

Minutes of the Planning Commission meeting held on Thursday June 5, 2014, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Scot Woodbury, Chair  
Phil Markham  
Tim Taylor  
Karen Daniels  
Maren Patterson  
Brad McIlrath, Assistant Planner  
Ray Christensen, Senior Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Vicki Mackay  
Buck Swaney

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

Mr. Woodbury opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Ms. Daniels made a motion to approve the minutes from May 15, 2014 as written.

Seconded by Mr. Taylor.

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

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Ms. Daniels made a motion to approve the Findings of Fact and Conclusions for the conditional use permit for St. George Steel located at 4315 S Commerce Drive.

Seconded by Ms. Patterson.

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

#### KALIA WHOLESALE – 5645 South Commerce Drive – Project #14-68

Ben Olson was the applicant present to represent this request. Brad McIlrath reviewed the location and request for an electronic message center sign for the property addressed 5645 S. Commerce Drive. Municipal Code Ordinance 17.48.200 allows electronic message centers within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant is proposing to remove the two existing on premise signs and construct a new pole sign and electronic message center sign. On premise signs are allowed to be constructed at a rate of one and one

half (1 ½) square feet of sign are for each linear foot of property frontage. The total sign area of all on premise signs shall not exceed three hundred square feet (300) of sign area. This property has a frontage of approximately one hundred and sixty-two and a half linear feet (162.5'). The total sign area allowed for on premise signs on this property is two hundred and forty-four and one half square feet (244.5). The proposed pole sign and electronic message center will total two hundred and forty square feet (240) of total sign area. The two existing signs are currently located east of the north drive access and within the parking area of the property. In order to promote safety and provide free flow of traffic, it is recommended that the proposed sign be constructed in the front landscaped area. According to standards for on premise signs, there may only be two on premise signs located on the same property if the signs are separated by minimum of two hundred linear feet (200'). Due to the lack of area needed to provide that separation, the smaller of the two existing signs will need to be removed before the new sign is constructed, as the two existing signs currently do not conform to that standard. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Markham mentioned that in the pictures there is a static sign that is below, he asked if that sign has to measure into the square footage area of the overall signage. Mr. McIlrath answered that both the electric message center sign and the sign below have to meet the requirements for the zone when it comes to square footage, and they both do. Ms. Daniels clarified where the sign needs to be moved. Mr. McIlrath answered that the recommendation is to be moved to the landscaped area in order to remove the traffic hazard.

Ben Olson, 1605 S Gramersy Road, stated that everything is in line with City Code and they will be removing the smaller sign to conform. Mr. Woodbury asked Mr. Olson if he has had an opportunity to review the seven conditions of approval and if he can comply with them. Mr. Olson responded in the affirmative.

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

Mr. Taylor made a motion to approve a Conditional Use Permit for an electronic message center sign for the property addressed 5645 S. Commerce Drive subject to conditions 1-7 as listed:

1. The project shall meet all applicable building code standards and a building permit shall be obtained from the Murray City Building Division.
2. The project shall meet all current fire codes.
3. The project shall meet all Murray City Power Department and national electronic safety code standards plus 25% of additional clearance.
4. The proposed sign shall be constructed within the front landscaped area in order to not be located within the parking or access area.

5. The second smaller sign which is located to the east of the existing Kalia Wholesale sign shall be removed in order to comply with the standards of Section 17.48.160 of the Zoning Ordinance for detached on premise signs.
6. The proposed detached on premise sign shall comply with all other standards for detached on premise signs as outlined in Section 17.48.160 of the Zoning Ordinance.
7. The proposed electronic message center sign shall comply with all standards of Section 17.48.200 for electronic message centers. Specifically, lamp size shall not exceed fifty four (54) watts of incandescent lighting during daytime hours, and an automatic dimmer shall be installed to reduce nighttime wattage to thirty (30) watts.

Seconded by Mr. Markham

Call vote recorded by Brad McIlrath.

A  Phil Markham

A  Tim Taylor

A  Scot Woodbury

A  Maren Patterson

A  Karen Daniels

Motion passed, 5-0.

