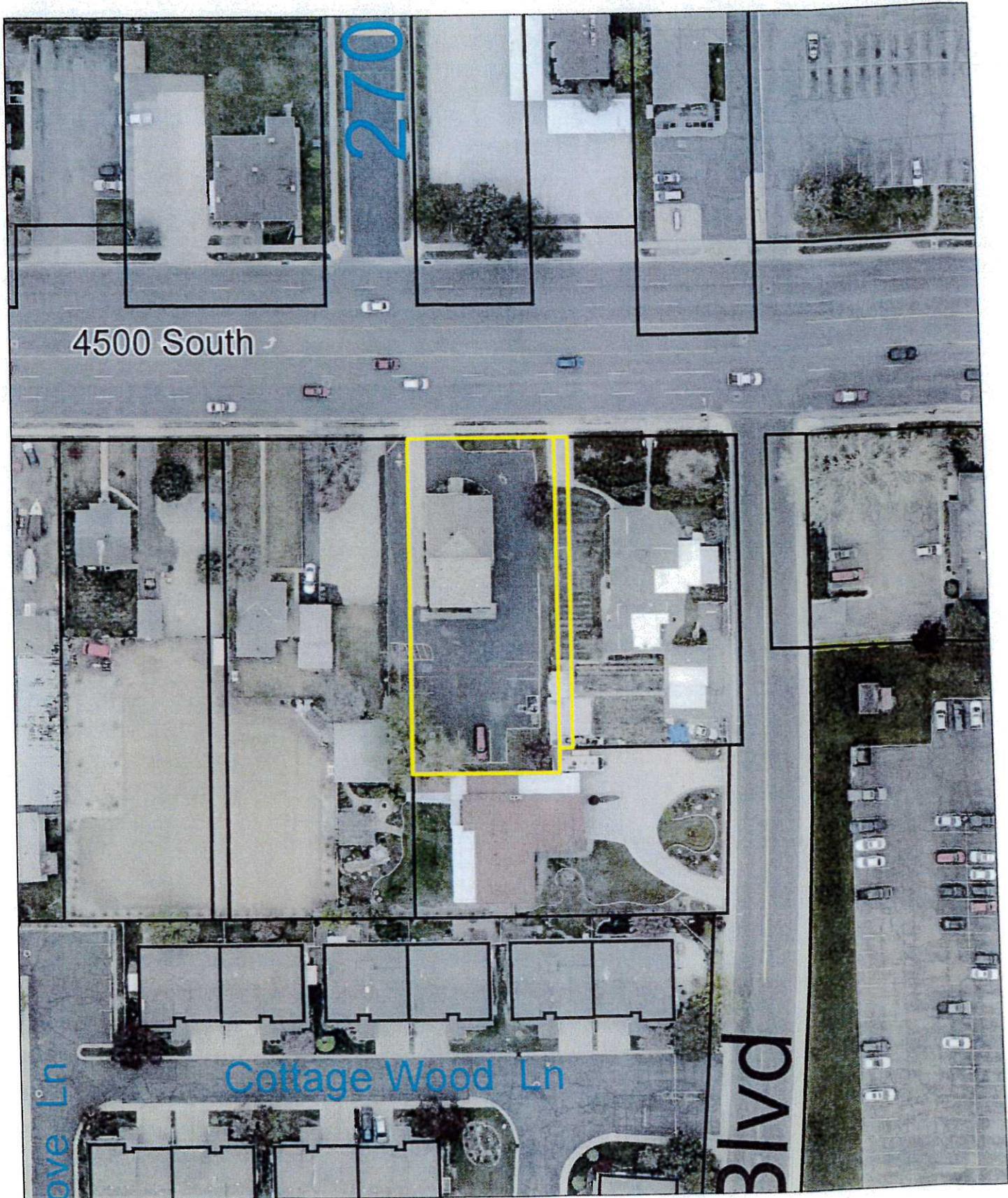
Based on the background, analysis, and the findings in this report, Staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the requested amendment to the Zoning Map designation for the property located at 284 East 4500 South from G-O, General Office to C-D, Commercial Development.

Zachary Smallwood, Associate Planner
Community & Economic Development
801-270-2407
zsmallwood@murray.utah.gov

Site Information



284 East 4500 South





July 18, 2019

NOTICE OF PUBLIC MEETING

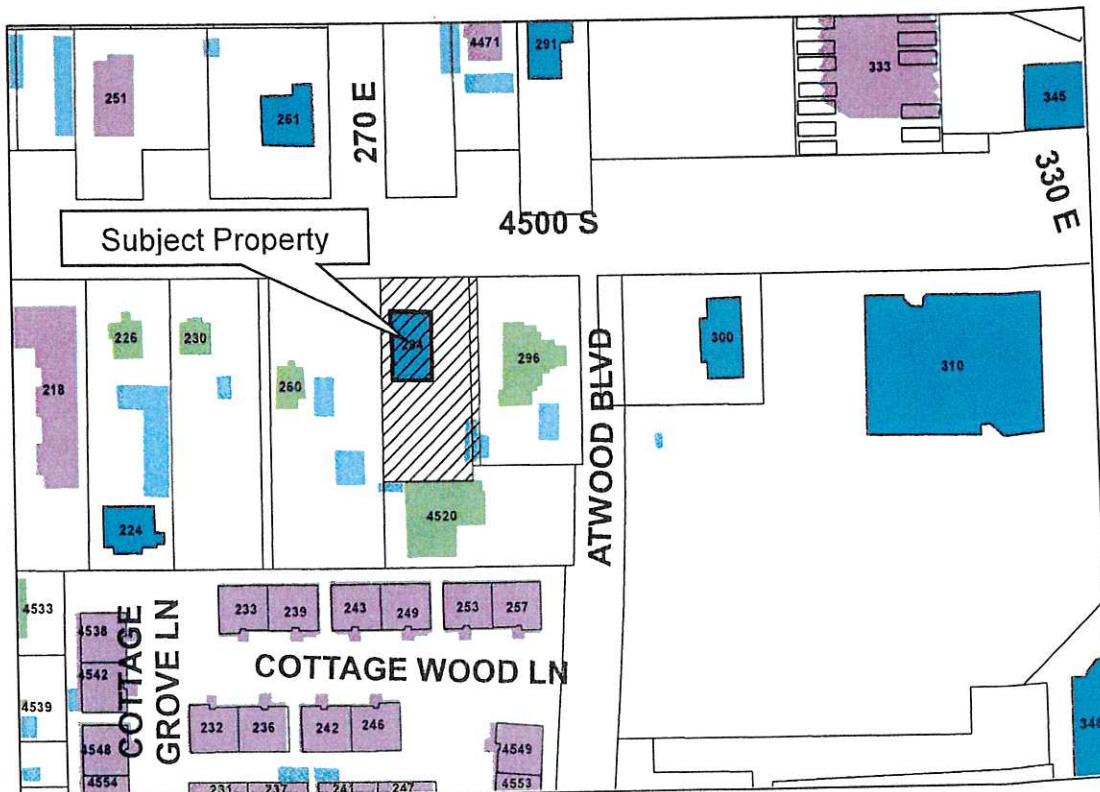
This notice is to inform you of a Planning Commission meeting scheduled for Thursday, August 1, 2019 at 6:30 p.m., in the Murray City Municipal Council Chambers, located at 5025 S. State Street.

Representatives of Hidden Treasures are requesting a Zone Map Amendment from G-O (General Office) to C-D (Commercial Development) for the property located at 284 East 4500 South. Please see the attached map segments.

This notice is being sent to you because you own property within the near vicinity. If you have questions or comments concerning this proposal, please call Zachary Smallwood with the Murray City Community Development Division at 801-270-2420, or e-mail to zsmallwood@murray.utah.gov.

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

284 East 4500 South



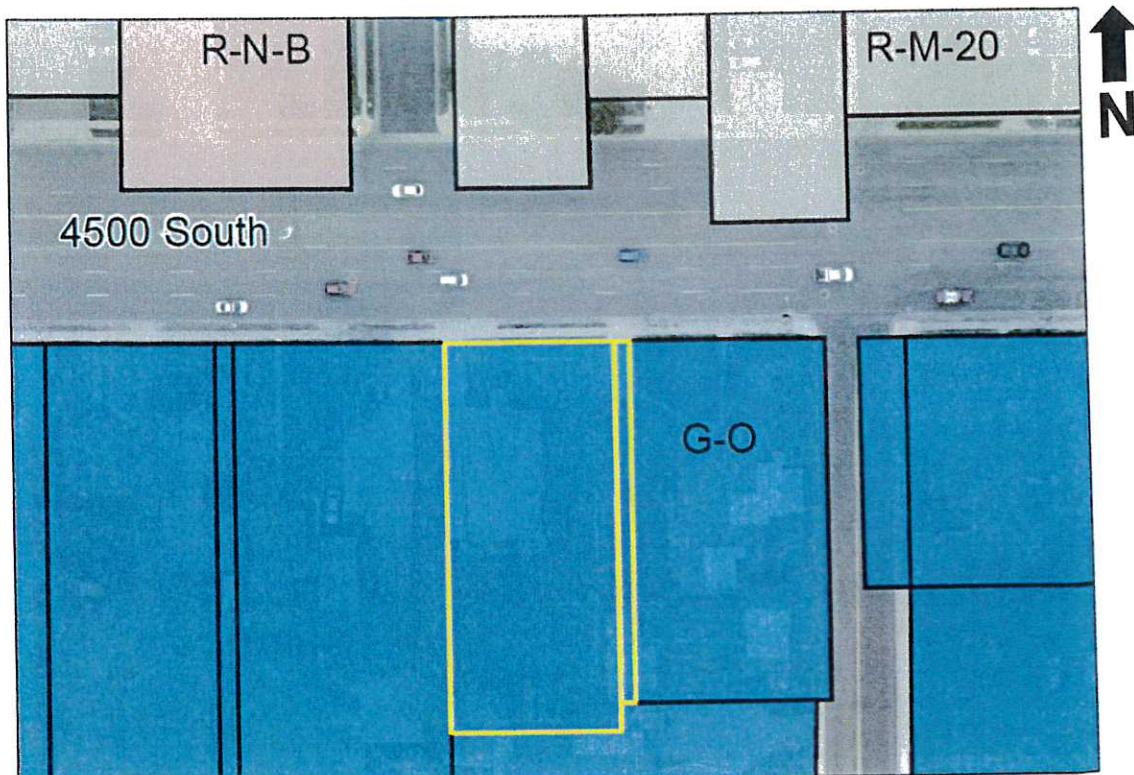


Figure 1: Zoning Map Segment

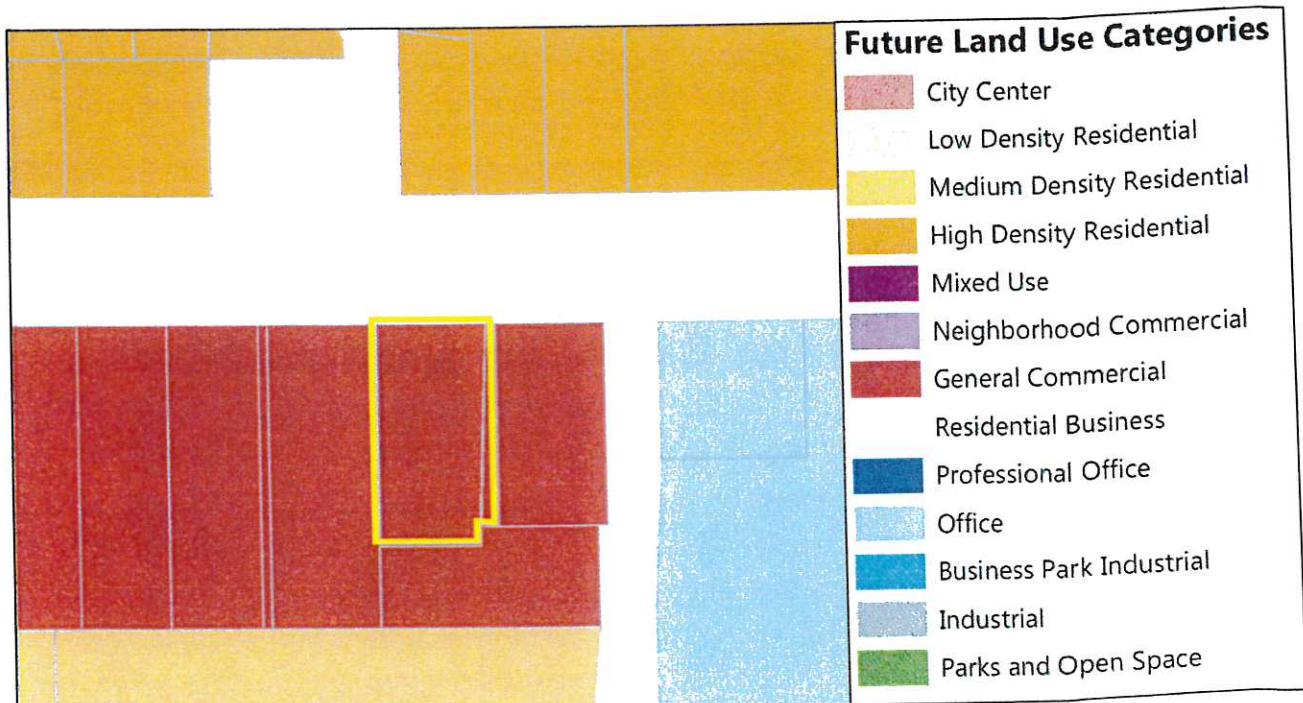


Figure 2: General Plan Segment

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 1st day of August, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to a Zone Map Amendment from G-O (General Office) to C-D (Commercial Development) for the property located at approximately: 284 East 4500 South, Murray City, Salt Lake County, State of Utah.

Jared Hall, Supervisor
Community & Economic Development

4770 S. 5600 W.
WEST VALLEY CITY, UTAH 84118
FED.TAX I.D.# 87-0217663
801-204-6910

Deseret News

Utah
Media
Group

The Salt Lake Tribune

PROOF OF PUBLICATION CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS

ACCOUNT NUMBER

MURRAY CITY RECORDER,

9001341938

5025 S STATE, ROOM 113

DATE

MURRAY, UT 84107

7/22/2019

ACCOUNT NAME

MURRAY CITY RECORDER,

TELEPHONE

8012642660

ORDER # / INVOICE NUMBER

0001261373 /

PUBLICATION SCHEDULE

START 07/21/2019 END 07/21/2019

CUSTOMER REFERENCE NUMBER

Legal Ad - Hiddent Treasures

CAPTION

MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY G

SIZE

32 LINES 1 COLUMN(S)

TIMES

TOTAL COST

3

58.76

MURRAY CITY
CORPORATION
NOTICE OF
PUBLIC HEARING

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Jared Hall, Supervisor
Community & Economic Development
1261373 UPA1LP

Hidden Treasures
Project #1996
FILE COPY

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 1st day of August, 2019, at the hour of 6:30 p.m. of said day in the Counc FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 07/21/2019 End 07/21/2019

DATE 7/22/2019

SIGNATURE

Lorraine Gudmundson

STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 21ST DAY OF JULY IN THE YEAR 2019

BY LORRAINE GUDMUNDSON.



