

Minutes of the Planning Commission meeting held on Thursday, July 15, 2021, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

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

Present: Maren Patterson, Chair
Ned Hacker, Vice Chair
Travis Nay
Jake Pehrson
Lisa Milkavich
Melinda Greenwood, Community & Economic Development Director
Jared Hall, Planning Division Manager
Zachary Smallwood, Associate Planner
Briant Farnsworth, Deputy City Attorney
Citizens

Excused: Jeremy Lowry
Sue Wilson

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

APPROVAL OF MINUTES

Travis Nay made a motion to approve the minutes from July 1, 2021. Seconded by Ned Hacker. A voice vote was made, motion passed 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Lisa Milkavich made a motion to approve the Findings of Fact for Conditional Use approval for a Residential Infill Subdivision within the R-1-8 Zone on the property addressed 6527 South Jefferson Street. Seconded by Jake Pehrson. A voice vote was made, motion passed 5-0

CRACK SHACK & VIA 313 – 6161 South State Street – Project #20-075

The applicant is requesting an amendment to the original Conditional Use Permit issued for the Fashion Place Mall to demolish an existing jewelry store and construct a new building for two fast casual restaurants at property addressed 6161 South State Street. Zachary Smallwood presented the request. Eating Places are permitted uses in the C-D Zone; however, Fashion Place Mall operates under a Conditional Use Permit and this would be a change to the Fashion Place Mall site. The existing Morgan Jewelers building is approximately 4,680 ft². The proposed building will be larger at 7,290 ft². This includes outdoor eating areas and greater connection to the existing shopping center site through the use of connected sidewalks. The site will take up 10 of the current parking spaces, but the mall is well above their parking space requirement. Mr. Smallwood displayed the buildings proposed elevation slides and renderings. The proposed

building features an industrial look. The Crack Shack is southern California fried chicken and Via 313 is Detroit style pizza. Staff is recommending the approval of a Conditional Use Permit for the new building, subject to the nine conditions.

Mr. Nay asked if the building could be pushed closer to State Street to eliminate the parking against State Street. Mr. Smallwood stated the C-D zone doesn't have a requirement to be pushed up against and there is a minimum 20-foot front yard setback required.

Applicant, Ted Didas, was present and stated his address as 8610 South Sandy Parkway and stated their willingness to comply with all the conditions.

Ms. Patterson opened the meeting for public comment. No comments were made. The public comment portion for this agenda item was closed.

Ned Hacker made a motion to approve an amendment to the Conditional Use Permit to allow the construction and operation of a new commercial building at property addressed 6161 South State Street subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall provide complete stamped plans, calculations, and a soils report at the time of Building Permit application.
3. The applicant shall meet the Murray City Engineer requirements below:
 - a) Meet city storm drain requirements.
 - b) On-site retention of the 80th percentile storm and detention is required.
 - c) Implement Low Impact Development (LID) practices.
4. The applicant shall meet the Murray City Sewer Division requirements as outlined:
 - a) No 90-degree bends are allowed, must be 45 degree with a clean out.
 - b) Include detail sheet with all applicable wastewater specs in the initial building permit submittal.
 - c) Include a note that both new taps to the city main will be done by Murray City.
 - d) Include a note that existing building lateral must be capped according to Murray specification.
 - e) Any bend in the lateral greater than 45 must include a clean out.
5. The applicant shall meet with the Murray City Power Department to coordinate service and equipment placement for the building and provide all costs for relocations.
6. The exterior trash container shall be enclosed within solid barrier enclosures with gates to comply with Code Section 17.76.170.
7. Building permits are required for any construction on the property.
8. The applicant shall obtain permits for any new attached or detached signs proposed for the business.

9. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.

Seconded by Lisa Milkavich who added that Fashion Place Mall should be focused on walkability for the future.

Call vote recorded by Mr. Smallwood.

 A Maren Patterson
 A Ned Hacker
 A Lisa Milkavich
 A Travis Nay
 A Jake Pehrson

Motion passed 5-0.

NATHAN SHEPPICK – 1079 East Vine Street – Project #21-076

The applicant would like to amend the Zoning Map designation of the property from A-1, Agricultural to R-1-8, Low Density Single-Family at property addressed 1079 East Vine Street. The request is supported by the 2017 General Plan. Zachary Smallwood presented the request. Staff is recommending Planning Commission forward an approval to the City Council for the proposed change from A-1 to R-1-8.

Randy Krantz, agent for the applicant was present to represent the request and stated their address as 5330 South 900 East. He indicated their willingness to comply with all the conditions. He specified that the person buying the back half is not planning to redevelop, but is wanting to increase the size of their lot. Everything around there is R-1-8 with exception of three A-1 lots remaining. The Master Plan shows R-1-8 which is what would be desired there and A-1 allows for horses.