MUNCHKIN UNIVERSITY, LLC – 543 East Moss Creek Drive – Project #14-70

Heather Larsen was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a preschool located at the property addressed 543 E. Moss Creek Drive. Municipal Code Ordinance 17.100 allows group educational home (preschools) (LU #6815) within the R-1-8 zoning district subject to Conditional Use Permit approval. The applicants are proposing to operate a preschool from the single family home located at this location. The preschool will occupy a room in the basement of the home with group activities scheduled during the morning and early afternoon hours. Preschools are allowed within the R-1-8 zoning district subject to approval of a Conditional Use Permit by the Planning Commission. As stated in Section 17.100.030 of the Zoning Ordinance, preschools may be conducted in (“single-family dwellings only in which seven (7) but not more than twelve (12) children will be receiving instruction at any given time.”) No more than eight (8) sessions are allowed per week, with no session lasting longer than three (3) hours. The applicants have indicated that they plan to have between eight (8) and ten (10) children per class. According to the detailed schedule submitted by the applicants, none of the three classes will last longer than two and one half hours (2 ½). The preschool classes will be provided for children ages three (3) to five (5), and will be based around the Murray School District schedule. The applicants are proposing to have three classes scheduled from Monday to Thursday each week. The applicants have submitted a detailed schedule of the proposed three classes which is included as part of the application materials for your review. The maximum number of classes that will be held in a day is two with the morning class beginning at 9:30 a.m. and the

afternoon class ending by 3:00 p.m. After speaking with one of the applicants, it was indicated that the majority if not all of the preschool activities will take place indoors. The applicant stated that there was a small swing in the backyard of the home, but they do not intend to spend significant time outside. If time is scheduled for outdoor instruction or play, that time would be short due to other scheduled indoor instruction. The applicants have submitted documentation outlining their plan to minimize the traffic and parking impact that the preschool will have on the neighborhood. As indicated by the applicants and verified by a site visit, the driveway will be able to provide 4-5 tandem parking spaces. The applicants are proposing to divide drop off and pickup times into two groups and assign parents of students to one of the two groups in order to reduce the impact of traffic. They anticipate that the parents will spend no more than five to ten minutes per drop off or pickup for the morning and afternoon classes. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Heather Larsen, 6611 S Alfred Way and Scott Murray, property owner, 543 E Moss Creek Drive. Ms. Larsen stated that there is an updated schedule showing that the amounts of classes have been reduced. Class B has been taken away, so on Tuesday and Thursday mornings there will no longer be a class. This will reduce the sessions from seven to five and the days per week from four to three. Mr. Woodbury asked Ms. Larsen if she has had an opportunity to review the four conditions of approval and if she can comply with them. Ms. Larsen responded in the affirmative. Mr. Murray stated that his daughter has visited the homes within a 300 foot distance to try to address concerns and took flyers out with her with contact information to try to get input. Unfortunately there were no calls or emails. Then there was an anonymous flyer delivered throughout the neighborhood, Mr. Murray stated that he would like to address the seven concerns that were on the flyer:

1. Will the neighborhood have to be rezoned? Mr. Murray stated that the answer is no.
2. How will this affect property values? Mr. Murray stated that he has spoken with two appraisers, and where there isn't a big building being built, it won't be unsightly and an existing structure is being used, it will not affect the property values.
3. How will this affect taxes? Mr. Murray stated that it won't.
4. How will this affect traffic? Mr. Murray stated that it will be a minimal impact. The classes are during daylight hours when most kids are in school. The preschool children will be dropped off and picked up after the bus leaves in the morning and before the bus gets there in the evening.
5. How will this affect our liability insurance? Mr. Murray spoke with an insurance executive and it will only affect Mr. Murray's liability insurance, if he were to get insurance – which he will be doing.
6. What about additional noise level? Mr. Murray answered that the kids will be in a preschool, in a classroom, in the basement inside the home. If the kids go out, it will only be in good weather and for five to ten minutes for a quick break.
7. How safe will the additional traffic be for children and pets in the neighborhood? Mr. Murray stated that pets, according to the CC&R's have to be on leashes so if the owner is out walking the dog, that shouldn't be a

problem. The parents driving in to drop children off have kids and they care about kids, their eyes are in the watch for children. The home is located on a half circle so the activity is back out of the normal flow of traffic. There is plenty of off street parking; sad thing is if there is a danger in the neighborhood, it is the under-aged, unlicensed kids buzzing around on the scooters and go-karts. Mr. Murray stated that in the neighborhood, there is the second biggest creek or river in the valley; it is accessible off the street, 200 feet from his home. The homeowners all bought into the neighborhood knowing that the creek was there. This preschool is for young kids to socialize and learn as much as possible.

The meeting was opened for public comment.

Josie Valdez, 447 E Moss Creek Drive, stated that she was one of the very first residents to move in the community. Ms. Valdez stated that the concern she has is that when they first moved into the community, they moved in to live in a residential area. There are covenants in the neighborhood, and Ms. Valdez stated that she moved in knowing that the community would remain residential. Ms. Valdez is concerned that opening the neighborhood to one business will open it up to many other businesses that may want to establish there.