Application Materials

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

- Zoning Map Amendment
- Text Amendment
- Complies with General Plan

Yes No

Project # 19-096

Subject Property Address: 284E. 4500S. Murray UT 84107

Parcel Identification (Sidwell) Number: 2206331010

Parcel Area: .33 Current Use: Beauty Clinic

Existing Zone: 60 Proposed Zone: CD

Applicant Name: Dana Williams

Mailing Address: 502 E. Mount View Cir

City, State, ZIP: Sandy, UT 84070

Daytime Phone #: 801-687-2332 Fax #: _____

Email address: danawgc@gmail.com

Business or Project Name: Hidden Treasures

Property Owner's Name (If different): _____

Property Owner's Mailing Address: _____

City, State, Zip: _____

Daytime Phone #: _____ Fax #: _____ Email: _____

Describe your reasons for a zone change (use additional page if necessary):

I am purchasing the building in order to open a retail store. I will be selling second hand items and local Utah items.

Authorized Signature: Dana Williams Date: 05-08-2019

J+D Williams Enterprises LLC

Property Owners Affidavit

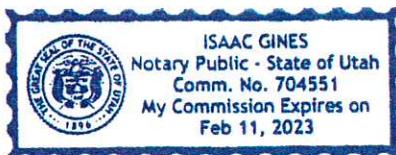
+ Jacob D. Williams

I (we) Dana L. Williams, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application; that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Dana Williams Jacob Williams
Owner's Signature Owner's Signature (co-owner if any)

State of Utah
§
County of Salt Lake

Subscribed and sworn to before me this 15 day of May, 20 19.



Isaac Gines
Notary Public
Residing in Salt Lake County
My commission expires: 2/11/2023

Agent Authorization

I (we), _____, the owner(s) of the real property located at _____, in Murray City, Utah, do hereby appoint _____, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize _____ to appear on my (our) behalf before any City board or commission considering this application.

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah
§
County of Salt Lake

On the _____ day of _____, 20 _____, personally appeared before me _____ the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

Notary public
Residing in _____
My commission expires: _____

Exhibit "A"

Parcel 1: [22-06-331-010]

Beginning at a point in the center of 4500 South Street, said point being South 03°12'15" East 265.58 feet (record 4.2 chains South) and North 89°51'51" East (record East) 2164.93 feet from the West 1/4 Corner of Section 6, Township 2 South, Range 1 East, Salt Lake Base & Meridian; thence South 00°09'00" East 213.50 feet; thence South 89°51'00" West 80.65 feet; thence North 00°09'00" West 213.50 feet; thence North 89°51'00" East 80.65 feet to the point of beginning.

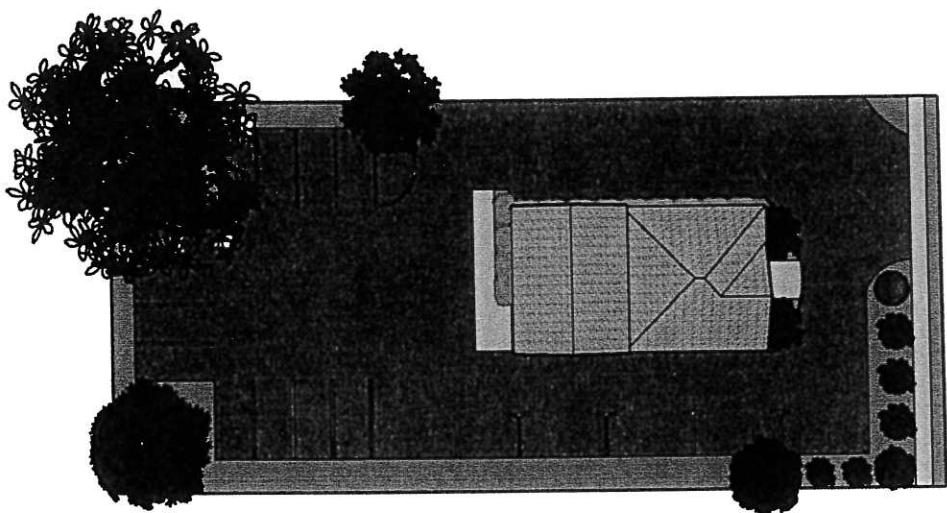
Parcel 2: [22-06-331-034]

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Less and excepting that portion, if any, lying within the property described in deed to George Bilanzich and Doris H. Bilanzich, by deed recorded in Book 4437 at Page 534 of Official Records, described as follows:

Beginning at a point on the westerly side of Atwood Boulevard, said point being South 3°12'15" East 265.58 feet and North 89°52'45" East 825.18 feet to a corner monument at the intersection of 4500 South Street and State Street and North 89°51' East along the 4500 south street monument line 1437.07 feet and South 0°02'45" West parallel with State Street 200 feet and South 89°51' West 6.97 feet from the West Quarter Corner of Section 6, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence South 1°58'45" West along the west side of Atwood Boulevard 90.46 feet; thence South 89°51' West 170.63 feet; thence North 0°02'45" East 76.9 feet; thence North 89°51' East 80.65 feet; thence North 0°02'45" East 13.5 feet; thence North 89°51' East 93.03 feet to the point of beginning.

Tax ID: 22-06-331-010, 22-06-331-034



HIDDEN TREASURES
P/C 8/1/19
Project #19-096
300 ' radius w affected entities

RBM 45Th Tower, LLC
423 W Broadway St
Salt Lake City UT 84101

DANA WILLIAMS
284 E 4500 S
Murray UT 84107

RFP Properties, LLC
300 E 4500 S
Murray UT 84107

Brian Thull
231 E Cottage Glen Ln
Murray UT 84107

Donald H Taylor; Colleen Taylor (Jt)
461 W Murray Blvd
Murray UT 84123

F T Properties & Trades LLC
9567 S Glass Slipper Rd
Sandy UT 84092

Cottage Cove Condo Common Area
Master Card
4552 S Cottage Creek Ln
Murray UT 84107

HI & ERO Tr
237 E Cottage Glen Ln
Murray UT 84107

GK & LK Trustl
4648 S 345 E
Murray UT 84107

Gary D Jackson; Mekett Jackson (Jt)
4549 S Cottage Creek Ln
Murray UT 84107

Jenean Goodsell
241 E Cottage Glen Ln
Murray UT 84107

H W Tr
236 E Cottage Wood Ln
Murray UT 84107

J J Bakd Partnership
1370 W Northtemple St
Salt Lake City UT 84116

Jon B Monson; Janet Wall (Jt)
296 E 4500 S
Murray UT 84107

Karen Thorsen Family Trust
03/02/2018
2425 E Walker Ln
Holladay UT 84117

Joanne Reinertson
246 E Cottage Wood Ln
Murray UT 84107

LC Consolidated Properties
7186 S Highland Dr
Cottonwood Hts UT 84121

LC J-J Bakd
1370 W Northtemple St
Salt Lake City UT 84116

Kessimakis Properties LLC
4648 S 345 E
Murray UT 84107

Nicholas Kambouris; Konstantinos
Kambouris (Jt)
1792 E Lincoln Ln
Holladay UT 84124

Meleena Morley; Chris Morley (Jt)
247 E Cottage Glen Ln
Murray UT 84107

Nancy M Lund
242 E Cottage Wood Ln
Murray UT 84107

Richard G Robinson;
Dolores L Robinson (Jt)
243 E Cottage Wood Ln
Murray UT 84107

Platt Holdings Lc
253 E Cottage Wood Ln
Murray UT 84107

R Fam Tr
249 E Cottage Wood Ln # 3
Murray UT 84107

Trust Not Identified
239 E Cottage Wood Ln
Murray UT 84107

Salt Lake County
Po Box 144575
Salt Lake City UT 84114

Thomas Christensen
257 E Cottage Wood Ln
Murray UT 84107

Trust Not Identified
4553 S Cottage Creek Ln
Murray UT 84107

Trust Not Identified
233 E Cottage Wood Ln
Murray UT 84107

Trust Not Identified
4542 S Cottage Grove Ln
Murray UT 84107

Pacific Shoreline Properties, LLC
315 Hueneme Rd
Camarillo CA 93012

Utah Charities
291 E 4500 S
Murray UT 84107

Western Odyssey Inc
344 E 100 S # 301
Salt Lake City UT 84111

WEST JORDAN CITY
PLANNING DIVISION
8000 S 1700 W
WEST JORDAN UT 84088

UTAH TRANSIT AUTHORITY
ATTN: PLANNING DEPT
PO BOX 30810
SLC UT 84130-0810

TAYLORSVILLE CITY
PLANNING & ZONING DEPT
2600 W TAYLORSVILLE BLVD
TAYLORSVILLE UT 84118

MIDVALE CITY
PLANNING DEPT
7505 S HOLDEN STREET
MIDVALE UT 84047

CHAMBER OF COMMERCE
ATTN: STEPHANIE WRIGHT
5250 S COMMERCE DR #180
MURRAY UT 84107

MURRAY SCHOOL DIST
ATTN: ROCK BOYER
5102 S Commerce Drive
MURRAY UT 84107

UTAH POWER & LIGHT
ATTN: KIM FELICE
12840 PONY EXPRESS ROAD
DRAPER UT 84020

SALT LAKE COUNTY
PLANNING DEPT
2001 S STATE ST
SLC UT 84190

GRANITE SCHOOL DIST
ATTN: KIETH BRADSHAW
2500 S STATE ST
SALT LAKE CITY UT 84115

JORDAN VALLEY WATER
ATTN: LORI FOX
8215 S 1300 W
WEST JORDAN UT 84088

DOMINION ENERGY
ATTN: BRAD HASTY
P O BOX 45360
SLC UT 84145-0360

COTTONWOOD IMPRVMT
ATTN: LONN RASMUSSEN
8620 S HIGHLAND DR
SANDY UT 84093

COTTONWOOD HEIGHTS CITY
ATTN: PLANNING & ZONING
2277 E Bengal Blvd
Cottonwood Heights, UT 84121

CENTRAL UTAH WATER DIST
1426 East 750 North, Suite 400,
Orem, Utah 84097

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

COMCAST
ATTN: GREG MILLER
1350 MILLER AVE
SLC UT 84106

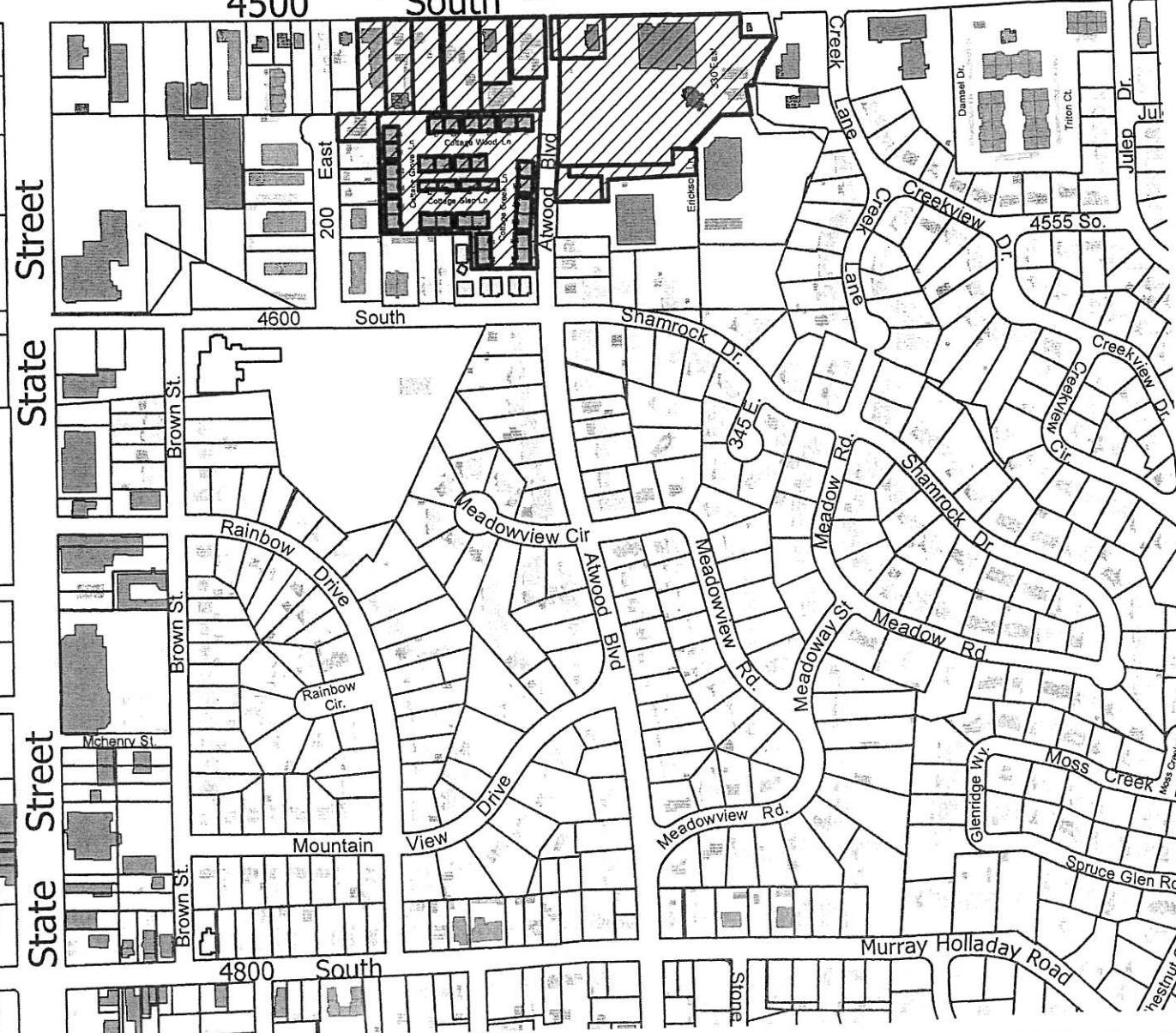
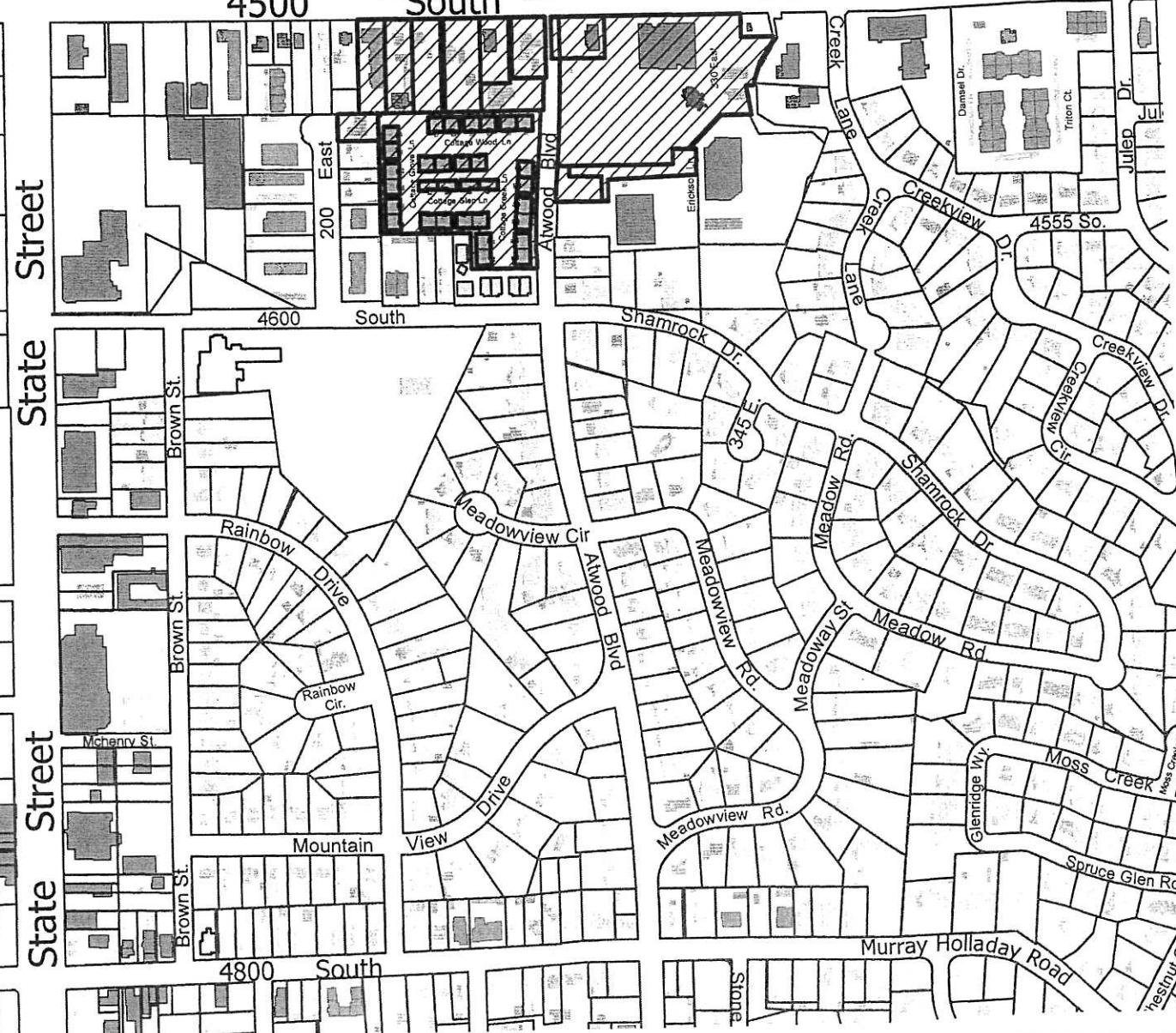
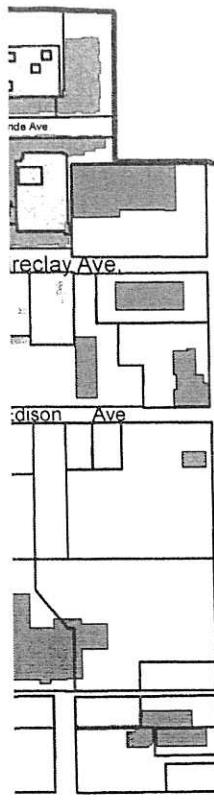
SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKwy
SANDY UT 84070

