



MURRAY
CITY COUNCIL

Council Meeting October 4, 2022



Murray City Municipal Council

Notice of Meeting

October 4, 2022

Murray City Center

5025 South State Street, Murray, Utah 84107

Meeting Agenda

4:15 p.m. **Committee of the Whole** – Council Chambers
Kat Martinez conducting

Approval of Minutes

Committee of the Whole – September 6, 2022

Discussion Items

1. Discussion on a proposal to transfer Salt Lake County parks to Murray City – Doug Hill, Kim Sorensen and Martin Jensen, Salt Lake County presenting (30 minutes).
2. Public Works Department Report – Russ Kakala presenting (30 minutes).
3. Discussion on a resolution approving an Interlocal Agreement with Salt Lake County for cost sharing for the 2022-2028 UPDES Media Campaign – Lynn Potter and Russ Kakala presenting (15 minutes).
4. Discussion on an ordinance amending Chapter 17 of the Murray City Code relating to Land Use Appeals and Variances – Zachary Smallwood and Jared Hall presenting (30 minutes).

Adjournment

The public may view the Council Meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/Murraycityutah/>. Those wishing to have their comments read into the record may send an email by 5:00 p.m. the day prior to the meeting date to city.council@murray.utah.gov. Comments are limited to less than three minutes (approximately 300 words for emails) and must include your name and address.

6:30 p.m. **Council Meeting** – Council Chambers
Diane Turner conducting.

Opening Ceremonies

Call to Order

Pledge of Allegiance

Approval of Minutes

Council Meeting – September 6, 2022

Special Recognition

1. Recognition and final report from Morgan Workman, Miss Murray – Mayor Hales and

Morgan Workman presenting.

2. Consider a Joint Resolution for Fire Prevention Week – Mayor Hales and Joey Mittelman presenting.

Citizen Comments

Comments will be limited to three minutes, step to the microphone, state your name and city of residence, and fill out the required form.

Consent Agenda

None scheduled.

Public Hearings

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

1. Consider an ordinance relating to land use; amends the General Plan from Low Density Residential and Office to Medium Density Residential and amends the Zoning Map from G-O (General Office) and R-1-8 (Single-Family Low Density Residential) to R-M-15 (Multi-Family Medium Density Residential) for the properties located at 787 and 825-865 East 4800 South, Murray, Utah – Zachary Smallwood presenting.
2. Consider an ordinance relating to land use; amends the Zoning Map for the property located at 98 West Winchester Street, Murray City, Utah from R-1-8 (Residential Low Density) to R-N-B (Residential Neighborhood Business) – Jared Hall and Seth Rios presenting.
3. Consider an ordinance relating to land use; amends the Zoning Map for the property located at 64 and 72 West Woodrow Street, Murray City, Utah from G-O (General Office) to R-1-8 (Residential Low Density) – Jared Hall and Seth Rios presenting.

Business Items

1. None scheduled.

Mayor's Report and Questions

Adjournment

NOTICE

Supporting materials are available for inspection on the Murray City website at www.murray.utah.gov.

Special accommodations for the hearing or visually impaired will be made upon a request to the office of the Murray City Recorder (801-264-2663). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions.

On Friday, September 30, 2022, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov, and the state noticing website at <http://pmn.utah.gov>.

A handwritten signature in black ink, reading "Jennifer Kennedy". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jennifer Kennedy
Council Executive Director
Murray City Municipal Council



MURRAY
CITY COUNCIL

Committee of the Whole



MURRAY
CITY COUNCIL

Committee of the Whole Minutes



MURRAY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

Meeting Minutes

Tuesday, September 6, 2022
Murray City Center

5025 South State Street, Council Chambers, Murray, Utah 84107

Attendance: Council Members and others:

Kat Martinez – Chair	District #1
Diane Turner – Vice Chair	District #4
Pam Cotter	District #2
Rosalba Dominguez	District #3
Garry Hrechkosy	District #5

Brett Hales	Mayor	Jennifer Kennedy	City Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
Tammy Kikuchi	Chief Communications Officer	Joey Mittelman	Fire Chief
G.L. Critchfield	City Attorney	Craig Burnett	Police Chief
Jared Hall	CED Director	Zach Smallwood	Senior Planner
Laura Lloyd	Fire Administration	Brooke Smith	City Recorder
Russ Kakala	Public Works Director	Russ Kakala	Public Works Director
Brenda Moore	Finance Director	Loran Pasalich	Murray Chamber of Commerce
Ben Gray	IT	Rob White	IT Director
Residents			

Conducting: Ms. Martinez called the meeting to order at 4:00 p.m.