Ms. Milkavich asked if they are buying half the lot or just a portion and if it will still meet the setback requirements of the existing home. Mr. Krantz verified the portion of land being sold and stated it would maintain the required setbacks.

Ms. Patterson opened the meeting for public comment. No public comments were made. The public comment portion for this agenda item was closed.

Travis Nay made a motion that the Planning Commission forward a recommendation an approval to the City Council for the requested amendments of the Zoning Map designation of the property addressed 1079 East Vine Street from A-1, Agricultural to R-1-8, Low Density Single-Family.

Seconded by Lisa Milkavich.

Call vote was recorded by Mr. Smallwood.

 A Maren Patterson
 A Ned Hacker
 A Lisa Milkavich

A Travis Nay
 A Jake Pehrson

Motion passed 5-0.

LAND USE TEXT AMENDMENT – Mixed Use Zones - Project #21-060

Murray City proposes to amend the text of Chapters 17.146, Mixed-Use, 17.168, Transit Oriented Development, and 17.170, Murray City Center District. Murray City also proposes to add proposed Chapters 17.162, Centers Mixed Use, and 17.164, Village Mixed Use. Jared Hall presented the request. Mr. Hall identified the Temporary Land Use Restriction (TLUR) or more commonly referred to as a moratorium was put in place in February to allow the city to consider some issues related to mixed use zoning. The concerns revolved around parking, residential densities allowed, commercial requirements, and other design considerations such as buffering, landscaping, and open space. The existing Mixed-Use Zones (M-U, TOD, and M CCD) are near transit and traditionally good areas for Mixed-Use. As applications were received and as the retail market changes there are requests to add mixed use zoning to older commercial area's further out from town. The two new zones are proposed for those reasons. In 2017 when the City adopted the General Plan two areas were identified as areas of change, on the Future Land Use Map tags some of the biggest areas as community nodes and neighborhood nodes. He displayed the Small Area Plans Map where there are three different maps in the plan that identifies these areas. He pointed out the regional centers in blue which identifies heavier commercial activity with larger shopping centers. City and retail centers at small intersections that carry more traffic and are partially developed as neighborhood services: grocery stores, gas stations, and restaurants. The corridors are highly identifiable on the map; 900 East, State Street, and 5300 South. The areas of change are intersections on corridors. The other nodes are Bus Rapid Transit Station Villages, there is a UTA plan to put a bus rapid transit line down State Street in the future which would have obvious points where there would be villages or areas where there could be services for those on and off boarding and lighting on the service line. Within the "Sprawl Repair Manual" is an intersection of collector streets showing the way development has been done, resulting in parking lots fronting the streets and over time as you allow mixed uses to come in you can gain improvements and changes and eventually fix the area so it becomes a more viable and walkable area. By instituting Mixed-Use Zoning in areas that were previously CD or CN zoning. We proposed the VMU and CMU Zone applications are reviewed against a set of standards and goals. The following standards would be considered and any application should meet five of the eight criteria:

- A. Result in high quality redevelopment of commercial property.
- B. Retain or rehabilitate the commercial use of significant portions of the property.
- C. Facilitate the adaptive re-use of existing commercial structures.
- D. Increase local access to commercial services for in project residents and their surrounding neighborhoods.
- E. Promote great varieties of housing options within Murray neighborhoods.
- F. Promote opportunities for life cycle housing and housing for moderate income households
- G. Provide increased walkability and result in more connections in the neighborhoods.
- H. Create and contribute to a sense of place and community in that area and

I. Result in improved conditions for buffering and transitions for residential uses.

Ms. Milkavich asked if high quality redevelopment of commercial development is defined. Mr. Hall stated it is not defined but would be an applicant's argument to make. The commissioners discussed how to define high quality redevelopment. Mr. Hacker suggested "better" quality development.

Mr. Pehrson asked if the zone itself addresses many of these areas already and that if we check five of the boxes then does it mean we should do a zone change. Mr. Nay stated, while it is already a high quality neighborhood, applying the criteria to the Shopko property would make that area better, but if applied to the neighborhood east of State Street and 4800 South it may not necessarily improve that area. Mr. Hall verified that zone changes are discretionary and take into consideration the element of improvement and whether it would be better than what is already there.

Mr. Hall reviewed the Centers Mixed-Use Zone defining the base residential density is 35 units per acre with possible increases to 40-45 and an increase in density is tied to some factors, such as providing affordable housing. Mr. Pehrson asked if the units changed to condominiums and all the units were owned individually would they be held to those same requirements. Mr. Hall verified that part of the contract and agreement would prohibit that type of change and would be recorded and stay with the property.

Mr. Hall went over the reduction in commercial. Every mixed-use project requires commercial as well as residential and you could do commercial only in Mixed-Use Zoning and in VMU and CMU Zones. However, if it is a residential project there are commercial requirements. Mr. Pehrson asked if the amenities would be required to be open to public or just open space. Mr. Hall gave an example of tennis courts open to public would count toward the percentage for a reduction. But more likely they would be open trails or walkways that connect to public areas.