Don Kent, 566 E Compton Court, stated that he lives behind the applicant's home. Mr. Kent stated that he is speaking for John Kingsly, The Browns and himself. Mr. Kent stated that the commission has copies of an email of comments from him and Mr. Kingsly. Mr. Kent stated that the access Mr. Murray said was 200 yards from his house, it's posted on a sign there is no trespassing by order of flood control because of illegal activities that go on. There is a rope swing that has been put up and taken down and has been replaced with a chain with a padlock. It took a long time to get the no trespassing enforced because of different time constraints by the police. DWR and Murray Police have been out to sight people multiple times. Mr. Kent stated that he has watched a lot of people come down and play – it's noisy and rude. This river is dangerous in its flood stage and its high flow state and should not be a place of play for very young kids. Mr. Kent stated that he was told by Mr. McIlrath that there would be no outside play, but looking at the class schedule there is outside recreation time. Mr. Kent stated that he has a 93 year old woman who lives with them in the Summer time up through Christmas. She sits on the back porch to get sun and when the kids are out there making noise it will be upsetting to her. Mr. Kent stated that he was going to buy a different piece of property and the covenants he received the precluded secondary businesses, he isn't sure if that is still on the books or legal description of that lot.

David Kilmurray, 518 E Moss Creek Drive, stated that he is immediately southwest of the site. Mr. Kilmurray stated that the commission has an email on file; in the email he made two main points one had to do with the increase of traffic. Mr. Kilmurray stated that he still has some concern with that but does appreciate that the applicant has reduced the number of sessions. He does see additional traffic coming in and out of the subdivision with a focus all being up at the intersection of 4800 South. Mr. Kilmurray stated that it would be sensible to see some reaction from the City Engineer as the traffic conditions will increase. The design was based on trip generation for

subdivision and now there is talk about adding to it. Mr. Kilmurray stated that he agrees that it is during the day but trips will be added during the day that weren't expected. Mr. Kilmurray stated that he would like to hear from the City Engineer, if there has been a problem there, it's a difficult corner with trees blocking views. As far as activity that is there now, there are kids that run up and down but they are kids that live in the neighborhood. This would bring in additional activity. Mr. Kilmurray stated that his second concern is property value. He feels that it is subjective.

Chester Smyth, 492 E Moss Creek Drive, stated that he moved into the neighborhood about ten years ago and he likes it because it is a quiet, residential area that is kid friendly. Mr. Smyth stated that he has worked with kids professionally all day long but he doesn't feel that this is a good place for a preschool. With increased traffic and with opening other businesses in the area, Mr. Smyth stated that he and his wife would like to keep it a residential area.

Aleisa Barber, 4719 Moss Creek Circle, stated that her property abuts the backyard of the proposed preschool. Ms. Barber stated that the play structure is just a few feet from the fence line and she is very concerned about the noise of so many children playing so close to her backyard. Ms. Barber also stated that she is also concerned about property values. She stated that she just moved into this home in August and she stated that she never would have bought the home knowing there was going to be a preschool in the backyard. She is concerned that if and when they decide to sell their home, the value of the home will be decreased from having a preschool.

LeAnn Parker-Reed, 574 E Spruce Glen Road, stated that she has lived in the area for just over twenty years. Ms. Parker-Reed stated that she enjoyed the open fields before the neighborhood was finished, but she has really enjoyed having the neighbors in the last ten to fifteen years coming. Ms. Parker-Reed stated that she is in favor of the preschool; she is always in favor of enhancement of youth education in the community. She thinks it's a positive for any community. Based on the recommendation that has already been given, and the current city regulations are being met, she feels that it is well to do such a thing. Ms. Parker-Reed stated that some of the issues that have been brought up, none of the issues regarding the canal are relating to issues on the property or his space across the river. There is a fence that does not allow children to cross into the river. The outside play time, all children should get more play time outside instead of inside. Regarding traffic, there are some concerns as there are two entry ways into the subdivision, so there are many possibilities for the congestion to be lessened.

