

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

Present: Ned Hacker, Chair
Sue Wilson, Vice Chair
Phil Markham
Travis Nay
Maren Patterson
Lisa Milkavich
Jared Hall, Community Development Supervisor
Zac Smallwood, Associate Planner
G.L. Critchfield, City Attorney
Citizens

Excused: Scot Woodbury

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.

Ned Hacker opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

Mr. Hacker commented that he would like to honor the military service members who have served our country. He commented that today marks the 75th year anniversary of "D" Day, June 6th, when the troops stormed the beaches of Normandy, France. He quoted the Prime Minister May of Great Britain from earlier today who stated, "that if one day can have determined the fate of generations to come in France, Britain, Europe and the world that day was the 6th of June 1944." He expressed his appreciation for the generation of people who served during the war and also the greatest generation and the humblest generation.

APPROVAL OF MINUTES

Mr. Nay made a motion to approve the minutes from the May 16, 2019 Planning Commission meeting. Seconded by Ms. Milkavich.

A voice vote was made, motion passed 6-0.

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 Express Car Wash, Deborah Crane and Valley Behavioral Health. Seconded by Ms. Milkavich.

A voice vote was made, motion passed 6-0.

MARLOWE SUBDIVISION – 1246 West Winchester Street - Project #19-060

Doug Marlowe was present to represent this request. Zac Smallwood reviewed the location and request to allow for a flag lot subdivision on the existing .80-acre single-family parcel, in the R-1-10 Zone located at 1246 West Winchester Street. Murray City Code Title 16 outlines the requirements for subdivision review. The Murray Planning Commission is required by

State Code (10-9a-207) to conduct a public hearing and review all subdivisions of property within the City. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the City. The Planning Commission acts as an advisory body to the Mayor and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Commission's review and recommendation of a subdivision application, it will be forwarded to the Mayor for final approval. The plat is then forwarded to the Salt Lake County Recorder's office for review and recording. Mr. Smallwood explained that the request for subdivision has been proposed to create a lot preserving the existing home on the property while creating a new, buildable lot to the rear. The proposed subdivision will result in one new lot in addition to the existing parcel. Flag lot subdivision regulations require that the rear lots have an area 125% of the requirement of the zone in which the subdivision is located, exclusive of the "pole" portion of the lot. For single family lots in the R-1-10 zone, that basic requirement is 10,000 square feet, making the required minimum lot size for the flag lot 12,500 square feet. The remaining conventional lots must also meet or exceed the normal area requirement of the R-1-10 zone. The proposal will result in the existing lot to be reduced to 14,910 square feet and the new flag lot will be 14,979 square feet, both exceed the minimum area required in the R-1-10 zone. Flag lots must have an access of at least 28 feet extending to the public right-of-way. The access can be an actual physical extension of the new lot, or it can be provided as an easement. In this case, the applicants have proposed to use a physical extension of the new lot. The access must include 20 feet of hard surface (asphalt or concrete), with 4 feet of landscaping on each side. The subject property is 131' wide along Winchester Street. The existing home has a 53' setback to Winchester Street to the south. The proposed access drive would be used to access both lots along the east property line. The applicant has proposed to locate the 28' easement over the existing driveway, using the existing hard surface to help fulfill the required access to proposed Lot 2. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission forward a recommendation for Preliminary and Final Flag Lot Subdivision Approval to the Mayor for the property located at 1246 West Winchester Street, subject to conditions.

Mr. Smallwood stated that he spoke with two of the adjacent neighbors to the north and east who would like to have a new fence installed along the property line and the existing fence is dilapidated.

Mr. Nay asked for clarification on condition #1 where the city engineer recommends eliminating the basement crawl space and asked if it is related to the water table. Mr. Smallwood responded that it is because of the high-water table on this property. Mr. Smallwood stated that Mr. Marlowe has had discussions with the city engineer on this issue, but the condition does not preclude this from moving forward if the property owner so desires.

Doug Marlowe, 1246 West Winchester Street, stated he has reviewed the staff recommendations and will comply with the conditions.

Mr. Markham commented that condition #1 is extensive and suggested that Mr. Marlowe review those conditions carefully and discuss them with the city engineer, and that developing property can be quite expensive with some of the requirements. Mr. Marlowe stated he has studied it extensively and he was unaware that the property at the rear will not allow for sewer to run out of the property and still meet the requirements necessary. He stated they may build a home on slab. The existing home does have a basement which they plan to demolish and

run the sewer off the septic tank and run all the sewer together. He stated he is aware that it will be expensive and hopes to offset those costs between the two lots. He stated he currently lives a couple properties away and purchased this property with the intention to upgrade and clean up the neighborhood.