UTOPIA
Attn: JAMIE BROTHERTON
5858 So 900 E
MURRAY UT 84121

UDOT - REGION 2
ATTN: MARK VELASQUEZ
2010 S 2760 W
SLC UT 84104

MILLCREEK
Attn: Planning & Zoning
3330 South 1300 East
MillCreek, UT 84106

OLYMPUS SEWER
3932 500 E,
Millcreek, UT 84107





Community & Economic Development

Zoning Map Amendment for 284 East 4500 South from G-O, General Office to C-D, Commercial Development

MURRAY

Council Action Request

Committee of the Whole

Meeting Date: September 3, 2019

Department Director Melinda Greenwood	Purpose of Proposal To amend the zone map for 284 East 4500 South from G-O to C-D.
Phone # 801-270-2428	Action Requested Approve a zone map amendment for 284 East 4500 South.
Presenters Melinda Greenwood	Attachments PowerPoint Presentation
	Budget Impact None
	Description of this Item The applicant, Dana Williams, Hidden Treasures, is requesting an amendment to the Murray City Zoning Map from G-O, General Office to C-D, Commercial Development for the property located at 284 East 4500 South. The applicant proposes to amend the Zoning Map in preparation to apply for a Conditional Use Permit to open a business in that location.
Required Time for Presentation 10 Minutes	The property is a .35-acre parcel located on 4500 South and west of Atwood Boulevard, and currently hosts a vacant building, though many businesses have previously located there.
Is This Time Sensitive No	The existing G-O zone allows uses that are related to office buildings, including advertising services, employment services, pharmacies and other professional services.
Mayor's Approval DOUG Hill	
Date August 20, 2019	

Continued from Page 1:

The proposed C-D Zone allows for a wide range of commercial and retail uses. The applicant has the intention of opening a secondhand / antique retail establishment at this location.

This item was presented at the August 1, 2019 Planning Commission Meeting, where a public hearing was held. The Planning Commission voted unanimously to send a recommendation of approval to the City Council.

FINDINGS

The rezoning of the property to C-D is supported by the Future Land Use Map designation of General Commercial and will not have negative impacts to the surrounding properties, infrastructure, or utilities.

The requested rezoning has been carefully considered based on the characteristics of the site and surrounding area and the policies and objectives of the 2017 Murray City General Plan, and have been found to support the goals of the Plan.

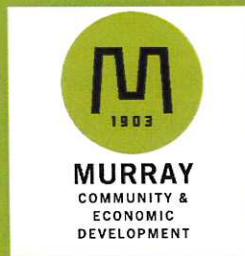
The proposed amendment to the Zoning Map from G-O to C-D is a natural expansion of the established Commercial land use designation of the subject property.

STAFF RECOMMENDATION

Based on the background, analysis, findings in the staff report, and the Planning Commission recommendation, Staff recommends the City Council APPROVE the requested amendment to the Zoning Map designation for the property located at 284 East 4500 South from G-O, General Office to C-D, Commercial Development.

COMMITTEE OF THE WHOLE

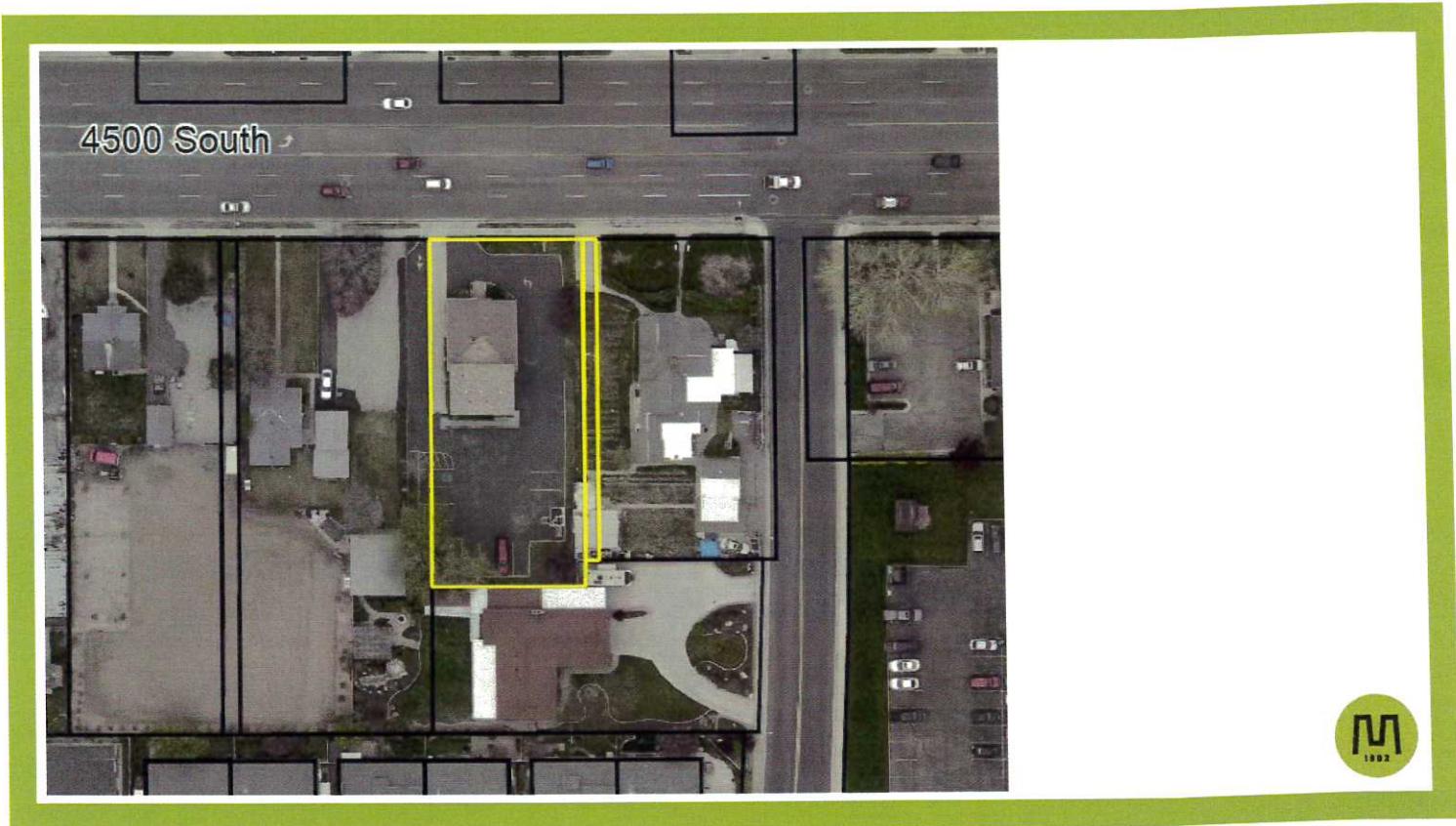
September 3, 2019



HIDDEN TREASURES Zone Map Amendment from G-O to C-D

284 East 4500 South

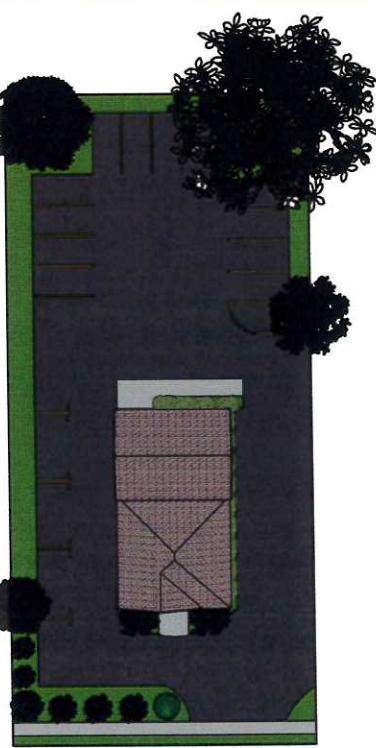
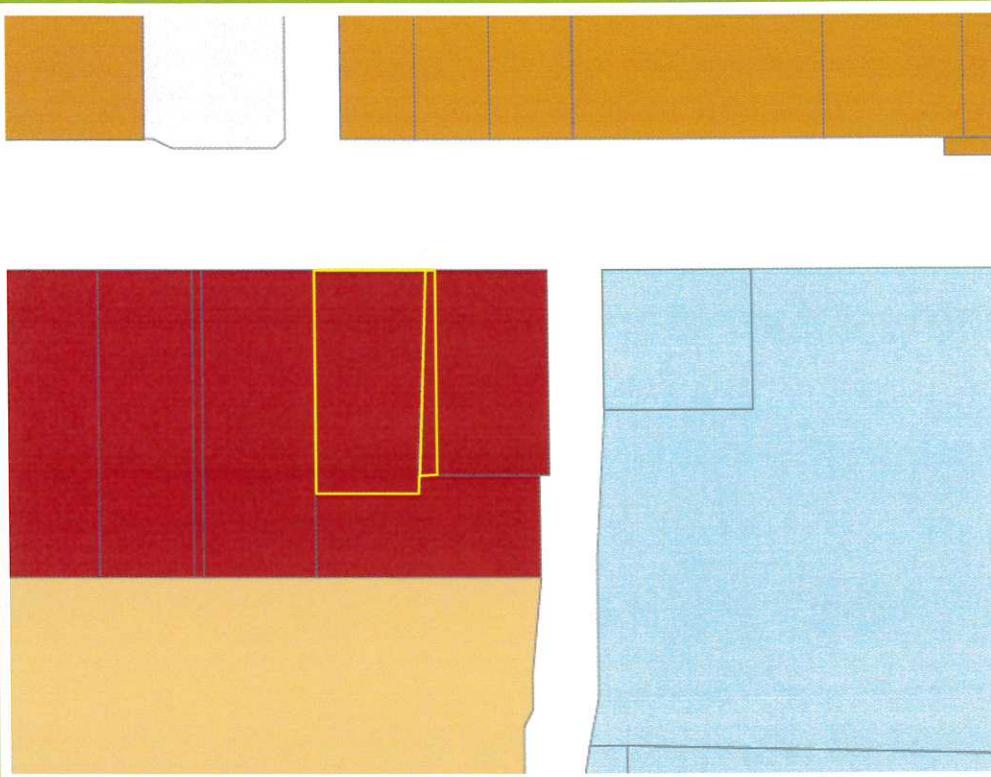