Robbie Russo, 523 E Spruce Glen Road, thanked the commission for allowing him the opportunity to address the commission. Mr. Russo stated that sometimes on neighborhood deals they can be polarizing and emotional. Mr. Russo suggested that the commission approve this conditional use for a couple of reasons. One being that there has been a preschool in this neighborhood before and most people didn't even know it existed; it had no impact on the neighborhood. The argument can be made that there will be an increase for service; Mr. Russo pulled the stats from Draper, Murray, South Jordan and Cottonwood Heights and the calls for service, all calls for service fire, police, ordinance and animal control are none in residential based housing or preschools of this nature. When people hear ten or twenty trips on that

class of road a day, they seem to think that is a great impact on the community. But the City Engineer would tell you that it is minimal. Mr. Russo stated that he pulled the stats for Cottonwood Heights in a five year period and the number of service calls to the three residential preschools was six calls and they were insignificant calls.

Sue Call, 4702 Moss Creek Circle, stated that she is speaking on behalf of herself and her husband Steve Call. Ms. Call commented that the CC&R's state "No lot shall be used except for single-family resident purposes. No building shall be erected, altered placed or permitted to remain on any lot other than detached single-family dwellings not to exceed two stories. In article three, these covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years from the date these covenants are recorded after which, time said covenants shall be automatically extended for successive period of ten years unless an instrument sign by a majority of the then owners of the subject property has been recorded agreeing to change said covenant in whole or in part." Ms. Call stated that according to the CC&R's when they became owners in the very beginning, a copy of the CC&R's had to be signed stating that they would keep it a single family dwelling agreeing that there will be no businesses brought into the homes. Ms. Call requests that following the CC&R's that the commission does not allow this preschool.

Mark Wheatley, 447 E Moss Creek Drive, stated that he loves the community and loves Murray. Mr. Wheatley stated that he also has the same concern about additional businesses coming into the neighborhood. He stated that he is for individuals securing an occupation to help with their livelihood, but he is concerned that there may be additional businesses down the road in the future.

The public comment portion of the meeting was closed.

Mr. Markham asked Mr. Taylor's opinion of trips through the neighborhood and how that would affect traffic. Mr. Taylor answered that roads are designed to accommodate peak hours, generally between 7:30-8:30 in the morning and then 5:00-6:00 in the evening. That is the highest demand for travel so anything that is outside of that, is going to be less than what the road has been designed for as far as traffic goes. Ms. Patterson asked Mr. McIlrath to explain the difference between the CC&R's and the City. Mr. McIlrath answered that the City does not regulate the CC&R's, when it comes to the ordinance, the Planning Commission can approve a Conditional Use but if the CC&R's state that something is not allowed or there are issues, that would need to be worked out between homeowners. The City is required to enforce everything which is in the ordinance, but if there are requirements in the CC&R's that pertains to those properties together. When it comes to the R-1-8 zoning district, there were concerns of additional businesses in the neighborhood, this zoning district is a residential zone but it does allow people to have businesses in their homes, on a limited basis. This is one of those situations that instead of a permitted use, it is a conditional use and requires approval from the Planning Commission. Mr. Woodbury asked Mr. McIlrath to give examples of other business types that are allowed in this zoning district. Mr. McIlrath stated that home occupations overall are allowed in residential zones, and that they still have to get a City business license. Unless they are having people coming to the home, we just require them to obtain a license and abide by these standards. If clients are coming to the home, it's considered a Major

Home Occupation, such as piano lessons, dance studios or preschools. Since this is a Conditional Use, the applicant had to come to the Planning Commission, if it were a Major Home Occupation and a permitted use, they would be required to get signatures from the surrounding property owners; if the applicant were unable to obtain those signatures then they would come to the Planning Commission. The reason why this applicant did not need to obtain the signatures is because they already had to come before the Planning Commission. Mr. Markham asked if there are any other home occupations in the vicinity. Mr. McIlrath stated that he was unaware of other businesses in the neighborhood.

Heather Larsen, 6611 S Alfred Way, stated that she is a certified and licensed teacher currently and part of the reason for the preschool is that she is a single mother and her daughter is preschool age and she wanted to be able to be her teacher. Ms. Larsen stated that her plan is to do this for a maximum of three to four years at which time she will return full-time to the elementary. Ms. Larsen stated that she understands everyone's concerns and she appreciates the opportunity to address some of them. Ms. Larsen expressed that she is hoping the reduction of days and times will help alleviate some of those concerns. Ms. Larsen stated that she would like to be an asset to the community; she wants the preschool to be a good place for children to receive a good education.