Approval of Minutes: Committee of the Whole – August 2, 2022. Ms. Cotter moved to approve. Mr. Hrechkosy seconded the motion. All in favor 5-0.

Discussion Items:

- **Fire Department Report** – Chief Mittelman reviewed the overall functions and operations of firefighters and EMS (emergency medical services). He provided various bar graphs to analyze 2021 data regarding the number of emergency calls received for medical, transport and fire issues. Medical calls were much higher than the number of transport. Fire calls totaled 1,119, which was the lowest amount of fire calls in seven years and the most fire incidents occurred in June, July, and August.

Chief Mittelman said medical calls continue to increase higher than fire calls. Notable fire calls include gas leaks, structure fires, brush fires and ring removals. He outlined the average work day within the fire department, explained EMS management that involves CERT (Community Emergency Response Team) classes, whole community preparedness plans, drills throughout Murray City and emergency

operational plans and drills for individual Murray City departments. Recovery plan updates are also part of emergency management. He said anyone can get involved in community preparedness training. He reviewed the process for EMS equipment ordering and billing, discussed emergency logistics, fire investigation protocols and shared fire prevention outreach information.

- **FY (Fiscal Year) 2022-2023 Budget Amendment** – Ms. Moore discussed financial requests needed to roll forward unfinished projects, fund specific items, receive various grant money, adjust insurance premiums for open enrollment changes and allocate money for FY 2023 items related to the new city hall.
- **Ordinance related to land use; amends GP (General Plan) Chapter Nine related to MIH (Moderate Income Housing) Strategies** – Mr. Smallwood explained that the request to amend City Code was made by the City's planning division in order to submit an updated MIH report to the State by October 1, 2022. After many conversations with the Council and after intense study of legislative MIH material, five new strategies were chosen by the Council that would now be included in the City's GP MIH section and be sent to the State by the required deadline. Mr. Smallwood reviewed in detail all five strategies and the required implementation plans correlating to each strategy.

He said the Murray City Planning Commission held a public hearing on August 4, 2022 regarding the amendment and no public comment was received. He shared findings that were in harmony with State Legislation and the City's GP. He confirmed that the planning commission voted 6-0 to forward a recommendation of approval to the City Council and City staff also recommends the City Council approve the requested amendment. Council members would consider the ordinance at the September 20, 2022 council meeting in a public hearing.

- **Text Amendment to the Fireclay Master Transportation Plan** – Mr. Hall said the Fireclay Master Transportation Plan is part of the design guidelines of the TOD (Transit Oriented District) zone. The request to amend the location of a required street in the TOD at approximately 4410 south Main Street was made by Evergreen Developers.

He shared an ariel map to show the Fireclay area in the TOD zone, and a transportation plan map of correlating streets that now exist. He noted most streets in the area have been named, but the subject street was currently unnamed. The text amendment would allow an east to west street connection between Birkhill Boulevard to Main Street, by changing a proposed road from the north side of the property to the south side of the property for a potential development. He explained that after much thought the City's planning staff and engineers determined that the change would be beneficial to the overall future development of the area.

The Murray Planning Commission recommended approval to the City Council. If approved, Birkhill Boulevard would be extended further south which would open up more development to Salt Lake County and Utah Transit Authority properties near the Fireclay TRAX station. He pointed out that a circular emergency turnaround for fire apparatus would be provided at the south end of a planned parking structure.

- **GP Amendment from General Commercial to Residential Medium Density and a Zone Map Amendment from C-D (Commercial Development) to R-M-15 (Residential Medium Density) for the**

properties addressed 861 East Winchester Street and 6520, 6550 & 6580 South 900 East – Mr. Hall explained the request to amend the GP and change zoning for parcels that used to be the former RC Willey property. This means that the developer wants to change the Future Land Use Map designation from General Commercial development to Medium Density Residential and rezone the property from Commercial Development to the R-M-15 (Residential Medium Density Multi-Family).