Future Land Use Categories

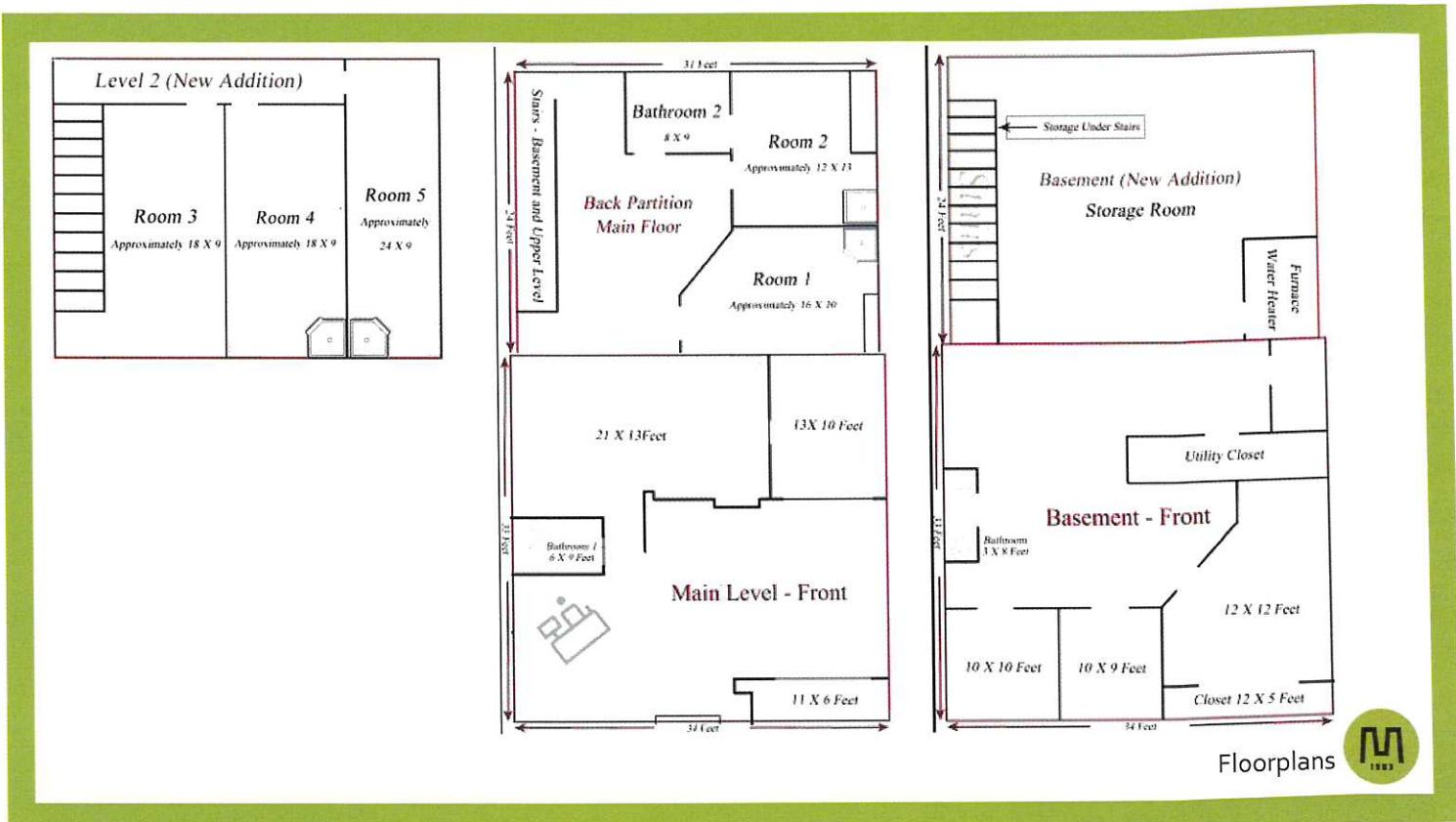
- City Center
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Neighborhood Commercial
- General Commercial**
- Residential Business
- Professional Office
- Office
- Business Park Industrial
- Industrial
- Parks and Open Space

Future Land Use



Site Plan





Findings

1. The rezoning of the property to C-D is supported by the Future Land Use Map designation of General Commercial and will not have negative impacts to the surrounding properties, infrastructure, or utilities.
2. The requested rezoning has been carefully considered based on the characteristics of the site and surrounding area and the policies and objectives of the 2017 Murray City General Plan, and have been found to support the goals of the Plan.
3. The proposed amendment to the Zoning Map from G-O to C-D is a natural expansion of the established Commercial land use designation of the subject property.

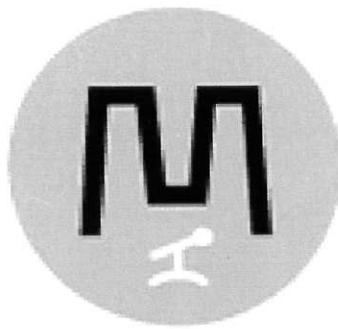


Staff Recommendation

Zoning Map Recommendation

Staff recommends that the City Council APPROVE the requested amendment to the Zoning Map designation for the property located at 284 East 4500 South from G-O, General Office to C-D, Commercial Development.





MURRAY
CITY COUNCIL

Public Hearing #2

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 17th day of September, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing to consider land use code text amendments to sections 17.82.050, 17.82.080, and 17.82.090 of the Murray City Municipal Code relating to small wireless facilities.

The purpose of this public hearing is to receive public comment concerning the proposed land use code text amendment as described above.

DATED this 23rd day of August, 2019.

MURRAY CITY CORPORATION

Jennifer Kennedy
Jennifer Kennedy
City Recorder

DATE OF PUBLICATION: September 6, 2019
PH 19-32



ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 17.82.050, 17.82.080 AND 17.82.090 OF THE MURRAY CITY MUNICIPAL CODE RELATED TO SMALL WIRELESS FACILITIES

NOW, THEREFORE, BE IT ORDAINED by the Murray City Municipal Council as follows:

Section 1. Purpose. The purpose of this Ordinance is to amend sections 17.82.050, 17.82.080, and 17.82.090 of the Murray City Municipal Code relating to small wireless facilities.

Section 2. Amendment. Sections 17.82.050, 17.82.080, and 17.82.090 of the Murray City Municipal Code relating to small wireless facilities are hereby amended to read as follows:

17.82: SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

17.82.050: ALLOWED FACILITIES:

...

E. Zoning Districts.

1. All applications for SWFs must comply with the City Code. SWFs are allowed within public rights-of-way in the different zoning districts according to Table 1 of this chapter.
2. The MCCD, TOD and M-U zoning districts of the City are design mixed-use districts which emphasize the design of public improvements. As a condition for approval in these zones, a provider shall consider the aesthetics of the existing street lights and other city infrastructure near proposed SWF locations and shall adhere to reasonable design or concealment measures for a new SWF, new monopole or replacement utility pole. A provider shall also comply with reasonable camouflage measures implemented by the City in these zoning districts, if to include the following where such camouflage measures are technically and economically feasible consistent with Title 54 Chapter 21 of the Utah Code.

- a. Color. All equipment shall be painted to match pole aesthetic and color. Paint should be powder coated over zinc paint.
- b. External Shrouding. The antenna shall be contained within a cantenna and any other equipment shall be contained in an equipment cabinet or concealed by an equipment shroud colored to match the pole.
- c. Hardware Attachment. Pole mounted equipment shall be securely attached with hardware. All hardware attachments shall be colored to match the pole and hidden to the maximum extent possible.
- d. Conduits. Where cables cannot be installed inside the pole, all cables shall be in conduits and shall be flush with the pole and colored to match.

17.82.080: APPLICATION REQUIRED

- E. Response and Timing. Within ~~thirty (30)~~ten (10) days of receiving an application for a SWF, the City shall determine whether the application is complete, and notify the applicant in writing of the determination. If the City has determined that the application is incomplete, the written communication to the applicant shall detail the deficiencies of the application and provide citations from the ordinance and specifying any additional information or documentation needed.
 - 1. Expiration. An application for a SWF will expire if the City notifies the applicant that the application is incomplete and the applicant fails to respond within ninety (90) days after the date of the notification.
 - 2. Complete Application. When an application has been determined to be complete, the City shall process the application in a timely manner, and approve or deny the application within sixty (60) days after the application is complete for an application for co-location of a SWF; or ~~one hundred and five (105)~~ninety (90) days after the application is complete for an application for new monopole or replacement utility pole.
 - 3. If the City fails to either approve or deny an application within the applicable time period, the application is approved.
 - 4. Denial and Revised Applications.
 - a. The City may deny an application to co-locate a SWF or to install, modify or replace a monopole or utility pole that meets the height limitations of this chapter, only if the action requested in the application:

- i. materially interferes with the safe operation of traffic control equipment;
- ii. materially interferes with a sight line or a clear zone for transportation or pedestrians;
- iii. materially interferes with compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. sec. 12101 et seq., or a similar federal or state standard regarding pedestrian access or movement;
- iv. fails to comply with applicable laws or legal obligations;
- v. creates a public health or safety hazard; or
- vi. obstructs or hinders the usual travel or public safety of the public right-of-way.

b. If an application for a SWF is denied under the provisions of this chapter, the City shall document the basis of the denial and send notice including that documentation to the applicant.

c. Within thirty (30) days after the denial of the application, the applicant may cure the deficiency and resubmit the application without additional fees. The City shall approve or deny a resubmitted application within thirty (30) days of the revised application.

17.82.090 FEES.

A. Application Fees.

1. The application fee for the co-location of a SWF on an existing or replacement utility pole is \$100 for each SWF on the same application.
2. The application fee for a permitted use to install, modify or replace a utility pole associated with a SWF is \$250 per for each SWF on the same application.
3. The application fee for an activity that is not a permitted use to:
 - (a) install, modify or replace a utility pole; or
 - (b) install, modify or replace a new utility pole associated with a SWF is \$1,000 per for each SWF on the same application.

B. Application fees for SWFs are in addition to:

1. pole attachment fees that may be charged to a Wireless Provider by the City or another entity which owns a structure upon which the SWF is located;
2. fees required to occupy the public rights-of-way; or
3. fees for excavation, building or other permits required for installation or construction.

C. Co-location Fees. Pursuant to state law, the fee to collocate a SWF on a City utility pole is \$50 per year, per City utility pole.

D. Right-of-Way Rates.

1. For the right to use or occupy the public right-of-way, the Wireless Provider shall pay the City ~~the greater of~~:

~~a. 3.5% of all gross revenue related to the Wireless Provider's use of the public right of way for its SWF; or~~

~~b. \$250 annually for each SWF.~~

E. the Wireless Provider shall remit the public right-of-way rate payments to the City on a monthly basis.

Section 3. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this day of , 2019.

MURRAY CITY MUNICIPAL COUNCIL

Dave Nicponski, Chair

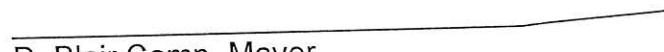
ATTEST:

City Recorder

Transmitted to the Office of the Mayor of Murray City on this ____ day of
_____, 2019.

MAYOR'S ACTION: Approved.

DATED this ____ day of _____, 2019.


D. Blair Camp, Mayor

ATTEST:


City Recorder

Ms. Wilson asked if there were a chance that the property might revert to residential rental in the future. Mr. Smallwood replied that he does not believe that would ever be the case because it doesn't make sense since the building and property is completely set up as a commercial store front. Ms. Wilson added that that we are considering re-classifying from one type of commercial use to another.

Dana Williams, applicant, addressed some concerns and stated she is purchasing an empty building and that she has fixed the electrical, plumbing and added some cosmetic upgrades. The business has received donations of broken appliances, which are stored outside and are going to be recycled, which is part of the business plan. The mess that is being commented on by the neighbors is due to us cleaning up. When they first moved in, the weeds were much taller, and vagrants were living in the back yard for past three years. She stated that they immediately installed security cameras to keep the area secure and the weeds will be cleaned up by the time they are in operation. She stated this is just the process in order to get the business ready to operate. They are looking into the possibility of using some sort of storage container to have outside storage. If there any concerns people can stop by, and she will be happy to discuss any concerns.

Mr. Woodbury encouraged all in attendance to place emphasis on the re-zone instead of the intended business use at this time. He stated that even though it has been made aware of the type of business use that is proposed. This re-zone is consistent with the General Plan and the planning commission will have the opportunity to mitigate any issues if a Conditional Use come before them.

Travis Nay made a motion to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation for the property located at 284 East 4500 South from G-O, General Office to C-D, Commercial Development.

Seconded by Ms. Patterson.

Call vote recorded by Mr. Smallwood.

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

Motion passed 5-0

ORDINANCE TEXT AMENDMENT– Municipal Code Section 17.82 –Small Wireless Facilities
Ordinance – Project #19-098

Zac Smallwood reviewed the proposed, new ordinance regulating the installation of Small Wireless Facilities (SWFs) in the Murray City for Municipal Code Section 17.82. Mr. Smallwood explained that the Federal Government passed an amendment to set additional guidelines for how Municipalities can regulate SWF's. Murray City has added some changes to our ordinances on order to match what the Federal Government is requiring. Some of the proposed changes to the code are; Aesthetics, Shot Clocks and Fees. Mr. Smallwood explained that aesthetics was not originally addressed in the city's design districts at the time. The design districts in Murray City are MCCD, TOD and the Mixed-Use Zone and the change will indicate what color, shrouding, hardware attachments and conduit should look like. Mr. Smallwood explained that a Shot Clock indicates the turnaround time Staff will have to review

an application. The Cities' original code stated that we have thirty (30) days to determine completeness of an application. The Federal Government has now changed the timeline to ten (10) working days to review an application. After the ten days determination time, the City has an additional sixty (60) to ninety (90) days to review up to twenty-five Small Wireless Facilities on one application. The timeline also fluctuates depending if they are co-located or they have a new or replacement utility pole. Lastly, fees guidelines state that instead of a single application fee to be charged it is now based on each SWF, it also removes the Right-Of-Way fee of 3.5 %. Based on the information presented in this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed text amendment which will keep the Cities Land Use Ordinance in compliance with Utah State and Federal Statues and will maintain a balance between requires of the wireless industry and General Plan.

Mr. Markham asked if the Small Wireless Facilities applications will be processed through the Planning Commission. Mr. Smallwood stated that he believes they will be handled through Administration Staff only.

Mr. Nay asked where the \$250.00 fee originated. Mr. Farnsworth explained that he believes \$250.00 was originated through State Law. Then Federal Law came out with an order from the Federal Communications Commission that a charge of \$270.00 was a reasonable amount, unless you can justify a higher cost to the Jurisdiction, then it maybe ok to charge differently. Since both entities allow different amounts to be charged, Murray City decided to go with the lower of the two so that we are compliant with both.

The public hearing was opened for public comment. There was no public comment and the public hearing portion was closed.

Mr. Woodbury made a motion to recommend that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the Murray City Land Use Ordinance, Section 17.82, Small Wireless Facilities in the Public Right-Of-Way.

Seconded by Mr. Markham.

Call vote recorded by Mr. Smallwood.

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

Motion passed 5-0.