Ms. Daniels made a motion to approve a Conditional Use Permit for a preschool located at the property addressed 543 E. Moss Creek Drive subject to conditions 1-4 as listed:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The preschool shall comply with all standards for a group educational home as outlined in Chapter 17.100 of the Murray City Zoning Ordinance, including the following:
  - (a) At least 7 but no more than 12 children will be receiving instruction at any given time.
  - (b) There shall be no more than 8 sessions per week.
  - (c) Each session shall last no more than 3 hours.
  - (d) No child shall attend more than 1 session per day.
4. The applicants shall obtain a Murray City Business License prior to the commencement of business operations.

Seconded by Mr. Taylor

Call vote recorded by Brad McIlrath.

  A   Phil Markham  
  A   Tim Taylor  
  A   Scot Woodbury  
  A   Maren Patterson  
  A   Karen Daniels



Motion passed, 5-0.

COTTAGES ON VINE STREET – 520 East Vine Street – Project #14-75 and Project #14-73

Brad Reynolds was the applicant present to represent this request. Ray Christensen reviewed the location and request for preliminary planned unit development approval and preliminary subdivision approval for an 11 lot single family residential development located at 520 East Vine Street. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. Section 17.60 requires planning commission review for approval of a planned unit development. Municipal Code Ordinance 17.100.030 allows a planned unit development within the R-1-8 zoning district subject to Conditional Use Permit approval. The residential lot sizes range from a minimum 8,000 sq. ft. lot to 9,600 sq. ft. lot size. Utility easements will be located on each lot with 10 ft. easements on the front and back of each lot and 7.5 ft. easements on each side yard. The applicant has provided some initial plans for preliminary planned unit development review with dwelling floor plans, elevations of various homes to be constructed in the planned unit development. The applicant will be providing additional dwelling plans and materials colors and samples with final planned unit development review. The Declaration of Covenants, Conditions, and Restrictions will need to be provided with final planned unit development approval. The applicant is proposing to deed the garage and property at the bottom of the hill to the Murray City Parks Division. Parcel A shown on the plat will need to be combined in lot 11 to comply with a minimum 8,000 sq. ft. requirement. The parcels B and C will need to be eliminated and combined into other parcels of property. Based on the information presented in this report, application materials submitted and the site review, staff recommends Conditional Use Permit, preliminary planned unit development, and preliminary subdivision approval subject to conditions.

Mr. Markham clarified with Mr. Christensen that this is a conditional permit and City departments still have final approval on grading and setbacks. Mr. Christensen answered in the affirmative.

Brad Reynolds, 2500 East Haven Lane, stated that he is proposing an 11 lot PUD subdivision that adjoins Murray City Park. Mr. Reynolds stated that one thing they have done that hasn't been brought up, based upon the footages, 13 lots could have been put in and only 11 are being proposed. Most of the lots are between nine and ten thousand square feet in an eight thousand square foot zoning. Mr. Reynolds stated that he feels like what is being proposed will be an asset to the community with nice homes and nice families that move in. Mr. Reynolds stated that this project is also exceeding the minimum side-yard requirements. Mr. Woodbury asked Mr. Reynolds if he has had an opportunity to review the nineteen conditions of approval and if he can comply with them. Mr. Reynolds responded in the affirmative.

Ms. Daniels asked Mr. Reynolds if all of the homes being built will face onto Vine Street. Mr. Reynolds stated that all of the homes will face Vine Street, although the

homes are a little narrow, there is still a forty-foot building pad width wise that will give the homes a nice elevation.

The meeting was opened for public comment.

Janice Blanchard, 398 E Vine Street, stated that she has been in that home for fifty years plus. Ms. Blanchard stated that the neighborhood is really wonderful but she wants to know the availability to those houses, how is the street or where is the back part of it, is there an entrance from the front and the back. Ms. Blanchard stated that her understanding of every time a subdivision or group of homes is created; you have to have two exits. Ms. Blanchard stated that she lives right against the entrance of Murray Park and there is a lot of traffic going down into the park. Ms. Blanchard stated that she is concerned because that street is very busy, especially during the hours when people go to and from work. Ms. Blanchard would like to know how much more this subdivision will add traffic.

Susan Carroll, 533 E Benbow Ave, stated that her concerns are that the neighborhood needs single family homes; the traffic is a problem as Vine Street can get very busy but if these are single family homes, if they are big enough that the families can stay. Ms. Carroll stated that she would love to have families be able to move in with their kids, stay and be able to raise their kids in Murray to give some stability to the neighborhood. Ms. Carroll asked for the Public Utility District to be explained. Ms. Carroll stated that she would like to see these be nice homes that are big enough for families to stay and raise their families.

Joseph Stanford, 491 E Vine Street, stated that he just has a few questions regarding the project. Mr. Stanford asked what the lot coverage there is for the footprint of the homes and with the 3,500 foot height restriction, is that measured from Murray Park or is it measured from Vine Street.