The meeting was open for public comment.

Bob Wirthlin, President of North Jordan Irrigation, stated he has no objection to this proposal but there are serious problems along the canal bank that has been unearthed since recent removal of the trees. Originally the property owners were going to trim the trees, but instead have cut them down. He stated there have been several issues in this area with root rot and leaking and they have installed a clay trench down the middle of the right-of-way to prevent that. Recently since the snows and rain have subsided, they have restored the bank side of the canal with clay because the slope is dropping into Mr. Marlowe's property. He presented photos of the work recently done. He commented that he hopes Murray City will hold Mr. Marlowe to the same standards as Gough Construction on their recent subdivision close by. He stated that the International Building Code rules require a minimum setback for structures of 50 feet from the canal slope. He stated there should be fencing along the canal to prevent children from accessing the canal. He stated this canal has existed since 1880 and they still run commercial and industrial water and irrigation water in the canal. Mr. Wirthlin stated he would like to see Mr. Marlowe's plans with regards to the canal slope. Mr. Hacker stated Mr. Wirthlin can submit the photos to the city engineer.

The public comment portion for this item was closed.

Mr. Smallwood stated the city engineer is very aware of the canal issues with regards to development and is very thorough with compliance. He stated a Salt Lake County permit and approval from the North Jordan Canal are a condition of approval for this project.

Mr. Nay commented that he thought when Murray Bluffs was approved some time ago, was it required that the canal be piped in this area. Mr. Hall responded that he was unsure if it was a condition of approval from the Planning Commission, but that the canal was not piped but had a subdrain. Mr. Markham stated the only issue with the canal and housing development occurred from housing above the canal wherein the slope slipped and went down into the canal and caused flooding. That was not the responsibility of the lower homes but was the homes above the canal.

Ms. Patterson made a motion to forward a recommendation for Preliminary and Final Flag Lot Subdivision approval to the Mayor for the property located at 1246 West Winchester Street, subject to the following conditions:

1. The applicant shall meet all requirements of the Murray City Engineer including the following:
 - a) Meet City subdivision and flag lot requirements.
 - b) Provide a formal Grading, Drainage and Utility Plan.
 - c) Provide sewer to lot 1 and connect existing home.
 - d) Meet City drainage standards, the 20' asphalt driveway should drain to landscaping and drainage should not be directed to adjacent lots.
 - e) Provide standard PUE's on lots.

- f) Provide a site geotechnical study. The study should include an assessment of the canal embankment and should identify any deficiencies or maintenance issues. The study should also include recommendations to mitigate any embankment deficiencies or stability issues.
 - g) Install / construct any recommended canal embankment improvements.
 - h) Obtain North Jordan Canal approval and permit for any embankment or canal work.
 - i) Obtain a SL County Flood Control Permit for any embankment or canal work.
 - j) Exclude the canal embankment slope from the proposed lots, identify this area as a North Jordan Canal Easement and as a no build, no encroachment area.
 - k) Recommendation – Eliminate basements and crawl spaces in proposed homes.
 - l) Replace any damaged curb and gutter and sidewalk along the Winchester Street property frontage.
 - m) Develop a site SWPPP and implement prior to beginning any site work.
 - n) Obtain a City Excavation Permit for work in the City right-of-way.
2. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
 3. The Final Plat shall adhere to the requirements for Flag Lot Subdivisions contained in Section 17.76.140 of the Murray City Land Use Ordinance and as outlined in the Staff Report.
 4. The applicant shall provide and maintain a minimum 28' access width including 4' wide landscaped areas on both sides of a minimum 20' of hard surface (asphalt or concrete) for emergency access prior to any combustible construction on Lot 2.
 5. The applicant shall meet all applicable Building and Fire Codes.
 6. The applicant shall submit an updated Utility Plan that shows water and sewer connection designs.
 7. The existing accessory structures will be removed from the property.
 8. The applicant shall provide complete plans, structural calculations and soils reports stamped and signed by the appropriate design professionals at the time of submittal for building permits.
 9. The applicant shall meet all Murray City Power Department requirements.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Smallwood.