DISCUSSION ITEM – Consideration of Policies and Procedures for submission of materials to the Planning Commission

Mr. Smallwood presented information to facilitate a conversation with the Planning Commission regarding the submission of material by citizens or applicants during a Public Meeting or Hearing. Mr. Smallwood referred to the memo that reads; "Handouts and materials by the applicants and others will be encouraged to be submitted at least 48 hours prior to the meeting. If materials are submitted within 48 hours and the Commission does not have time to adequately review the material, they may decide to postpone a decision to allow



MURRAY CITY CORPORATION
Community &
Economic Development

Building Division 801-270-240C
Planning Division 801-270-242C

TO: Murray City Planning Commission

FROM: Murray City Planning Staff

REPORT DATE: July 25, 2019

MEETING DATE: August 1, 2019

PROJECT NAME: Section 17.82 (Changes to the Small Wireless Facilities Ordinance)

PROJECT NUMBER: 19-098

PROJECT TYPE: Land Use Ordinance Text Amendment

APPLICANT: Murray City

I. REQUEST:

The Murray City Community & Economic Development Department is proposing amendments to Section 17.82 (Small Wireless Facilities) of the Land Use Code. The amendments are proposed in order to comply with updated State and Federal policies.

II. STAFF REVIEW AND ANALYSIS

Background

In March 2018, the Utah State Legislature passed legislation requiring municipalities and counties to allow for the installation of new wireless antennas and equipment known as Small Wireless Facilities (SWFs) in the public right-of-way. In response, Murray City prepared and adopted Section 17.82 of the Land Use Ordinance, providing for and regulating SWFs in the public right-of-way.

On September 27, 2018, the Federal Communications Commission (FCC) issued a "Declaratory Ruling and Third Report and Order" (R&O) related to SWFs. The R&O interprets, clarifies, and alters certain aspects and requirements for SWFs. The City Attorney's office and Community Development Staff reviewed the R&O and compared it to Section 17.82. It was determined that several amendments were needed to maintain compliance. This report will briefly review those recommended changes by category. A redline and strikeout version of the proposed amendments to Section 17.82 is also attached for your reference.

Review

The changes required to comply with the FCC's R&O can be placed in three categories: Aesthetics, Shot-Clocks, and Fees.

- Aesthetics: Section 17.82.050(E)(2) identifies the MCCD, TOD and M-U Zones as "design districts" and requires reasonable concealment and camouflage measures for new monopoles or replacement utility poles in those districts. The FCC's R&O states that design standards like these must "incorporate clearly-defined and ascertainable standards, applied in a principled manner – and must be published in advance." In order to meet that requirement, Staff proposes that references to "concealment" and "camouflaging" should be removed and replaced with a list of specific requirements to match colors, conceal equipment with shrouds or cabinets, and conceal cables and attachment methods (such as bolts or fasteners). Staff also recommends removing the reference to the MCCD, TOD, and M-U Zones as "design districts" in favor of a reference to those same zones as "mixed-use" districts.
- Shot-Clocks: The SWF ordinance is required to define the times allowed for the City to determine if an application is complete, notify applicants, and finish reviews. These kinds of requirements are commonly referred to as "shot-clocks". The R&O adjusted some of the previously established shot clocks. The time allowed for the City to determine if an application is complete was reduced from 30 days to 10 days, and the time to complete the review of an application for a new monopole or replacement utility pole was reduced from 105 days to 90 days. The R&O also clarified that the City's obligation to detail the deficiencies of an application must include citations of the specific law or rule that creates the requirement to submit the documents or information that has been considered deficient.
- Fees: A current right-of-way fee in Section 17.82 is based on percentages of gross revenue. Charging based on gross revenue is not permitted by Federal law. In order to comply with new interpretations detailed in the R&O, it is necessary to remove the requirement, and apply the \$250.00 annual fee instead. Language to uniformly identify the fees for different application types is also proposed.

III. FINDINGS AND CONCLUSION

- i. The proposed amendments will keep the City's Land Use Ordinance in compliance with Utah State Code and with the Federal statutes that regulate Small Wireless Facilities (SWFs).
- ii. The proposed amendments maintain a balance between the requirements of the wireless industry and the goals and objectives of the Murray City General Plan and Land Use Ordinance.

IV. STAFF RECOMMENDATION

Based on the above findings, Staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the proposed amendments to the Murray City Land Use Ordinance, Section 17.82, Small Wireless Facilities in the Public Right-Of-Way.

Jared Hall
Community Development Supervisor
801-270-2427
jhall@murray.utah.gov

Application Materials

FILE COPY

**MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 1st day of August, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to a Land Use Ordinance Text Amendment to Section 17.82, Small Wireless Facilities

Jared Hall, Supervisor
Community & Economic Development



Desert News

四庫全書

Remit to:
Utah Media Group
4770 S 5600 W
West Valley City, UT 84118

Order Confirmation for 0001261374

Client	MURRAY CITY RECORDER		
Client Phone	8012642660	Account #	9001341938
Address	5025 S STATE, ROOM 113	Ordered By	Susan
	MURRAY, UT 84107	Account Exec	ltapusoa2
Email	snixon@murray.utah.gov	PO Number	Legal Ad - Sect 17.82 S

Total Amount	\$50.36
Payment Amt	\$0.00
Amount Due	\$50.36

Text: Legal Ad - Sect 17.82 Small Wireless Facilities

Ad Number 0001261374-01 Ad Type Legal Liner
Ad Size 1 X 27 li Color Color

WYSIWYG Content

MURRAY CITY
CORPORATION
NOTICE OF
PUBLIC HEARING

NOTICE IS HERBY GIVEN that on the 1st day of August, 2019, at the hour of 6:30 p.m. of said day, in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to a Land Use Ordinance Text Amendment to Section 17.82, Small Wireless Facilities.

Jared Hall, Supervisor
Community & Economic Development
1261374 UPAXLP

<u>Product</u>	<u>Placement</u>	<u>Position</u>
Salt Lake Tribune	Legal Liner Notice	Public Meeting/Headline

Scheduled Date(s): 07/21/2019

utahlegals.com utahlegals.com utahlegals.com

Scheduled Date(s): 07/21/2019

Deseret News Legal Lines Notice Public Meetings/Links

Scheduled Date(s): 07/04/2010

17.82: SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

17.82.010: PURPOSE:

The purpose of this chapter is to reasonably regulate the installation, operation, co-location, modification and removal of small wireless facilities (SWFs) in City public rights-of-way, balancing the benefit of wireless services with other established goals, objectives and values of the City while promoting and protecting the public health, safety and welfare. This chapter is not intended to prohibit or effectively prohibit personal wireless services or to discriminate among providers of personal wireless services.

A. This chapter is intended to meet the following goals:

1. Promote and protect the public health, safety and welfare by reducing the visibility and adverse impacts of SWFs to the fullest extent possible through the use of integrated design techniques and sensitivity to placement, height, and overall impacts.
2. Provide for the managed development and installation, maintenance, modification and removal of wireless communication infrastructure in the City without discriminating against wireless service providers of functionally equivalent services.
3. Encourage the effective deployment of smaller and less intrusive SWFs in where such facilities will have the greatest value to existing wireless infrastructure and minimize adverse impacts upon other infrastructure, the rights-of-way, and the public health, safety and welfare.
4. Encourage the deployment of SWFs along arterial and collector streets, and limit their deployment along local streets.
5. Encourage the location of SWFs in non-residential areas.
6. Encourage and support the co-location of SWFs wherever possible on both existing and new wireless support structures.
7. Enhance the ability of wireless service providers to provide services to the community quickly and efficiently.
8. Effectively manage SWFs in the public right-of-way.

B. Nothing herein is intended to waive or limit the City's right to enforce or condition approval on compliance with generally applicable building, structural, electrical and safety codes or with other laws codifying standards related to public health and safety.

17.82.020: APPLICABILITY

Applicability. This chapter shall apply to the construction, modification, removal and operation of Small Wireless Facilities (SWFs) installed in the public rights-of-way. All references to SWFs in this chapter shall refer only to SWFs in the public rights-of-way and not SWFs located anywhere outside of the public rights-of-way. No person shall install, construct, modify, or otherwise place any SWF within the public right-of-way except pursuant to the provisions of this chapter. The definitions used in this chapter apply only to this chapter.

17.82.030: AUTHORITY:

In accordance with federal and state law, the City may exercise zoning, land use, planning, placement and permitting authority with respect to wireless support structures and utility poles. This chapter is enacted pursuant and subject to the federal Telecommunications Act of 1996 (47 U.S.C. §332), the Spectrum Act (47 U.S.C. §1455) the rules and regulations promulgated by the Federal Communications Commission ("FCC") under its rulemaking authority related to the installation and siting of wireless communications facilities, and Title 54 Chapter 21 of the Utah Code. To the fullest extent allowed under federal and state law, rules and regulations, the City reserves the right to regulate zoning, land use, planning, placement and permitting related to wireless communication facilities.

17.82.040 DEFINITIONS:

For the purposes of this chapter, the following terms and phrases are interpreted to have the meanings ascribed to them in this section:

Antenna: Communication equipment that transmits or receives an electromagnetic radio frequency signal used in the provision of wireless service.

Applicable Codes: The International Building Code, the International Fire Code, the National Electrical Code, the International Plumbing Code, and the International Mechanical Code, as adopted and amended under Title 15A, State Construction and Fire Codes Act.

Applicable Standards: The Structural standards for antenna supporting structures and antenna, known as ANSI/TIA-222, from the American National Standards Institute and the Telecommunications Industry Association.

Applicant: A wireless provider or their authorized agent who submits an application.

Application: A request submitted by a wireless provider for a permit to co-locate a small wireless facility in a right-of-way or to install, modify or replace a utility pole or a wireless support structure.

Co-locate: To install, mount, maintain, modify, operate, or replace a small wireless facility on an existing wireless support structure.

Design District: An area that is zoned or otherwise designated by municipal ordinance or city code, and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

Director: The manager of Development Services.

Eligible support structure: Any monopole, utility pole, wireless support structure or related accessory equipment, as defined in this chapter, provided that it is existing at the time the relevant application is filed with the City.

Local Street: A right-of-way designed primarily to serve land-access functions and projected trip length less than one mile, with two lanes of ten to twelve feet in width and a design speed of twenty to thirty miles per hour.

Major Arterial Street: A right-of-way designed primarily to serve through-traffic movements and projected trip length between one and two miles, with six lanes of twelve feet in width and a design speed forty to forty-five miles per hour

Major Collector Street: A right-of-way designed primarily to serve through traffic movements and projected trip length of one mile, with two to five lanes of twelve feet in width and a design speed of forty-five to fifty-five miles per hour.

Micro-Wireless Facility: Refers to a type of very small wireless facility that, not including any antenna is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, on which any exterior antenna is no longer than 11 inches, and which only provides Wi-Fi service.

Minor Arterial Street: A right-of-way designed primarily to serve through traffic movements and projected trip length of greater than one mile, with four to five lanes of twelve feet in width and a design speed forty to forty-five miles per hour.

Minor Collector Street: A right-of-way designed primarily to serve through traffic movements and projected trip length of one mile, with two to three lanes of eleven to twelve feet in width and a design speed of twenty-five to thirty-five miles per hour.

Monopole: A structure in the right-of-way erected by an applicant or provider specifically to support SWFs.

Nondiscriminatory: Describes the equal treatment of similar situated entities unless there is a reasonable, competitively neutral bases for different treatment.

Permit: Written authorization from the City allowing the provider to perform work pursuant to the installation of a small wireless facility.

Related Accessory Equipment: Refers to equipment used in conjunction with an antenna or other component of SWFs which may be attached to a wireless support structure or located on the ground at or near the base of a wireless support structure.

Right-Of-Way: Refers to any area within, on, below, or above a public road, highway, street or alley, and may include sidewalks, park-strips and other areas associated with them and controlled by the City.

Small Wireless Facility ("SWF"): A wireless facility on which each provider's antenna could fit within an enclosure of no more than six cubic feet in volume and for which all Related Accessory Equipment, whether mounted on the pole or the ground, is cumulatively no more than 28 cubic feet in volume.

Substantial Modification: A modification to an eligible support structure which: (i) increases the height of the structure by more than 10% or more than ten feet, whichever is greater; (ii) involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure more than 6 feet; (iii) involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; involves the installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure; or involves the installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure; (iv) entails any excavation or deployment outside of the current site; or (v) would defeat the concealment elements of the eligible support structure.

Technically Feasible: The demonstrated measure of the feasibility of a proposal as it relates specifically to projected constraints of engineering, impacts to the signal, spectrum, stability, or practical interference with other facilities or properties.

Utility Pole: A. A pole or similar structure in the public right of way which is or may be used, in whole or in part, for: (a) wireline communications; (b) electric distribution; (c) lighting; (d) traffic control; (e) signage; (f) functions similar to (a) through (e); or (g) the co-location of a SWF.

B. Utility Pole does not include: (a) a wireless support structure; (b) a structure that supports electric transmission lines; or (c) a City owned structure that supports electric lines used for the provision of the City's electric service.

Wireless Support Structure: An existing or proposed structure located in the right-of-way and designed to support or to be capable of supporting a SWF. A wireless support structure does not include: (a) a structure designed solely for the co-location of a SWF; (b) a

utility pole; or (c) a City owned structure that supports electric lines used for the provision of the City's electric service.

17.82.050: ALLOWED FACILITIES:

- A. All new Small Wireless Facilities (SWFs) are required to make application to the City, providing information and materials as required by Section 17.82.080. Applications for new SWFs will be reviewed for compliance with (1) this section, 17.82.050; (2) an applicable franchise agreement, a form of which is attached to this ordinance as exhibit "A"; and (3) chapter 17.80 of the City Code, where applicable. The following facility types are allowed for SWF applications in the public right-of-way:
 - 1. Omni-Directional Antennas;
 - 2. Radio Units;
 - 3. UE Relays;
 - 4. Power Distribution Modules;
 - 5. Monopoles or utility pole where chapters 17.80 and 17.82 of the City Code will allow;
 - 6. New or Replacement Utility Poles; or
 - 7. Other technology that functions similar to those outlined in subsections 1 through 6 above, as may be subsequently determined by the director.
- B. No SWFs shall be allowed within a sidewalk.
- C. The following SWFs are prohibited in the public right-of-way:
 - 1. SWFs that may materially:
 - a. interfere with the safe operation of traffic control equipment;
 - b. interfere with the clear view for traffic and pedestrian safety as otherwise administered in the Murray City Land Use Ordinances;
 - c. create a public health or safety hazard;

- d. interfere with compliance with the Americans with Disabilities Act, or a similar federal or state standard regarding pedestrian access or movement; or
 - 2. Wireless Communication Facilities which do not qualify as SWFs under this chapter.
- D. Non-Substantial Modification Permitted. Non-substantial modifications of existing eligible support structures in the public right-of-way, which have been installed in accordance with the provisions of this chapter, are deemed to be allowed if:
 - 1. the modification decreases the size or height of the facility;
 - 2. the modification does not amount to a Substantial Modification as defined in this chapter; and
 - 3. the modified facility will still meet applicable requirements of this section.
- E. Zoning Districts.
 - 1. All applications for SWFs must comply with the City Code. SWFs are allowed within public rights-of-way in the different zoning districts according to Table 1 of this chapter.
 - 2. The MCCD, TOD and M-U zoning districts of the City are design-mixed-use districts which emphasize the design of public improvements. As a condition for approval in these zones, a provider shall consider the aesthetics of the existing street lights and other city infrastructure near proposed SWF locations and shall adhere to reasonable design or concealment measures for a new SWF, new monopole or replacement utility pole. A provider shall also comply with reasonable camouflage measures implemented by the City in these zoning districts, if to include the following where such camouflage measures are technically and economically feasible consistent with Title 54 Chapter 21 of the Utah Code:
 - a. Color. All equipment shall be painted to match pole aesthetic and color. Paint should be powder coated over zinc paint.
 - b. External Shrouding. The antenna shall be contained within a cantenna and any other equipment shall be contained in an equipment cabinet or concealed by an equipment shroud colored to match the pole.

c. Hardware Attachment. Pole mounted equipment shall be securely attached with hardware. All hardware attachments shall be colored to match the pole and hidden to the maximum extent possible.

d. Conduits. Where cables cannot be installed inside the pole, all cables shall be in conduits and shall be flush with the pole and colored to match.