Mr. Hall verified that residential parking in the CMU will be slightly less than the VMU Zone. Master site plans are required for three acres or more in all the other zones and makes sense for these zones as well. Which means a required traffic impact study, a parking analysis, adequate public facilities, utilities review and potentially a public services review. These zones are not ground up zones; these are zones that are intended to allow the addition of residential components to otherwise commercial properties, they are not multi-family zones. They are for area's that just need a little help, not start overs.

The existing TOD Zone is somewhat isolated and has good access to Trax and close to 4500 South. The grade changes and the history of the area isolate it. There are not a lot of proposed changes. Site plan approvals and design review approvals have never been done through the planning commission in this zone but are recommending they do now. The residential parking requirement will be increased and would cap the density at 100-units per acre. Ground floor commercial should have a 40 feet depth in this zone.

Mr. Nay asked about the permitted uses and noticed drive throughs are allowed and asked it to be struck because there is not enough room and defeats the walkability.

Mr. Hall stated residential parking has increased some. Ground floor commercial is still required at 40 feet along principal streets only. Residential density is still 100 units per acre on west side of State Street but is reduced by twenty units on the east side. There are standard benches and tree grates required.

Murray Central Mixed-Use Zone, formerly known as the M-U Zone, the title is meant to tie better to the station in that area. The densities in this zone range from 40-80 units per acre based on their distance to the station platform. Ground floor commercial is required at 40 feet depths only on principal streets and those are Commerce, Vine, 4800 South and 700 West. Mr. Hall explained the east and west sub district issue and displayed a slide from the General Plan Future Land Use Map, where it was suggested to create a Mixed-Use West and East sub district. The residential density will be highest closer to the station platform and lower as you get further out. MCMU West has lower residential density than the east side. It is not intended to be a deterrent; it is intended to make up for the commercial in another way to create a more vibrant property and pedestrian connections.

Mr. Nay asked for clarification for parking of live-work units. Mr. Hall specified it would be based on the calculation of the ground floor and will require the commercial component. Townhome units are going to have a higher residential component structure. The number of bedrooms would determine part of the residential requirement. If there is off-street parking, the parking stalls with interior access would be counted.

Mr. Nay asked if there is 270 ft of building, would it be satisfactory to have that amount of blank wall. Mr. Hall verified in the Mixed-Use Zone there is language that requires some sort of break or change after 50 feet and in the MCCD it is 30 feet. Ms. Milkavich asked about restrictions for outside storage and why it only applies to one of the business types and not all. Mr. Smallwood clarified that it applied to the manufacturing of household furniture and was meant to restrict that use outside. Mr. Hall stated it could be added to the other types. Ms. Milkavich wanted clarification on the permitted uses, conditional uses and hindering pedestrian travel between buildings. The commissioners had further discussion about drive throughs, allowable uses and Mr. Nay suggested e-bike charging stations. Mr. Hall stated it has been a conversation, but the percentages needed are yet to be determined.

The commissioners commended Mr. Hall for his hard work on the changes and revisions to these zones. Ms. Patterson expressed how much she learned and noted his excellent presentation. Mr. Hacker expressed how it gives Murray more diversity in development for the coming years. Ms. Greenwood expressed her appreciation to Mr. Hall for his dedication, determination and coordination with the various departments, reading, researching and writing in a short timeframe.

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the request to amend the text of Chapters 17.146, Mixed-Use, 17.168, Transit Oriented Development, and 17.170, Murray City Center District. Murray City also proposes to add proposed Chapters 17.162, Centers Mixed Use, and 17.164, Village Mixed Use in the Murray City Land Use Ordinance.

Ms. Patterson opened the meeting for public hearing/comment. No public comments were made. The public hearing portion for this agenda item was closed.

Jake Pehrson made a motion to forward a recommendation of approval to the City Council for the requested amendment of the text of Chapters 17.146, Mixed-Use, 17.168, Transit Oriented Development, and 17.170, Murray City Center District, and addition of proposed Chapters 17.162, Centers Mixed Use, and 17.164, Village Mixed Use in the Murray City Land Use Ordinance.

Seconded by Lisa Milkavich.

Call vote was recorded by Mr. Hall.

 A Maren Patterson
 A Ned Hacker
 A Lisa Milkavich
 A Travis Nay
 A Jake Pehrson

Motion passed 5-0.

OTHER BUSINESS

The Tripp Lane road connection is no longer a viable option. Mr. Smallwood reminded the Commissioners there will not be meeting on August 5, 2021 due to the room being needed for voting and to expect a bigger agenda on August 19, 2021.

There was no other business.

Travis Nay made a motion to adjourn. Motion seconded by Ned Hacker. A voice vote was made, motion passed 5-0. The meeting was adjourned at 8:18 p.m.



Jared Hall, Planning Division Manager