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

Motion passed 6-0.

TITAN DEVELOPMENT – 5729 South 700 West – Project #19-061

Mark Snow was the applicant present to represent this request. Jared Hall reviewed the location and request for a Zone Map Amendment from R-1-8, Single Family Residential (8,000 square foot lot minimum) to R-1-6, Single Family Residential (6,000 square foot lot minimum). The applicant proposes to amend the Zoning Map to support a potential application to subdivide the property. The subject property is a 0.36-acre lot located on the southeast corner of Anderson Avenue and 700 West. Until recently, the subject property has been used as a single-family residential lot. A fire destroyed much of the structure, which was then subsequently removed. The property has been vacant since the demolition occurred. With 15,681 square feet, the property is not quite large enough to subdivide into two lots in the existing R-1-8 Zone. However, if the property were rezoned to R-1-6, a subdivision could create two new 7,840 square foot building lots. The lots would be less than 8,000 square feet, but significantly larger than the 6,000 square feet required by the R-1-6 Zone. The subject property is currently designated as "Low Density Residential". Low Density Residential is intended to encourage residential development which is single-family detached in character. The overall density range anticipated is between 1 and 8 dwelling units per acre. Corresponding zoning designations include the A-1, R-1-12, R-1-10, R-1-8, R-1-6, and R-2-10 zones." The zoning of most surrounding properties is R-1-8. In review, Staff has found that a significant number of single-family lots in the surrounding area do not conform to the required 8,000 square foot minimum lot size of the R-1-8 Zone. First, an area of 517 residential properties east of 700 West to the I-15 corridor, and from 5465 South to 5900 South. The second area includes all residential lots within a quarter mile (404 properties). The smaller the sample area is taken (closer to the subject property) the higher the percentage of non-conforming lot sizes grows. Both the existing and the proposed zoning designations correspond to the Future Land Use Map. Due to the large number of surrounding properties which do not conform to the minimum lot size of the existing R-1-8 Zone (51%), the proposed R-1-6 Zone will support the creation of lots which are in harmony with the prevailing development pattern in the area. The proposed R-1-6 Zone allows for single family residential development and accessory uses associated with them, with minimum lot sizes of 6,000 square feet. Public and quasi-public uses such as schools, libraries, churches, and utilities are allowed subject to Conditional Use approval. 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 5729 South 700 West from R-1-8, Single-Family Residential to R-1-6, Single-Family Residential.

Mr. Nay asked about the Review meeting on May 20th where the City Engineering commented that he supports the existing R-1-8 zone. Mr. Hall responded that the city engineer supports the existing zoning if the proposed zoning is less than the existing zoning, but if this proposal will support two homes, he will support this proposal. He asked about the fencing regulations if the new corner lot is to face north rather than 700 West. Mr. Hall responded that the corner lot will need to maintain the clear view corner area.

Ms. Patterson asked why the proposed homes would front northward on to Anderson Avenue. Mr. Hall responded it is desirable to keep traffic off 700 West that is a busy street at this location and thus is better suited for a home to access off Anderson Avenue rather than 700 West.

Mark Snow, 433 East Serenity Oak Lane, Millcreek, stated he has reviewed the staff recommendations. He stated he believes two additional homes on this property will work well and will not negatively impact the area and is a large piece of property.

The meeting was opened for public comment.

Jill Skeen, 5730 South 663 West, stated her home is adjacent to the north of the subject property. She expressed concern about the parking and driveways on Anderson Avenue being so close to the intersection and two additional driveways is a concern. She stated the property was purchased as R-1-8 and would like it to remain R-1-8.

Kristin McBeth, 712 West Anderson Avenue, asked the size of the homes to be built on the property. She stated the homes built by the school district located near the Junior High are a lot bigger.

Jim Karahalios, 661 West 5735 South, expressed concerns with the types of homes anticipated on the lot(s). He stated that he has attempted to have a second driveway on his property and was denied by the city because he wanted it closer than 50 feet from an intersection and asked how the proposed lots will have a driveway so close to the intersection.

The public comment portion for this agenda item was closed.