17.82.060: SITING AND DESIGN STANDARDS:

- A. Submittal to Include Site and Area Assessment. Applications for SWFs in the public right-of-way shall include an assessment of the proposed site's position in relation to other sites and SWFs in the larger area. This assessment should include future SWFs and future modifications of existing SWFs which are planned within five (5) years of the application.
- B. Co-location and Application for New Monopoles. Wherever possible, the City encourages the installation of new SWFs in the public right of way be accomplished by co-location with existing utility poles. Where new monopoles are necessary, the City strongly encourages designs which facilitate the co-location of future, additional SWFs.
- C. Integrated Design Consideration Required. SWFs shall be integrated harmoniously into the wireless support structure and generally shall be installed in a manner minimizing or eliminating the visual impact. Such SWFs should not be readily noticed. To the maximum extent possible, the application shall consider the surrounding colors, materials, and architectural features to ensure that the design of the new facility is in harmony with the surrounding area. These treatments shall apply to all new equipment, extensions of height to accommodate equipment, and to new monopoles.
- D. Height and Dimension of New Monopoles and Replacement Utility Poles. Where allowed by this section, the height of new monopoles and replacement utility poles and the antenna they support in the public right-of-way shall not exceed 30 feet above ground level along local streets, and 40 feet above ground level on major and minor collector streets and major and minor arterial streets as identified by the City in the Transportation Master Plan. New monopoles and replacement utility poles for SWFs under this section shall not be greater than two (2) feet in diameter. The antenna of a SWF may not extend more than 10 feet above the top of a utility pole existing on or before September 1, 2018.
- E. Power Supply. Power to the equipment for SWFs in the right-of-way must come through the base of the pole or infrastructure acting as the wireless support structure. Installation shall be accomplished in a manner that reduces visibility to the maximum extent possible.

- F. Installation at Street Corners and Intersections. SWFs shall, where feasible, located at the corner of street intersections.
- G. New Poles Constructed of Metal. New monopoles and replacement utility poles proposed to be constructed for SWFs under the provisions of this chapter shall be constructed of metal or other structurally similar material which can be painted or finished to appear to be metal. No new wood poles shall be installed or constructed to act as wireless support structures.
- H. Obstruction of Other Facilities. A SWF allowed under this chapter may not obstruct or hinder travel and public safety in the public right-of-way or damage, obstruct or interfere with the facilities of another utility or another utility's use in the public right-of-way. Construction and maintenance of a SWF by the Wireless Provider shall comply with all legal obligations for the protection of underground and overhead utility facilities.
- I. Damage and Repair. If a Wireless Provider's activities of installation or maintenance to a SWF causes damage to a public right-of-way, the Wireless Provider shall repair the public right-of-way to the prior condition. The City shall notify the Wireless Provider of the need for repairs in writing.
 1. If a Wireless Provider fails to make a repair required by the City under this section within a reasonable time after written notice, the City may make the repairs or cause the repairs to be made, and charge the Wireless Provider for the cost of the repairs.
 2. If the damage described in this subsection causes an urgent safety hazard, the City may make the necessary repairs without notification or time period for response from the Wireless Provider, and may charge the Wireless Provider for the cost of the repairs.
- J. Height of Attached Equipment. SWF equipment on new monopoles, and replacement and existing utility poles, shall be placed higher than eight (8) feet above ground level.
- K. Grounding Rods and Pull Boxes. The grounding rod may not extend above the top of a sidewalk and must be placed in a pull box. The ground wire between a pole and ground rod must be inside an underground conduit. All pull boxes must be vehicle load bearing, and comply with any applicable Utah Department of Transportation standards. A concrete apron must be installed around all pull boxes not located in the sidewalk. No new pull boxes may be located in pedestrian ramps or sidewalks.

- L. Wiring. No exposed wiring is permitted. Above the electric meter and disconnect switch, all wiring shall be located inside the pole or covered by conduit.
- M. Additional Clearance Requirements. Wireless Provider shall comply with the National Electric Safety Code regarding clearances from the City's existing power lines, and shall adhere to a 25% adder to the existing clearance table.
- N. Relocation. In accordance with section 54-21-603 of the Utah Code, and the terms outlined in the franchise agreement, the City may require a provider to relocate or adjust a SWF in a public right-of-way in a timely manner and without cost to the City.

17.82.070: REQUIRED FINDINGS

A.

New Poles. When applying to install or construct new monopoles or replacement utility poles, the applicant must demonstrate to the reasonable satisfaction of the City, and the City must make a finding that alternate locations of antenna, other SWFs on existing utility poles, co-locating with existing SWFs, or use of related accessory facilities will not meet the applicant's reasonable communication needs. The applicant may be required to submit evidence to demonstrate these conditions including but not limited to the following:

1. That no existing poles with a suitable height are located within the geographic area required to meet the applicant's engineering requirements, even if the applicant increases the number of poles and antennas it uses;
2. That existing poles do not have sufficient structural strength to support applicant's proposed SWF;
3. That the applicant's proposed SWFs would cause electromagnetic interference with the SWFs on the existing facilities or the existing SWF would cause interference with the applicant's proposed SWF; and
4. That there are other limiting factors that render existing poles, equipment and other SWFs on or in which applicant might co-locate unsuitable for co-location.

17.82.080: APPLICATION REQUIRED

No new SWF shall be installed or constructed, and no initial location, co-location, or modification to any SWF may occur except after submission of a written request from an applicant, reviewed and approved by the City. All SWFs shall be reviewed pursuant to the following:

- A. Franchise Agreement. Prior to the City approving a permit, the applicant must have entered into a small cell wireless franchise agreement with the City.
- B. Application Form. The applicant shall submit an application for a SWF to the City. The City will provide an application form for use by the applicant. The form must be signed by an authorized official or employee of an applicant, and be accompanied by a signal interference letter, required submittal fees, and the following documents for each proposed SWF:
 - 1. An accurately scaled site plan of all of applicant's proposed SWF on paper and in electronic (pdf) format. The plan shall contain data about the physical aspects of the SWF required by the City, including but not limited to height and dimensions of the SWF, range of transmission, type of transmission, location and dimensions of the pole or support, owner of the pole or support, and similar information;
 - 2. Accurate photo simulation and scaled elevation of the proposed SWF and the new or existing structure it is to be mounted to;
 - 3. Industry standard pole load analysis, including information demonstrating the structural calculations for the supporting structure;
 - 4. Letters, agreements, or other documents showing permissions to locate SWF on the structure or structures of other owners;
 - 5. Letters, reports or memoranda signed by appropriate qualified professionals showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, pole height, setbacks, drives, parking, landscaping, adjacent uses, drainage, and other information deemed by the City to be necessary to assess compliance with this chapter.
 - 6. An affidavit that the SWF shall be operational for use by a wireless service provider within 270 days after the day on which the City issues the permit.
 - a. In addition to the affidavit submitted under this subsection 6, a provider must also submit either a copy of their FCC license, or a letter signed by an FCC license holder confirming that the SWF will be providing service through their network.
- C. Inventory of Existing Sites. Applicants for SWFs shall provide the City an accurate narrative and map description of all of the applicant's existing or proposed SWFs within the City, and outside of the City within one (1) mile of the city boundary.
- D. Application for New Poles. Applications to erect new monopoles, replacement utility poles or other wireless support structures in the public right-of-way shall be reviewed by the Director or designee for conformance with the requirements of

this chapter, any applicable portions of franchise agreements or other ordinances of the City. All applications for new monopoles, replacement utility poles or new wireless support structures shall demonstrate the necessity for the new pole or structure, showing that alternative design options or use of existing facilities for co-location is not viable.

E. Response and Timing. Within ~~thirty (30)~~ten (10) days of receiving an application for a SWF, the City shall determine whether the application is complete, and notify the applicant in writing of the determination. If the City has determined that the application is incomplete, the written communication to the applicant shall detail the deficiencies of the application and provide citations from the ordinance and specifying any additional information or documentation needed.

1. Expiration. An application for a SWF will expire if the City notifies the applicant that the application is incomplete and the applicant fails to respond within ninety (90) days after the date of the notification.
2. Complete Application. When an application has been determined to be complete, the City shall process the application in a timely manner, and approve or deny the application within sixty (60) days after the application is complete for an application for co-location of a SWF; or ~~one hundred and five (105)~~ninety (90) days after the application is complete for an application for new monopole or replacement utility pole.
3. If the City fails to either approve or deny an application within the applicable time period, the application is approved.
4. Denial and Revised Applications.
 - a. The City may deny an application to co-locate a SWF or to install, modify or replace a monopole or utility pole that meets the height limitations of this chapter, only if the action requested in the application:
 - i. materially interferes with the safe operation of traffic control equipment;
 - ii. materially interferes with a sight line or a clear zone for transportation or pedestrians;
 - iii. materially interferes with compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. sec. 12101 et seq., or a similar federal or state standard regarding pedestrian access or movement;
 - iv. fails to comply with applicable laws or legal obligations;
 - v. creates a public health or safety hazard; or
 - vi. obstructs or hinders the usual travel or public safety of the public right-of-way.

- b. If an application for a SWF is denied under the provisions of this chapter, the City shall document the basis of the denial and send notice including that documentation to the applicant.
- c. Within thirty (30) days after the denial of the application, the applicant may cure the deficiency and resubmit the application without additional fees. The City shall approve or deny a resubmitted application within thirty (30) days of the revised application.

F. Exceptions to Permitting.

- 1. Except as otherwise provided, applications for permits are not required for:
 - a. Routine maintenance of the SWF or support structures for the SWF;
 - b. The replacement of one SWF with another SWF of substantially similar or smaller size;
 - c. The installation of a micro wireless facility that is strung on a cable between two existing utility poles in compliance with the National Electrical Safety Code; or
 - d. Non-substantial modifications as described in this chapter.
- 2. Notwithstanding the above, a Wireless Provider shall give the City ten (10) days advance notice before conducting any of the activities outlined in subsection 1.

G. Excavation Permits. Notwithstanding the permitting exceptions outlined in subsection E, an applicant or entity must apply for a permit for any work that requires excavation or the closing of sidewalks or vehicular lanes in a public right-of-way.

H. Consolidated Applications.

- 1. The City shall allow an applicant:
 - a. For co-location of SWFs, to file a consolidated application for the co-location of up to 25 SWFs, if all of the SWFs in the consolidated application are substantially the same type, and are proposed for co-location on substantially the same types of structures;
 - b. For installation, modification or replacement of monopoles or utility poles, to file a consolidated application for up to 25 monopoles or replacement utility poles.
- 2. An applicant may not file within a 30-day period more than one consolidated application, or multiple applications that collectively

seek permits for a combined total of more than 25 SWFs and monopoles or replacement utility poles.

3. A consolidated application may not combine applications solely for co-location of SWFs on existing utility poles with applications for the installation, modification or replacement of a monopole or utility pole.

17.82.090 FEES.

A. Application Fees.

1. The application fee for the co-location of a SWF on an existing or replacement utility pole is \$100 for each SWF on the same application.
2. The application fee for a permitted use to install, modify or replace a utility pole associated with a SWF is \$250 per for each SWF on the same application.
3. The application fee for an activity that is not a permitted use to:
 - (a) install, modify or replace a utility pole; or
 - (b) install, modify or replace a new utility pole associated with a SWF is \$1,000 per for each SWF on the same application.

B. Application fees for SWFs are in addition to:

1. pole attachment fees that may be charged to a Wireless Provider by the City or another entity which owns a structure upon which the SWF is located;
2. fees required to occupy the public rights-of-way; or
3. fees for excavation, building or other permits required for installation or construction.

C. Co-location Fees. Pursuant to state law, the fee to collocate a SWF on a City utility pole is \$50 per year, per City utility pole.

D. Right-of-Way Rates.

4. For the right to use or occupy the public right-of-way, the Wireless Provider shall pay Formatted: Indent: Left: 0" the City the greater of:

- a. 3.5% of all gross revenue related to the Wireless Provider's use of the public right-of-way for its SWF; or
- b. \$250 annually for each SWF.

- E. the Wireless Provider shall remit the public right-of-way rate payments to the City on a monthly basis.

17.82.100: REVOCATION OF PERMITS.

In some circumstances the City may take steps to revoke a permit granted for the installation of a SWF and to cause the removal or modification of such a facility.

- A. The City may revoke any permit granted for installation of a SWF under this chapter if it finds that:
 - 1. The SWF was constructed without a permit or is in operation in violation of the terms of a required franchise agreement.
 - 2. The SWF was constructed or installed at an unauthorized location.
 - 3. There has been a misrepresentation in the application for the SWF.
 - 4. There is a violation of the requirements of this chapter.
 - 5. There is a violation of the terms of the permit.
 - 6. There is a violation of the requirements of other departments of the City or of the terms of permits issued by other departments of the City related to the installation of the SWF.
 - 7. There is a failure to pay fees and taxes as required under this chapter or a pertinent franchise agreement.
 - 8. There is demonstrated insolvency or bankruptcy of the permittee.
 - 9. Facilities, including any pole, in the public right-of-way have been abandoned and have not been removed.
 - i. Abandonment may be presumed to have occurred if the use has been discontinued for a minimum of one year, or the structure remains vacant for a period of one year.
 - ii. The provider may rebut the presumption of abandonment, and has the burden of establishing that any claimed abandonment has not occurred.
- B. In the event that the City finds that there are grounds for revocation of a permit, the City shall give written notice of the apparent violation or noncompliance to the provider or owner of the facility, and provide a period not to exceed thirty (30) days in which the provider or owner of the facility may:
 - 1. Show that corrective actions have been or are being actively pursued in order to remedy the violation or noncompliance.

2. Provide evidence rebutting the City's findings of noncompliance or violation.

- C. City Action. In the event that an applicant holding a permit fails to show corrective actions or successfully rebut the City's findings of noncompliance or violation, the City may revoke the permit and take necessary actions to cause the removal of the SWF or related accessory equipment found to be in violation or noncompliant. When a permit has been revoked by the City under this subsection, it shall be considered an unauthorized facility.
- D. Removal of Unauthorized Facilities. Within 45 days of written notice by the City, an provider or owner of a SWF which has not been authorized by permit or for which a permit has been revoked under this chapter shall, at its sole expense, remove any facilities from the public right-of-way. If the facilities are not removed from the public right-of-way within this time, the City may cause such removal and charge the provider or owner for the costs incurred.