Mr. Hall said this request is for R-M-15, or residential only. An aerial map was displayed to depict subject properties equivalent to 9.11 acres. He confirmed that there was support by the GP to implement this change to the zoning. Medium density as a land use category was reviewed which allows up to 12 units per acre. The R-M-15 allows a maximum height of up to 40 feet tall, parking of 2.5 spaces per dwelling unit and setbacks of 25 feet.

Mr. Hall discussed findings and objectives to confirm that the GP supports the proposal. He said the Boyer Company plans to construct townhomes, but the requested zoning does allow apartments. The R-M-15 requires 15% of open or green space, but with 12 units to the acre, green space could be as much as 30%. City planning staff supports the request and believes the development would be a good benefit to the area for transitioning the property without great impact to the neighboring residents. The Murray City Planning Commission recommended approval to the City Council to amend the GP and to rezone the property.

Adjournment: 5:14 p.m.

Pattie Johnson
Council Office Administrator III



Discussion Items



Discussion Item #1



MURRAY


Mayor's Office

Discuss proposal to transfer Salt Lake County parks to Murray City

Council Action Request

Committee of the Whole

Meeting Date: October 4, 2022

Department Director Mayor Brett Hales Phone # 801-264-2600 Presenters Doug Hill Kim Sorensen Martin Jensen, SLCo	Purpose of Proposal Give direction to city and county staff on moving forward with an Interlocal Agreement Action Requested Discussion only Attachments Murray Parks and Recreation Cost Analysis Budget Impact \$36,000 + utilities annually Capital improvements from \$700,000 to \$2.3 million Description of this Item Salt Lake County owns and maintains two neighborhood parks within Murray City boundaries - Woodstock Meadows Park (1060 E. Hyland Lake Drive) and Riverview Park (5844 S. 700 W.) The County wants to know if Murray City is interested in taking over ownership and maintenance. An Interlocal Agreement is required to formalize the transfer if Murray is interested. A cost analysis to upgrade the parks to Murray's standards is attached.
Required Time for Presentation 30 Minutes Is This Time Sensitive no Mayor's Approval  Date September 20, 2022	

Murray City Parks
Woodstock and Riverview Parks
Cost Analysis to bring to "Murray" Standards

Woodstock Meadows Park - 1060 E Hyland Lake Dr

	Mandatory Upgrades				
Minor repairs/sprinkler controllers/keys/locks/needed landscaping/etc.	\$ 30,000.00				
	Critical upgrades	Year 2	Year 3	Year 4	Total
CIP Plan					
Playground	\$ 300,000.00				\$ 300,000.00
Restroom				\$ 500,000.00	\$ 500,000.00
Pavilion			\$ 500,000.00		\$ 500,000.00
Path Lighting	\$ 40,000.00				\$ 40,000.00
Total CIP Upgrades	\$ 340,000.00		\$ 500,000.00	\$ 500,000.00	\$ 1,340,000.00
Total Upgrades Woodstock Park	\$ 370,000.00	\$ -	\$ 500,000.00	\$ 500,000.00	\$ 1,340,000.00

Riverview Park - 5844 S 700 W

	Mandatory Upgrades
Minor repairs/sprinkler controllers/keys/locks/lights/tennis poles and nets/needed landscaping/etc.	\$ 25,000.00

	Critical upgrades	Year 2	Year 3	Year 4	Total
CIP plan					
Playground	\$ 400,000.00				\$ 400,000.00
Pavilion		\$ 500,000.00			\$ 500,000.00
Path Lighting	\$ 40,000.00				\$ 40,000.00
Totals	\$ 440,000.00	\$ 500,000.00	\$ -	\$ -	\$ 940,000.00
Total Upgrades Riverview Park	\$ 465,000.00	\$ 500,000.00	\$ -	\$ -	\$ 940,000.00