Ben Fishburn, homeowner of 424 E Vine Street, stated that his first concern of this project was the notification. Mr. Fishburn stated that there was no notification received for the project and a neighbor had informed him of the project. Mr. Fishburn also wanted to see what the homes would look like on the plans, his home is a one story bungalow built in the 20's, it is a small home, and his primary concern is the immediately adjacent lot, if it's a two story house that looms over his home, his concern is a house that will decrease his property value.

Brent Winch, 469 E Vine Street, stated that he lives directly across from this proposed development. Mr. Winch stated that he has two major concerns, one being the profile of these homes. Mr. Winch likes the idea that the homes are not going to be built tight together but he would like to know how tall they are going to be. Mr. Winch's second concern is the idea of a PUD, previous conversation in this meeting demonstrated a perfect example of negative aspects of a PUD. Mr. Winch stated that he has family members that have lived in a PUD where there have been many issues legally that affect the neighborhood and property values.

Cathleen Stanford, 487 E Vine Street, stated that Murray is a wonderful City and has a great history; there is a Vine Street residential historic district which includes up to

the house right before Mr. Winch's home. This district is older homes, many of them are bungalows, there is one home that is two stories but the rest of the homes are smaller, one story homes. Murray has such history and being next to that residential district, you would want to continue the look of the old homes. Ms. Stanford stated that single family dwellings are a great idea but would like to keep the look on Vine Street. Ms. Stanford asked the Commission to consider putting a condition on this that the homes will be one to one and a half stories from Vine Street.

LeAnn Parker-Reed, 574 E Spruce Glen Road, stated that she does not live on Vine Street, but she has lived in Murray for over twenty years. Ms. Reed stated that she has traveled on Vine Street a lot. Her children went to Parkside Elementary which is right near the area. Ms. Parker-Reed stated that she has a few concerns as a concerned citizen. With the school there, that area is concerned a safe walking zone for children and it needs to continue to be such because there are many students that walk or bike to school. Vine Street is also a major traffic for Murray and asked the commission to take into consideration what will happen to traffic with this being approved.

Ben Barnett, 491 E Vine Street, parking should be a concern at least the way you back into traffic on that street. The engineers or the zoning department suggested that there be a park strip. Mr. Barnett feels that should be a requirement not a suggestion. Secondly, the requirements in the zoning for the width of the lot are unclear and Mr. Barnett stated he would like some clarification on that. Mr. Barnett also discussed the conformance with the neighborhood character, given the unique position of those lots and the long time standing with the Vine Street neighborhood, perhaps some allegiance of the precedence of the neighborhood, it would be a significant change in the neighborhood. Mr. Barnett stated that this is an intrusion to the neighborhood in both style and height and those two aspects should be taken into consideration. It could also be an intrusion to the park.

The public comment portion of the meeting was closed.

Mr. Christensen addressed the concerns in the public comment. Regarding two entrances to homes, the City ordinances there is one requirement that lots have frontage on a public street so as long as they front on a public street and have access to that property, it is only required to have one entrance. When it comes to public utilities that are available, this has been reviewed by the City departments; they have indicated that there are adequate utilities available for this development. For lot coverage and building height, in the R-1-8 zoning it allows thirty-five percent of the lot to be covered with buildings so they will have to meet or conform to that requirement. Relating to distance for mailing notifications, within this development there was a mailing sent to all property owners within 300 feet of the property in question and we go by the County Recorder's office record or property owners. Regarding building height, the zoning allows building to go to 35-feet high, from the sidewalk or public street grade, so this is allowed by the ordinance if the builder chooses to do so. Other buildings in the area are allowed to go that high as well. Mr. Woodbury asked Mr. Christensen to define a PUD and some of the aspects of that. Mr. Christensen stated that the difference between a Planned Unit Development and a regular subdivision is that a planned unit development has some common theme or uniformity with each

building. There can be some flexibility with a PUD, with the position of the buildings or lot width, setbacks can also vary. Mr. Christensen stated that there was a recommendation for park strips and the City Engineer has some authority to determine if there is a park strip, it is based on what is currently there and the engineer is suggesting, he has recommended a five foot park strip.

Brad Reynolds, 2500 East Haven Lane, started by saying that he wants to do everything they can and understand the concerns of the neighbors. Mr. Reynolds stated that the neighborhood is a diverse community and they are planning some single-story, but there are also some two-story homes. All homes will have a full basement; Mr. Reynolds feels that this project will tie into the community that is there. He also stated that there is a little misconception of what they are trying to do. There will be no rental units; they will all be individual home owners. Mr. Reynolds stated that he wants to make this project a good experience for the community and will do what he can so that the intrusion is minimal to the neighbors.