17.82.110 OTHER CONSIDERATIONS:

- A. Lighting. SWFs shall not be lighted. In cases where the equipment is mounted on a light pole, the placement of the equipment shall be considered in order to minimize visibility when the street light is lit.
- B. Noise. Noise generated by small cellular technology wireless facilities shall not exceed level permitted by the City or the Salt Lake County Health Department.
- C. Indemnity and Insurance. A wireless provider shall indemnify the City as set forth in the franchise agreement. A wireless provider shall also obtain and provide proof of insurance coverage as required by the franchise agreement. Each permit issued for a SWF located in the public right-of-way shall be deemed to have as a condition of the permit a requirement that the applicant defend, indemnify and hold harmless the City and its officials, officers, agents, employees, volunteers and contractors from any and all liability, damages, or charges, including attorneys' fees and expenses, arising out of claims, suits, demands or causes of action as a result of the permit process, a granted permit, construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal or restoration of the SWF.

- D. Damage. No provider or wireless facility owner or any person or entity acting on their behalf shall take any action or permit any action to be taken which may impair or damage any public right-of-way or the property of another located in, on, or adjacent to the public right-of-way.
- E. Pruning of Trees and Shrubs. If a provider determines that trees and vegetation in the right-of-way interfere with the installation, maintenance, or removal of the provider's SWF or related accessory equipment, a request may be made to the City for such trimming or pruning to be done by the Public Works Department. Such a request shall be made with specificity sufficient for the City's employees to assess the work that may be needed. The provider shall not perform work, or cause work to be performed, relative to the pruning or trimming of trees or vegetation in the public right-of-way unless specifically directed to do so by the City's Public Works Department after consideration of a request and according to established standards.
- F. Replacement Utility Poles. When replacing a utility pole, a provider must install or construct the new utility pole in the same location, or as close to the same location as possible, as the pole being replaced unless another location is authorized in writing by the City's Power Department.

Table 1

SUMMARY OF SMALL WIRELESS FACILITIES AS ALLOWED
BY ZONING DISTRICT AND MOUNTING TYPES

Key:

N = Not Permitted

P = Permitted

C = Conditional Use Required

N* = Not Permitted, with the exception that in cases where the right-of-way is greater than sixty (60) feet in width, the SWF type is permitted.

P/C AGENDA MAILINGS
"AFFECTED ENTITIES"
Updated 6/2019

UDOT - REGION 2
ATTN: MARK VELASQUEZ
2010 S 2760 W
SLC UT 84104

UTAH TRANSIT AUTHORITY
ATTN: PLANNING DEPT
PO BOX 30810
SLC UT 84130-0810

CHAMBER OF COMMERCE
ATTN: STEPHANIE WRIGHT
5250 S COMMERCE DR #180
MURRAY UT 84107

SALT LAKE COUNTY
PLANNING DEPT
2001 S STATE ST
SLC UT 84190

DOMINION ENERGY
ATTN: BRAD HASTY
P O BOX 45360
SLC UT 84145-0360

CENTRAL UTAH WATER DIST
1426 East 750 North, Suite 400,
Orem, Utah 84097

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKwy
SANDY UT 84070

MILLCREEK
Attn: Planning & Zoning
3330 South 1300 East
Millcreek, UT 84106

GENERAL PLAN MAILINGS:

TAYLORSVILLE CITY
PLANNING & ZONING DEPT
2600 W TAYLORSVILLE BLVD
TAYLORSVILLE UT 84118

MURRAY SCHOOL DIST
ATTN: ROCK BOYER
5102 S Commerce Drive
MURRAY UT 84107

GRANITE SCHOOL DIST
ATTN: KIETH BRADSHAW
2500 S STATE ST
SALT LAKE CITY UT 84115

COTTONWOOD IMPRVMT
ATTN: LONN RASMUSSEN
8620 S HIGHLAND DR
SANDY UT 84093

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

UTOPIA
Attn: JAMIE BROTHERTON
5858 So 900 E
MURRAY UT 84121

WASATCH FRONT REG CNCL
PLANNING DEPT
41 North Rio Grande Str, Suite 103
SLC UT 84101

WEST JORDAN CITY
PLANNING DIVISION
8000 S 1700 W
WEST JORDAN UT 84088

MIDVALE CITY
PLANNING DEPT
7505 S HOLDEN STREET
MIDVALE UT 84047

UTAH POWER & LIGHT
ATTN: KIM FELICE
12840 PONY EXPRESS ROAD
DRAPER UT 84020

JORDAN VALLEY WATER
ATTN: LORI FOX
8215 S 1300 W
WEST JORDAN UT 84088

COTTONWOOD HEIGHTS CITY
ATTN: PLANNING & ZONING
2277 E Bengal Blvd
Cottonwood Heights, UT 84121
COMCAST
ATTN: GREG MILLER
1350 MILLER AVE
SLC UT 84106

UTAH AGRC
STATE OFFICE BLDG #5130
SLC UT 84114



MURRAY

Council Action Request

Community & Economic Development

Text Amendment for Section 17.82 - Small Wireless Facilities Ordinance

Committee of the Whole

Meeting Date: September 3, 2019

<p>Department Director Melinda Greenwood</p> <p>Phone # 801-270-2428</p> <p>Presenters Melinda Greenwood</p> <p>Required Time for Presentation 10 Minutes</p> <p>Is This Time Sensitive No</p> <p>Mayor's Approval Doug Hill  Date August 20, 2019</p>	<p>Purpose of Proposal The amendments are proposed in order to comply with updated State and Federal policies.</p> <p>Action Requested Approval of amendments to Section 17.82 (Small Wireless Facilities) of the Land Use Code</p> <p>Attachments PowerPoint Presentation</p> <p>Budget Impact None</p> <p>Description of this Item Amendments to Section 17.82 (Small Wireless Facilities) of the Land Use Code are needed to comply with updated State and Federal policies.</p> <p>In March 2018, legislation passed requiring municipalities and counties to allow for the installation of new wireless antennas and equipment known as Small Wireless Facilities (SWFs) in the public right-of-way. In response, Murray City adopted Section 17.82 of the Land Use Ordinance, regulating SWFs in the public right-of-way. On September 27, 2018, the Federal Communications Commission (FCC) issued a "Declaratory Ruling and Third Report and Order" (R&O) related to SWFs. The City Attorney's office and Community Development Staff reviewed the R&O and compared it to Section 17.82. Several amendments were needed to maintain compliance.</p>
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Continued from Page 1:

The changes required to comply with the FCC's R&O can be placed in three categories: Aesthetics, Shot-Clocks, and Fees.

Aesthetics: The FCC's R&O states that design standards must "incorporate clearly-defined and ascertainable standards, applied in a principled manner - and must be published in advance." In order to meet that requirement, Staff proposes that references to "concealment" and "camouflaging" should be removed and replaced with a list of specific requirements to match colors, conceal equipment with shrouds or cabinets, and conceal cables and attachment methods (such as bolts or fasteners).

Shot-Clocks: The R&O adjusted some of the previously established shot clocks. The time allowed for the City to determine if an application is complete was reduced from 30 days to 10 days, and the time to complete the review of an application for a new monopoly or replacement utility pole was reduced from 105 days to 90 days.

Fees: A current right-of-way fee in Section 17.82 is based on percentages of gross revenue. Charging based on gross revenue is not permitted by Federal law. In order to comply with new interpretations detailed in the R&O, it is necessary to remove the requirement, and apply the \$250.00 annual fee instead.

This item was presented at the August 1, 2019 Planning Commission Meeting, where a public hearing was held. The Planning Commission voted unanimously to send a recommendation of approval to the City Council.

FINDINGS AND CONCLUSION

The proposed amendments will keep the City's Land Use Ordinance in compliance with Utah State Code and with the Federal statutes that regulate Small Wireless Facilities (SWFs).

The proposed amendments maintain a balance between the requirements of the wireless industry and the goals and objectives of the Murray City General Plan and Land Use Ordinance.

STAFF RECOMMENDATION

Based on the above findings, and the positive recommendation from the Planning Commission, staff recommends the City Council APPROVE the proposed amendments to the Murray City Land Use Ordinance, Section 17.82, Small Wireless Facilities in the Public Right-Of-Way.

COMMITTEE OF THE WHOLE

September 3, 2019



TEXT AMENDMENT Section 17.82 Small Wireless Facilities

Various Amendments
to
Small Wireless Facilities



Aesthetics

- MCCD, TOD, M-U Zones. Facility must consider the aesthetics of the streetlights and other infrastructure in the area
- Color
- External Shrouding
- Hardware Attachment
- Conduits



Shot-Clocks

- Reduced as a result of the Third Declaratory Ruling and Order as follows:
- **10 days** (was 30) to determine completeness and notify the applicant of deficiencies.
- **60 days** (same) to process and review an application for co-location.
- **90 days** (was 105) to process and review an application for a new monopole or replacement utility pole.



Fees

- Clarifies that fees are assessed for each SWF on the same application.
- Removes the right-of-way fee of 3.5% of the gross revenues for the SWF, and replaces it with an annual fee of \$250. (Federal Law prohibits the percentage based fee.)



Findings

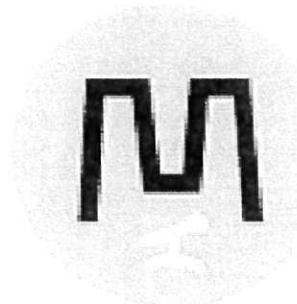
- i. The proposed amendments will keep the City's Land Use Ordinance in compliance with Utah State Code and with the Federal statutes that regulate Small Wireless Facilities (SWFs).
- ii. The proposed amendments maintain a balance between the requirements of the wireless industry and the goals and objectives of the Murray City General Plan and Land Use Ordinance.



Staff Recommendation

Staff recommends that the City Council APPROVE the proposed amendments to the Murray City Land Use Ordinance, Section 17.82, Small Wireless Facilities in the Public Right-Of-Way.





MURRAY
CITY COUNCIL

Public Hearing #3

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 17th day of September, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers, Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing to receive comment on and pertaining to a proposed amendment adding the Murray Central Station Small Area Plan as part of the Murray City General Land Use Plan, for the areas generally bounded by 500 West on the west, 5200 South on the south, Cottonwood Street and Vine Street on the east, and 4800 South on the north, Murray City, Salt Lake County, Utah.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the Murray City General Land Use Plan.

DATED this 23rd day of August, 2019.

MURRAY CITY CORPORATION


Jennifer Kennedy
City Recorder

DATES OF PUBLICATION: September 6, 2019
PH 19-30



ORDINANCE NO. _____

AN ORDINANCE RELATED TO LAND USE; AMENDS THE GENERAL PLAN TO INCLUDE A SMALL AREA PLAN FOR THE MURRAY CENTRAL STATION AREA.

Background

Chapter 3 of the City's 2017 General Plan (the "General Plan") identifies recommended "Small Area Planning Projects." The Murray Central Station area was identified among such projects, and in January 2018, the City was awarded a grant from the Transportation & Land Use Connection (TLC) program administered by the Wasatch Front Regional Council to develop a Small Area Plan for the Murray Central Station area. The City worked with a consultant to conduct the study in developing the Small Area Plan.

The study area comprised of a large area surrounding the Murray Central Station area, and was an area identified in the General Plan as an area that could benefit from more in-depth study. This area is unique in that it is the only intersecting location in Murray and outside of Salt Lake City proper where there are both the Trax and FrontRunner stops at one station. The area is close to the hospital, mixed-use areas and the Murray City downtown. The guiding principal that resulted from the study is to align the planning and design of the station area with the overall vision of the General Plan.

Notices were sent to 1,000 property owners in the vicinity to attend the Planning Commission to make public comment. After hearing the matter and citizen comments, the Planning Commission forwarded to the Council a favorable recommendation.

NOW, THEREFORE, be it enacted by the Municipal Council of Murray City as follows:

Section 1. Purpose. The purpose of this ordinance is to adopt amendments to the General Plan.

Section 2. Amendment. The attached amendment to the General Plan, specifically the Murray Central Station Small Area Plan, is hereby adopted as part of the Murray City General Plan.

Section 3. Effective date. This Ordinance shall take effect upon first publication and filing of copy thereof in the office of the City Recorder of Murray City, Utah.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on
this day of , 2019.

MURRAY CITY MUNICIPAL COUNCIL

Dave Nicponski, Chair

ATTEST:

Jennifer Kennedy, City Recorder

Transmitted to the Office of the Mayor of Murray City on this _____ day of
_____, 2019.

MAYOR'S ACTION: Approved

DATED this _____ day of _____, 2019

D. Blair Camp, Mayor

ATTEST:

Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the _____
day of _____, 2019.

Jennifer Kennedy, City Recorder.

development review committee that includes about 15 or 16 department representatives that review the applications and provide comments before it can move forward.

Sam Johnson, 917 West Bloomsbury Cove, stated he lives directly west of the subject property and is in support of the rezone and hopes it can be done quickly. Mr. Johnson stated that the subject property is currently a fire hazard.

Jim Livingston, 5859 South Willow Grove Lane, asked if it is up for consideration that the road would go through and connect to Willow Grove Lane. Mr. Nay replied that that topic is not up for consideration tonight because there is not a formal proposal for development before us.

The public comment portion for this agenda item was closed.

Mr. Markham stated that he lives in the area and is familiar with the layout and that he is confident that City Staff will look at this property and work with the developer to come up with a plan that is a good compromise for all the parties involved. Staff will work with the developer to find the best way for traffic flow.

Phil Markham made a motion to send a positive recommendation to the City Council for the proposed Zoning Map designation for the property located at 871 West Tripp Lane from A-1, Agricultural to R-1-8, Single-Family Low Density Residential.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

A Phil Markham
A Lisa Milkavich
A Maren Patterson
A Scot Woodbury
A Travis Nay

Motion passed 5-0

MURRAY CENTRAL STATION SMALL AREA PLAN – Consideration for adoption as an amendment to the Murray City General Plan.