Mr. Hall stated that the anticipated lot size for this property, if the zoning is changed to R-1-6, would be 7,800 sq.ft. lots which is 200 sq.ft. less than the R-1-8 zoning requirements. He stated that Garbett Homes is building a 125-lot subdivision further south where the lots are 6,000 sq.ft. and the home sizes are 3,500-4,000 sq.ft. The footprint is not a challenge on a 6,000 sq.ft. lot. He stated is not difficult to build a nice sized home on a 6,000 sq.ft. lot. Many of the newer homes in R-1-8 zones are 5,000 sq.ft. The setbacks in the R-1-6 are slightly less which are 20-foot front yard and 25-foot rear yard, 5-foot side yard as opposed to the R-1-8 that requires 25-foot front yard and 25-foot rear yard, 8-foot minimum side yard. The lot width is over 100 feet of frontage and will be able to accommodate a driveway setback at a minimum of 50 feet from the intersection. He stated that parking of vehicles close to an intersection is dealt with by the Murray Police Department.

Sue Wilson commented that people park on the street near this area while waiting for their children to come out of school.

Mr. Nay commented that the lack of consistency that was pointed out by the staff presentation for the designs of the homes in this neighborhood actually establishes a development pattern and not every home looks the same and building something new in this area will blend in very well with the overall neighborhood aesthetic and this is good quality infill development. The lot sizes are not being compromised with 200 sq.ft. less per lot. Sue Wilson concurred. She stated she is in this area daily and in this same subdivision there are houses that are oriented sideways on lots in order to make the homes fit the lot.

Travis Nay made a motion to send a positive recommendation to the City Council for the proposed Zone Map Amendment for the property at 5729 South 700 West from R-1-8 to R-1-6. Seconded by Sue Wilson.

Call vote recorded by Mr. Hall.

- A Maren Patterson
- A Phil Markham
- A Sue Wilson
- A Lisa Milkavich
- A Ned Hacker
- A Travis Nay

Motion passed 6-0.

TITAN DEVELOPMENT – 347 East Winchester Street – Project #19-062

Mark Snow was the applicant present to represent this request. Jared Hall reviewed the location and request for a Zone Map Amendment from R-1-8, Single-Family Residential to R-N-B, Residential Neighborhood Business for the property addressed 347 East Winchester Street. The 0.32-acre parcel has been used as a single-family dwelling but is currently vacant. The applicant also owns the parcel immediately adjacent to the west of the subject property, which has already been rezoned to R-N-B. The applicant intends to develop both properties together if the zone change is approved. Together, the two lots total 0.66 acres. 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 proposed change in zoning from R-1-8 to R-N-B is in harmony with the Future Land Use designation of the subject property and with goals of the General Plan. The R-N-B zone requires limited development of properties to provide a buffer between the high traffic corridors like Winchester Street and the established residential neighborhoods that border them. With the limitations on the development of the property imposed by the R-N-B zone, the zone change will be appropriate and beneficial for the surrounding neighborhood. Based on the above findings, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment for the property located at 347 East Winchester Street from R-1-8, Single Family Residential to R-N-B, Residential Neighborhood Business.

Mr. Markham commented that the R-N-B is the rock star of zoning designations and the commission has seen great success with this Zone around this area and he is proud of the projects approved to date.

Mark Snow, 433 East Serenity Oak Lane, stated he has reviewed the staff recommendation. He stated they purchased the property to the west a couple of years and have not been able to develop it due to the narrowness of the lot and have been waiting for this property to become available in order to purchase it. He stated they build quality products.

The meeting was opened for public comment on this item.

Victoria Adam, 356 East 6340 South, stated she lives behind the subject property. She stated she has lived with the zoning situation for over 40 years and realizes the property has dilapidated over the years and a new development may be a nice change. She expressed concern with having some type of protection for the residents adjacent to a potential commercial building if the zone is changed and will there be a buffer fence or wall.

The public comment portion for this agenda item was closed.

Mr. Hall stated that this is a zone map amendment application and does not address specifics for the future building; however, the R-N-B zone is a buffer zone between a busy street and residential neighborhoods. As such the uses are limited and low impact to surrounding properties such as dental offices, doctor's office, dental laboratory, etc. The hours of operations are limited to 10 p.m. and in most cases the uses typically close after 5 or 6 p.m. No new buildings can be built without the approval of the planning commission in the R-N-B zone. A masonry wall is required in the R-N-B when the adjacent properties are residential uses plus a minimum 10 feet depth of landscaping buffer. Exterior lighting is limited and building height is

limited to 30 feet. The largest size building in the R-N-B zone is 15,000 sq.ft. with pitched roofs that have a residential look.