Mr. Markham clarified how the motion would take place as this is a preliminary approval. Ms. Patterson commented that the homes on the plans look like they would be family homes. Mr. Markham emphasized that this approval is preliminary and hopefully the developer will take into consideration some of the comments that have been made, and also City staff will review the comments and they can think about them and help to make conditions that would help to satisfy some of those concerns.

Ms. Daniels made a motion to approve a Conditional Use Permit, the Preliminary Planned Unit Development and the Preliminary Subdivision for the 11 Lot Single Family Residential Development located at 520 E. Vine Street subject to conditions 1-19 as listed:

1. Meet City subdivision and plating requirements.
2. Replace any damaged curb and gutter and sidewalk along Vine frontage.
3. Dedicate any frontage property that extends into the Vine Street 66' ROW
4. The project shall comply with Murray fire department requirements and water & sewer requirements.
5. A formal landscaping/irrigation plan for the total lots areas shall be submitted meeting the requirements of Chapter 17.68 of the Murray Municipal Code with application for final subdivision approval for approval by City staff and shall be installed as approved prior to occupancy of each dwelling
6. Show standard utility easements on the property to meet subdivision ordinance regulations.
7. All of the lots shall comply with the 8000 sq. ft. minimum lot area requirement. Eliminate parcel A, B, and C to be combined in other parcels of property
8. Comply with City drainage requirements.

9. Consider adding a 5' park strip along Vine frontage to comply with the Murray City Engineer requirements.
10. Building plans, elevations, and materials will need additional review for final selection prior to final approval of the planned unit development.
11. Provide public utility easements along the front, rear and sides of each lot; 10' front, 10 rear and 7.5' sides.
12. Upon receiving final Planning Commission approval, provide a subdivision application and a PDF of the plat and improvement plans to the Engineering Division for final review.
13. Comply with Murray Power Department requirements.
14. A fence plan shall be provided for all fencing on site to comply with Murray fence code regulations 17.64.
15. The minimum building setbacks from the property line to the new dwellings on the lots are:
  - Front Setback to Dwelling: 25 Feet
  - Garage Setback: 25 Feet to garage
  - Rear Yard: 25 Foot Minimum
  - Side Yard: 8 Feet
16. The building division requires compliance to building/fire code requirements and a soils report is required from a geo-technical engineer at time of submittal for building permit.
17. Sidewalk through driveways will need to comply with current cross slope standards.
18. Provide a soils study geotechnical report.
19. All utility cuts and asphalt repairs on Vine Street need to be as per APWA and City Standards.

Seconded by Mr. Markham

Call vote recorded by Brad McIlrath.

A Phil Markham  
A Tim Taylor  
A Scot Woodbury  
A Maren Patterson  
A Karen Daniels

Motion passed, 5-0.

ALAN KRUCKENBERG – 6421 South 1300 East – Project #14-80 and Project #14-69

Alan Kruckenberg was the applicant present to represent this request. Ray Christensen reviewed the location and request for a General Plan Amendment from Residential Single Family Low Density to Residential Single Family Medium Density and a Murray Zone Map amendment from R-1-8 (residential single family low density) to R-1-6 (residential single family medium density) for the property addressed 6421 South 1300 East. The request for Murray General Plan amendment and zone change is not consistent with the Murray General Plan direction for a change from low density residential to medium density single family residential. The applicant is requesting the Murray General Plan amendment and Zone Map change to develop the property with a medium density residential infill development. The property is located at the east side of 1300 East Street and south of 6400 South Street within the R-1-8 zone. Various permitted uses are allowed in the R-1-8 zone such as low density single family dwellings on a minimum 8,000 sq. ft. lot and accessory uses, such as garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include uses such as churches, schools, public parks, and libraries. Various permitted uses are allowed in the R-1-6 zone such as medium density single family dwellings on a minimum 6,000 sq. ft. lot and accessory uses such as garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include uses such as churches, schools, public parks, and libraries. The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan future land use map for this particular property show the property to remain low density single family residential. The residential properties adjoining this property and surrounding this property are low density single family residential located within the R-1-8 and R-1-10 zoning designations and there is no medium density residential properties adjoining this property. The surrounding lots in this area meet or exceed the 8,000 sq. ft. lot size in the R-1-8 zone and meet or exceed the 10,000 sq. ft. lot size in the R-1-10 zone. The R-1-6 zone (medium density residential zone) allows 6,000 sq. ft. lots which will increase the density which is not consistent with the Murray General Plan direction for this particular property location. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of Denial to the City Council for the requested Murray General Plan and Zone Map amendments for this application.