Mr. Hall presented the proposed amendment the Murray City General Plan that was originally adopted in 2017 and will include the Small Area Plan. The Small Area plan was reviewed by the Planning Commission and they forwarded a recommendation of Approval to the City Council for approval in February of 2019. When presented to the City Council they stated they liked the plan but suggested it should be adopted as an Amendment to the General Plan as opposed to adopting the plan as a separate document. The notices for this Public Hearing were sent out to over 1000 property owners in the vicinity. The City worked with a consultant to go through the plan, but the plan itself was prepared using a grant from the Wasatch Front Regional Council as a part of the Transportation Land Use Connection Grant Program. The study is comprised of a large area surrounding the Murray Central Station and was an area that was identified by the 2017 Murray City General Plan as an area that would benefit from a more in-depth study. The Murray Central Station is unique in that it is the only intersecting location in Murray and outside Salt Lake City proper where both the Trax and FrontRunner stop at one station. This area is close to the hospital, mixed-use areas and the Murray City downtown where we hope to see redevelopment occurring. The Steering Committee and the consultants group identified the purpose of the project by assessing the built environment and

the development conditions which in turn gave the City a better understanding of what could and could not be done in this area and how to move forward. It also provided a better idea of the physical and environmental implications of the Smelter Site Overlay District. The study assesses the market potential and possibilities of creating a Mixed-Use Transit District in our emerging urban center. We are also able to better understand the connection and access to and from the station area for vehicles, transit and active transportation. Finally, to provide policies and ideas to ensure the future planning and development is based on a good understanding of those conditions and our opportunities. The guiding principals that resulted from the study are to align the planning and design of the station area with the Murray City General Plan vision. In short, the station has not had a lot of connection to the community around it. Murray City used the study results to provide U.T.A. with information that they can use when they eventually redevelop the station and optimally it will relate to Murray better than it does now. The study identified that the correct zoning is in place, but the walkability infrastructure is not in place. The study did call out that Vine Street needs to be changed to accommodate transit needs more efficiently. If we implement the correct principals to develop an iconic station, as it is unique among the other transit stations because it is larger and carries much more volume than other stations, then we could create a place where people come and stay instead of just pass through. Mr. Hall reviewed the Smelter Site Overlay District and stated that this area has environmental contamination constraints for developing. When you have a transit center the best use nearby is high density housing. The smelter site is so close to the Murray Central Station that it makes future residential development impossible. The residential uses are now getting pushed away from the station just a little bit further out into other zones, but we still have them nearby. Other key findings show that the Murray Central Station could be completely redesigned to fit the needs of the nearby constraints. The adjacent IHC Hospital is not going to take part in the future planning of this area. IHC is not ready to comment on what future development might look like for them because the land they own is so heavily contaminated that they may only be able to build parking structures or office buildings. There are a lot of development possibilities on the outlying fringe of the Murray Central Station. The economic analysis of the study area showed that there are 12,298 jobs here and that only 66 people live and work in the area. There are 40,803 jobs in Murray and only 2,954 people live and work in Murray. There are a lot of people coming in and leaving the Murray area that have the potential to use the Murray Central Station. The Study produced two different example plans for the Murray City Central Station which were presented to U.T.A. As a result, the U.T.A. board recently adopted the plan. City staff recommends that the Planning Commission forward a recommendation of approval to the City Council for adoption of the Murray Central Station Small Area Plan as an amendment to the General Plan.

Mr. Markham commented that several times in the presentation there is talk about giving U.T.A. ideas and principles to follow and asked if they are under any kind of obligation to follow them. Mr. Hall replied that they own a lot of property in the area and they can build or partner with whomever they choose for future development. U.T.A. is the private owner of that land but the difference with them is that they have a traditional willingness to work with Murray City on how to plan future development of the area. This type of development around the station is currently being implemented by U.T.A. in other cities but, it is a few years away from being established in Murray City.

The meeting was opened for public comment on this item.

Rosala Dominguez, 4866 South Center Street, asked how many people live in Murray that are employed by IHC. Mr. Nay stated that IHC employees roughly 5,000 people and it is unknown

Planning Commission Meeting
July 18, 2019
Page 13

how many of those people live in Murray. Ms. Dominguez encouraged the City to look into providing housing near the hospital and wondered how many years it would take to clean up the Smelter site before we can build houses on the land. Staff indicated that homes would not be built on the smelter site in the future. Ms. Patterson stated that there is currently multi-family housing being built very close to the Station and the hospital. Ms. Greenwood stated that the E.P.A. made the decision that homes would never be able to be built on the smelter site however, the record of decision could be amended to change it, but that process is very lengthy. Ms. Milkavich stated that the land is private property and we can't force them to do anything, and the City is most likely not going to be involved in redeveloping it independently or be supportive of a private developer who wishes to develop it into homes.

Mary West, 91 West Washington Avenue, stated that she tried to ride TRAX to work and it was difficult to cross 5300 South by Woodrow Street and she is concerned that others are trying to cross here because it's dangerous. Ms. West suggested a bridge should be built to cross over 5300 South.

Shauna Burnett, 46 West Woodrow Street, asked if the suggested amenities are going to be built in the area only around TRAX or will they encroach into her neighborhood by Woodrow Street. Mr. Nay stated that this study is limited to the area in highlighted in orange as highlighted on the overhead screen.

DeLynn Barney, 4902 South Box Elder Street, stated that he notices IHC employees park their personal vehicles in the UTA parking lot and then go over to work. Mr. Barney wondered how many of the IHC employees park in the UTA parking lot and if more developments go in around this area how much would it impact parking and traffic. Mr. Barney added that Box Elder is classified as a bike corridor and that there are not any sidewalks on this street. Cars park on both sides of the street which creates a hazard for cars and people who travel on this road and that there is not enough room to add a bike lane. Mr. Barney continued to explain that the frontage of his property does not have enough room to add trees to the park strip and that area belongs to him and does not want anybody else's trees in his park strip. Mr. Barney mentioned concerns that his property has boundary line issues and that somebody once tried to use his drive way as an access to the neighboring business and that it's his driveway and there needs to be some consideration for his property before any development goes forward in his area. Mr. Barney reiterated his concerns about the traffic, trees in the park strip, bicycles going back and forth in front of his house creating a health hazard.

The public comment portion for this agenda item was closed.

Mr. Hall addressed the public comments and stated that the Small Area Study presented tonight is not a development plan and that the trees depicted in front of Mr. Barney's home are not a plan to put trees there, it's an illustration. This is not a development plan proposed for UTA to develop, they are concepts contained in an illustration. Mr. Hall stated the boundary concerns that Mr. Barney mentioned have been well documented by Staff and we are well aware of them.

Mr. Markham made a motion to send a recommendation of approval to the City Council for the adoption of the Murray Central Station Small Area Plan as an amendment to the Murray City General Plan.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

A Scot Woodbury
A Phil Markham
A Maren Patterson
A Lisa Milkavich
A Travis Nay

Motion passed 5-0

LAND USE ORDINANCE TEXT AMENDMENT – Discussion Item – Short-Term Rentals #19-092

Mr. Hall presented slides for the open discussion about Short-Term Rentals. Mr. Hall explained that this agenda item is not a proposed Text Amendment at this time, but the City has had requests for the use. After we receive input from the Planning Commission, Staff will use it as a starting point to talk to the Mayor's Office and City Council to determine if adopting an ordinance to allow Short-Term Rentals might be appropriate for residential zones. Mr. Hall explained that a Short-Term Rentals are uses like AirB&B, and VRBO that usually rent less than 30 days. This rental term is not currently allowed in Murray City except for in Commercial Zones. There are Cities that are allowing Short-Term Rentals and Cities that are prohibiting them. Murray City has prohibited it because there are not many people who want to rent a home for more than 30 days in a Residential Zone. That being said we do have unlicensed Short-Term Rentals currently operating in the City. The City receives numerous complaints about Short-Term Rentals in neighborhoods which cause issues and we have to send Code Enforcement out to deal with them. Mr. Hall explained that under Utah State Code we are not allowed to find them and prosecute them for operating an unpermitted Short-Term Rental if the only way we know about it is through an online listing. We have to receive an additional complaint to enforce any violations. Mr. Hall explained some of the known negative impacts that Short-Term Rentals can pose such as parking, late night noise, and trash. Some Short-Term Rentals are run very well but they do have the potential to cause negative impacts. They can negatively impact service jobs in the area for hotels and employees, although statistics tend to state they don't have a major impact on them. Without Short-Term Rental regulation there is the potential to have loss of tax or licensing revenues. Mr. Markham stated that he briefly studied this topic for this discussion and explained that he has not seen a lot of positive impact for the neighborhood and environments they occupy. They may have a positive effect on the people who want to make money from the Short-Term Rental use, but he believes it would be hard to prove what benefit a residential neighborhood would gain from this type of activity. If the City chooses to regulate them, then we are going to have to enforce them as well and it is known that we do not enforce regulations to the degree that they need to be done. Mr. Hall stated that one challenge is how to regulate them, and can we back it up with the Staff and time it requires.

Mr. Hall stated that we need to identify what the objectives are for Murray City and find out what the reasons are for why we would want to allow Short Term Rentals. In towns like Park City, for example, it may be beneficial because of their community and tourist industry. Sandy has adopted an ordinance and it contains a lot of enforcement regulations that seem really difficult to enforce. Mr. McNulty added that one of their regulations require the unit has to be owner occupied and that is the key. Mr. Nay stated that he is curious to know how a new ordinance would interact with the current Accessory Dwelling Units that do not allow Short-Term Rentals. Mr. Hall suggested that we keep Accessory Dwelling Units (ADU'S) because the purpose of ADU's was to create additional opportunities for housing, not for increasing the income of a person who owns a house. However, we do realize the need for an aging population to be able to stay in a house and age in place. The biggest concern with allowing



MURRAY CITY CORPORATION

Community &
Economic Development

Building Division 801-270-2400

Planning Division 801-270-2420

MEMO

TO: Murray City Planning Commission

FROM: Community Development Staff

DATE OF MEMO: July 12, 2019

DATE OF MEETING: July 18, 2019

RE: Agenda Item #10, Murray Central Station Small Area Plan

On February 21, 2019 the Planning Commission voted to recommend that the City Council adopt the Draft Murray Central Station Small Area Plan. The draft was presented to the City Council in a meeting of the Committee of the Whole in preparation for placement on a regular Council agenda. The Council did not express concerns with the draft or the Planning Commission's recommendation, after subsequent discussion it was determined that the Plan should be formally adopted as an amendment to the Murray City General Plan.

Chapter 3 of the General Plan identifies recommended "Small Area Planning Projects". The Murray Central Station was identified among those projects, and in January 2018, the City was awarded a grant to develop a Small Area Plan for Murray Central Station under the Transportation & Land Use Connection (TLC) program administered by the Wasatch Front Regional Council.

You should have previously received a copy of the draft plan. The plan can be viewed at www.murray.utah.gov/1760/Murray-Central-Station-Small-Area-Plan. An additional copy can be provided if needed.

Staff will make a presentation to the Commission regarding the Murray Central Station Small Area Plan at the meeting on July 18, 2019. The notice that was sent to property owners in and around the study area is attached to this memo. Please feel free to contact Staff with any questions.

Jared Hall, CED Supervisor
801-270-2427
jhall@murray.utah.gov



MURRAY CITY CORPORATION

Community &
Economic Development

Building Division 801-270-2400
Planning Division 801-270-2420

July 5, 2019

NOTICE OF PUBLIC HEARING

This notice is to inform you of a Planning Commission meeting scheduled for Thursday, July 18, 2019 at 6:30 p.m., in the Murray City Municipal Council Chambers, located at 5025 S. State Street.

The Planning Commission will consider the Murray Central Station Small Area Plan for adoption as an amendment to the Murray City General Plan. Murray Central is a busy station, with platforms for the Commuter Rail (FrontRunner), Light Rail (TRAX), and several important bus routes. The 2017 Murray General Plan suggested several areas of the City to be studied more in depth. The draft plan can be viewed at www.murray.utah.gov/1760/Murray-Central-Station-Small-Area-Plan.

This notice is being sent to you because you own property within or within the near vicinity of the study area that was identified for the plan (shown below). If you have questions or comments concerning this proposal, please call the Murray City Community Development Division at 801-270-2420, or e-mail to jhall@murray.utah.gov.

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Study Area, Murray Central Station Small Area Plan





memo

Date: February 14, 2019
To: Planning Commission
From: Jared Hall, Planning Supervisor

Re: Murray Central Station Small Area Plan

In January 2018 Murray City was awarded a Transportation & Land Use Connection Grant (TLC) by the Wasatch Front Regional Council to develop a Small Area Plan for Murray Central Station. The grant allowed Murray City to hire a small team of consultants to develop the plan. Planning Staff applied for the grant because the recently adopted Murray City General Plan had identified several areas in the City where Small Area Plans would be of great benefit.

The draft Murray Central Station Small Area Plan is on the agenda for the Commission's review and discussion on February 21, 2019. The lead consultant, Mark Vlasic, Principal at Landmark Design, will be in attendance that evening to present the plan to the Commission. You should all have received a copy of the draft plan in December for review. We can email a copy to you if needed. If you are in need of a copy, please let us know as soon as possible so that we can provide it before the meeting.

FILE COPY

**MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 18th day of July, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to Murray Central Station Small Area Plan as an amendment to the Murray City General Plan for the areas generally bounded by 500 West on the west, 5200 South on the south, Cottonwood Street and Vine Street on the east, and 4800 South on the north, Murray City, Salt Lake County, State of Utah.

Jared Hall, Supervisor
Community & Economic Development

4770 S. 5690 W.
WEST VALLEY CITY, UTAH 84118
FED.TAX I.D.# 87-0217663
801-204-6910

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START 07/07/2019 END 07/07/2019

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SIZE

36 LINES 1 COLUMN(S)

TIMES

TOTAL COST

3

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MURRAY CITY
CORPORATION
NOTICE OF
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 18th day of July, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to Murray Central Station Small Area Plan as an amendment to the Murray City General Plan for the areas generally bounded by 500 West on the west, 5200 South on the south, Cottonwood Street and Vine Street on the east, and 4800 South on the north, Murray City, Salt Lake County, State of Utah.

Jared Hall, Supervisor
Community & Economic Development
1260181 UPAXLP

Small Area
Plan

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER. I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 18th day of July, 2019, at the hour of 6:30 p.m. of said day in the Council FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 07/07/2019 End 07/07/2019

DATE 7/8/2019

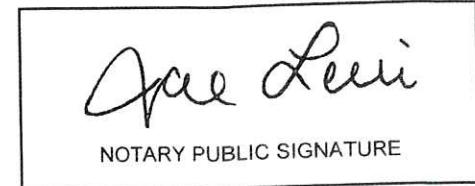
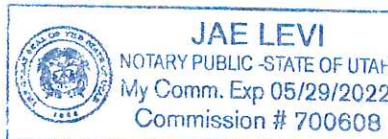
SIGNATURE



STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 7TH DAY OF JULY IN THE YEAR 2019
BY LORAINNE GUDMUNDSON.



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

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

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

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

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

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

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

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

Motion passed 5-0

MURRAY CENTRAL STATION SMALL AREA PLAN RECOMMENDATION TO THE CITY COUNCIL

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

attendance to present the Plan to the Commission.

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

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

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

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

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

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

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

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

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

Planning Commission Meeting
February 21, 2019
Page 9

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

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

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

Call vote recorded by Mr. Hall.

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

Motion passed 5-0

OTHER BUSINESS

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

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



Jared Hall, Supervisor
Community and Economic Development