Combined Woodstock and Riverview Parks

	Year 1	Year 2	Year 3	Year 4	Total
Upgrade to Murray Standards	\$835,000.00	\$500,000.00	\$500,000.00	\$500,000.00	\$2,335,000.00
Yearly Maintenance Costs					
Maintenance supplies	\$ 16,000.00				
Part time wages & taxes	\$ 20,000.00				
Utilities					
Yearly Maintenance Costs	\$ 36,000.00				

Riverview Park





Woodstock Park





MEMORANDUM

TO: Martin Jensen, Director
Salt Lake County Parks & Recreation

FROM: Patrick Leary, Associate Director
Salt Lake County Parks & Recreation

DATE: September 14, 2022

RE: Woodstock Meadows Park & Riverview Park

Please see below for a listing of amenities for Woodstock Meadows Park & Riverview Park, both located in Murray City. Attached, please find a back-up information regarding costs associated with each park from 2019 through 2021 as well as an aerial view of each park. With respect to expenses, please know that 2019 was a very wet year, so water bills were artificially low in comparison to 2020, and 2021. Additionally, we re-built the wooden walking path over the wetland area in Woodstock Meadows in 2021 and invested a great deal of time in trimming up trees at Riverview in 2021 and additional carpentry work on the existing facilities.

Secondarily, on the attached reports, you'll note four (4) categories we track, 1) # of hours, 2) cost of labor, 3) a category known as "Invenm," – meaning inventory used such as fertilizer, salt melt, etc., as well as all utilities and garbage collection, and finally, 4) equipment used such as mowers, loaders, etc.

Riverview Park Location – 5840 South 700 West, Murray Size – 6 Acres Irrigation as-builts – 1972 Amenities: Pavilion, non-reservable, seats 150, (7) 16' Tables, <ul style="list-style-type: none">• (39) Parking Stalls• Playground• Restrooms• (17) Benches throughout• Baseball Field, Backstop• (2) Tennis Courts• Volleyball Court, grass• Basketball Court• Horseshoes, grass, sand	Woodstock Meadows Location – 1060 E Hyland Lake Dr. (5680 S), Murray Size – 9.5 acres Park layout drawing – 1986 Amenities: <ul style="list-style-type: none">• Off street parking• Playground• Restrooms• Walking path, partly wooded• Small grass areas not suitable for games/sports
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<ul style="list-style-type: none"> • Shuffleboard • Shade Trees 	
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Expenses	2019	2020	2021
Riverview	\$21,854.44	\$47,075.89	\$59,382.50
Woodstock Meadows	\$24,442.64	\$54,686.61	\$61,017.14

Should Murray be interested in taking these parks over, please now we would be glad to meet with them prior to any transfer and make certain they are comfortable with the condition of the parks.

Please let me know if there is any other information that may be useful for this discussion.

Cc: File

Attachments

2019 – 2021 Expenses

Aerial outline of each park

Salt Lake County Park Operations Cost Details Report

Woodstock~pk595

Date: 01.01.2021 thru: 12.31.2021

Woodstock~pk595	12/30/2021	Inventory	0.00	\$45.75	W022521055	Garbage Collection~2000 / Garbage Collection
Woodstock~pk595	12/31/2021	Inventory	0.00	\$71.64	W012921097	Utility Power~1600 / Rocky Mountain Power Bill
Woodstock~pk595	12/31/2021	Inventory	0.00	\$8.00	W020221219	Utility Water~1600 / Water Bill

ProjectTitle	Hours	Labor	Invenm	Equipment	Total Cost
Woodstock~pk595	1,222.75	\$47,022.50	\$10,975.86	\$3,018.78	\$61,017.14

Salt Lake County Park Operations Cost Details Report
 Woodstock~pk595
 Date: 01.01.2020 thru: 12.31.2020

Woodstock~pk595	12/31/2020	Inventory	0.00	\$46.31	W021920279	Utility Water~1600 / Water Bill
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ProjectTitle	Hours	Labor	Invenm	Equipment	Total Cost
Woodstock~pk595	773.25	\$35,252.50	\$14,565.92	\$4,868.19	\$54,686.61