Mr. Taylor asked Mr. Christensen to refer back to the zoning map which shows a purple area across the street and Mr. Taylor asked what the zoning was on that area. Mr. Christensen answered that area is a power substation.

Alan Kruckenburg, 6782 S 1300 E, gave the commission a little history about himself. He has built six developments in the City and he feels that they are all pretty nice. Mr. Kruckenburg stated that he does not like to fight uphill unless he has good reason, and he feels that he has good reasons to have this rezoned. It is currently zoned R-1-8, Mr. Kruckenburg stated that he will be adding a park strip onto 1300 East and he

has been given approval for a masonry wall around 6400 South and 1300 East for privacy. Mr. Kruckenburg stated that he has taken a close look at this project and he can build six houses on 8,000 foot lots or he can build eight houses on 6,000 foot lots. He discovered that if he builds eight houses and cut them down just a little, he can bring in a project that is a lot less money than the six houses. Mr. Kruckenburg stated that he can work with the current road configurations, the property lines would just need to be moved. This project falls into the in-fill ordinance which has some flexibility for these past over pieces of ground. The house and the duplex on this property are well past their usable life and it is time for them to go so because the parcel is isolated, it doesn't have a great effect on anyone. With the ordinance allowing some flexibility, the City Engineer has already made some changes that will help this project. If there are eight homes built, the homes will be close to the same size as the homes in the existing neighborhood. The homes will be built as one-level homes, and will have double car garages and three of them will have triple car garage possibilities. Mr. Kruckenburg stated that there are benefits on all sides of this project, for himself, the neighborhood and the City.

The meeting was opened for public comment.

Mauricio Rascon, 6498 S Sumack Way, stated that he was excited to for the plans to go through, the only thing he wasn't sure of is the design and he just wanted to emphasize some of the safety features that are going on. Mr. Rascon stated that 1300 east is a very busy road, and he isn't sure what the plan is to have the street go in and out from the 1300 east but he recommends not having these homes backing out onto 1300 east as it is quite dangerous. Mr. Rascon also mentioned a wall being built on 6400 south and 1300 east could block the view and cause traffic hazards.

No other comments were made and the public comment portion of the meeting was closed.

Mr. Taylor agreed with Mr. Rascon regarding the sight blockage of the wall and feels that the City Engineer should look into that to make sure it won't be a problem. Mr. Markham addressed the zoning issue of changing this zone from an R-1-8 to an R-1-6, the surrounding area is predominantly R-1-8 and the developer has mentioned that he can develop it as an R-1-8 even though the economics may be a little different. Mr. Markham feels that affordable housing is appealing to him so that young families can live in Murray and stay in Murray. However, at the risk of impacting the surrounding neighborhood when the piece is still developable from many different angles. Mr. Woodbury stated that he doesn't see the need to go against the general plan at this point as the lots are developable with the current zoning.

Mr. Kruckenburg stated that if you look at the zoning map of Murray, in that general area, there is no more developable land they are all subdivision lots. Mr. Kruckenburg stated that he is adding a park strip, in that area the sidewalk is against the street and per City Engineer, there will be a park strip added. There is no entrance on 1300 east, there is a minimum view area at intersections and there is an exact formula for calculating. The wall will also be lowered at the entrance so that the view won't be a problem. Mr. Kruckenburg stated that he has built a lot of homes, and a \$50,000 increase does affect buyers.

Mr. Markham made a motion to forward a recommendation of denial to the City Council for a general plan amendment from Residential Single Family Low Density to Residential Single Family Medium Density for the property addressed 6421 S. 1300 E.

Seconded by Ms. Patterson

Call vote recorded by Brad McIlrath.

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Scot Woodbury

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

Mr. Taylor made a motion to forward a recommendation of denial to the City Council for a zone map amendment from R-1-8, Residential Single Family Low Density to R-1-6, Residential Single Family Medium Density for the property addressed 6421 S. 1300 E.

Seconded by Ms. Daniels

Call vote recorded by Brad McIlrath.

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Scot Woodbury

A \_\_\_\_\_ Maren Patterson

A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

#### OTHER BUSINESS

Meeting adjourned at 8:20 p.m.

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Tim Tingey, Director  
Administrative and Development Services