Mr. Markham encouraged Ms. Adams to look at the properties along the west side of 900 East at approximately 6200 South and The Advocates office building on 725 East Winchester Street that are good examples of the types of structures built in the R-N-B zone.

Ms. Patterson made a motion to send a positive recommendation to the City Council for a Zone Map Amendment for the property addressed 347 East Winchester Street from R-1-8 to R-N-B. Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

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

Motion passed 6-0.

ORDINANCE TEXT AMENDMENT - Section 16 – Subdivision Ordinance Amendments
Project #19-065

Mr. Hall presented the proposed Text Amendment for Title 16, Subdivisions. The Community & Economic Development Department has been working with the City Attorney's Office on revisions to the City Subdivision Ordinance. Recently, the existing subdivision ordinance has been questioned as it currently states that the Planning Commission may recommend approval, approval with conditions, or disapproval of a subdivision plat to the Mayor. In addition, the current ordinance states that the Mayor has final authority to approve subdivision plats and design standards for public improvements.

Utah State Code (Section 10-9a-604) allows for the Planning Commission to act as the Land Use Authority. As a result, City staff is recommending that this authority be given to the Planning Commission. This would allow for the Planning Commission to approve (1) subdivision plats; and (2) the establishment of requirements and design standards for public improvements. Additionally, the Planning Commission shall approve or disapprove the final plat. Finally, City staff is proposing that the Mayor, may sign, as a non-discretionary and ministerial act, final subdivision plats for the acceptance of lands and public improvements proposed for dedication to the City. General clean-up items for Title 16, Subdivision Ordinance Regulations have also been proposed by City staff. The following includes some of the proposed changes:

- The addition of a Community & Economic Development Director or designee.
- Allowing for preliminary and final subdivision review for a subdivision of ten (10) lots or less to be done concurrently with the Planning Commission.
- A preliminary plat may be granted a 1-year extension by the Planning Commission if requested prior to expiration.
- A final plat may be granted a 1-year extension by the Planning Commission if requested prior to expiration.

Based on the above findings, proposed text and other revisions as outlined, City staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the Murray City Code, Title 16, Subdivision Ordinance Regulations.

Mr. Markham asked what happens if the Planning Commission approves a plat, but the Mayor chooses not to sign the subdivision plat. Mr. Hall responded that the plat would then be signed by the Planning Commission chair.

Ms. Milkavich asked if it would be necessary that the Planning Commission include with their subdivision approvals a motion that any requests for extensions must be made within the one year. Mr. Hall stated he felt that is not necessary and would like to leave the wording as proposed.

The meeting was opened for public comment on this item.

Donna Lu Argyle, 332 East 6280 South, asked how she can stay informed on what is happening in her immediate neighborhood because she spends the winters in St. George. She asked what is occurring on the southwest corner of 5900 South and Fashion Boulevard and the large vacant property located at 525 East Winchester Street. Mr. Hall responded that Roderick Enterprises has recently acquired the properties on the southwest corner of 5900 South and Fashion Boulevard and are planning to build their corporate office and have recently cleared off the property. The property currently has two zoning districts, the C-D and the G-O Zones and the property owner will also need to apply for a zone change and consolidate the lots. It is anticipated that Roderick Enterprises will submit the appropriate applications in the very near future. Mr. Hall indicated that the properties located at approximately 533-565 East Winchester Street, owned by Bedford Properties, has had no recent applications but a few years ago the property owner applied to change the zoning from single family residential to general office, but was denied. The general plan calls for this property to zoned R-N-B. Mr. Hall indicated that Ms. Argyle can check the city's website for agendas and meeting minutes and can sign up online to receive agendas via email and residents can certainly call the Community Development office to inquire. The city council and planning commission public meetings also have live streaming.

The public comment portion for this agenda item was closed.

Mr. Markham made a motion to send a recommendation of approval to the City Council for the proposed amendments to Murray City Code, Title 16, Subdivision Ordinance Regulations. Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

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

Motion passed 6-0.

OTHER BUSINESS

Planning Commission Meeting

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Mr. Hall reminded the commissioners that due to the 4th of July Holiday, there will only be one meeting in July on the 18th. The June 20th agenda is small.

Mr. Markham made a motion to adjourn. Seconded by Ms. Wilson.

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

Motion passed 6-0.

The meeting was adjourned at 7:34 p.m.



Jared Hall, Supervisor
Community and Economic Development