Salt Lake County Park Operations Cost Details Report

Woodstock~pk595

Date: 01.01.2019 thru: 12.31.2019

Woodstock~pk595	12/10/2019	Labor	7.50	\$375.00	W120619025	Landscaping~1100 / cutback tree shoots
Woodstock~pk595	12/10/2019	Labor	4.00	\$200.00	W120619025	Landscaping~1100 / cutback tree shoots
Woodstock~pk595	12/11/2019	Labor	3.00	\$150.00	W120619025	Landscaping~1100 / cutback tree shoots
Woodstock~pk595	12/11/2019	Labor	5.00	\$250.00	W120619025	Landscaping~1100 / cutback tree shoots
Woodstock~pk595	12/19/2019	Labor	0.50	\$36.00	W121919126	Caretaking~1100 / Check, pick up debris
Woodstock~pk595	12/20/2019	Labor	3.50	\$252.00	W122019088	Plumbing~100 / Inspected Plumbing Found Bathroom Pipe Theft. Contacted Myles, Cory and the Murray PD.
Woodstock~pk595	12/20/2019	Labor	0.50	\$36.00	W122019101	Caretaking~1100 / Inventory caretaker closet, pick up trash
Woodstock~pk595	12/27/2019	Labor	0.50	\$36.00	W122719043	Caretaking~1100 / Check
Woodstock~pk595	12/30/2019	Labor	0.50	\$40.00	W010620036	Grounds Maintenance~2400 / Dog bags
Woodstock~pk595	12/31/2019	Inventory	0.00	\$165.00	W123119445	Playground Maintenance~700 / Haul playground Chips

ProjectTitle	Hours	Labor	Invenm	Equipment	Total Cost
Woodstock~pk595	366.75	\$19,744.00	\$2,802.59	\$1,896.05	\$24,442.64

Salt Lake County Park Operations Cost Details Report
 Riverview~pk480
 Date: 01.01.2019 thru: 12.31.2019

Riverview~pk480	11/25/2019	Labor	6.00	\$300.00	W112019152	Landscaping~1100 / cutback
Riverview~pk480	12/3/2019	Labor	0.50	\$36.00	W120319126	Caretaking~1100 / Clean up
Riverview~pk480	12/5/2019	Labor	0.50	\$36.00	W120519209	Caretaking~1100 / Check
Riverview~pk480	12/10/2019	Labor	0.75	\$54.00	W120119056	Playground Inspections ~ 700 / Playground inspection
Riverview~pk480	12/20/2019	Labor	0.25	\$18.00	W122019104	Caretaking~1100 / Inventory caretaker closet

ProjectTitle	Hours	Labor	Invenm	Equipment	Total Cost
Riverview~pk480	306.25	\$17,440.00	\$2,363.71	\$2,050.73	\$21,854.44

Parks & Recreation

Improving Lives Through People, Parks and Play



Salt Lake County Park Operations Cost Details Report Riverview~pk480 Date: 01.01.2020 thru: 12.31.2020

Riverview~pk480	12/17/2020	Inventory	0.00	\$73.20	W011720170	Garbage Collection~2000 / Garbage Collection 2020
Riverview~pk480	12/17/2020	Labor	7.50	\$187.50	W121720054	Landscaping~1100 / Fall clean up and cut back
Riverview~pk480	12/18/2020	Labor	1.00	\$80.00	W122120072	Snow Removal~2300 / Salt
Riverview~pk480	12/22/2020	Labor	1.00	\$80.00	W122220036	Maintenance and Repair~2400 / Garbage / Garbage cans
Riverview~pk480	12/23/2020	Labor	2.00	\$160.00	W010521014	Maintenance and Repair~2400 / Checked on restrooms checked to make sure backflow seal was not getting any worst. Picked up trash in p lot and repatched trash cans scattered in
Riverview~pk480	12/28/2020	Labor	1.00	\$80.00	W010421015	Maintenance and Repair~2400 / Pm on restrooms, Picked up trash far south west corner park.
Riverview~pk480	12/31/2020	Inventory	0.00	\$90.89	W021920262	Utility Water~1600 / Water Bill
Riverview~pk480	12/31/2020	Inventory	0.00	\$23.31	W071420068	Utility Power~1600 / Rocky Mountain Power Bill

ProjectTitle	Hours	Labor	Invenm	Equipment	Total Cost
Riverview~pk480	896.00	\$32,377.00	\$11,164.64	\$3,534.25	\$47,075.89

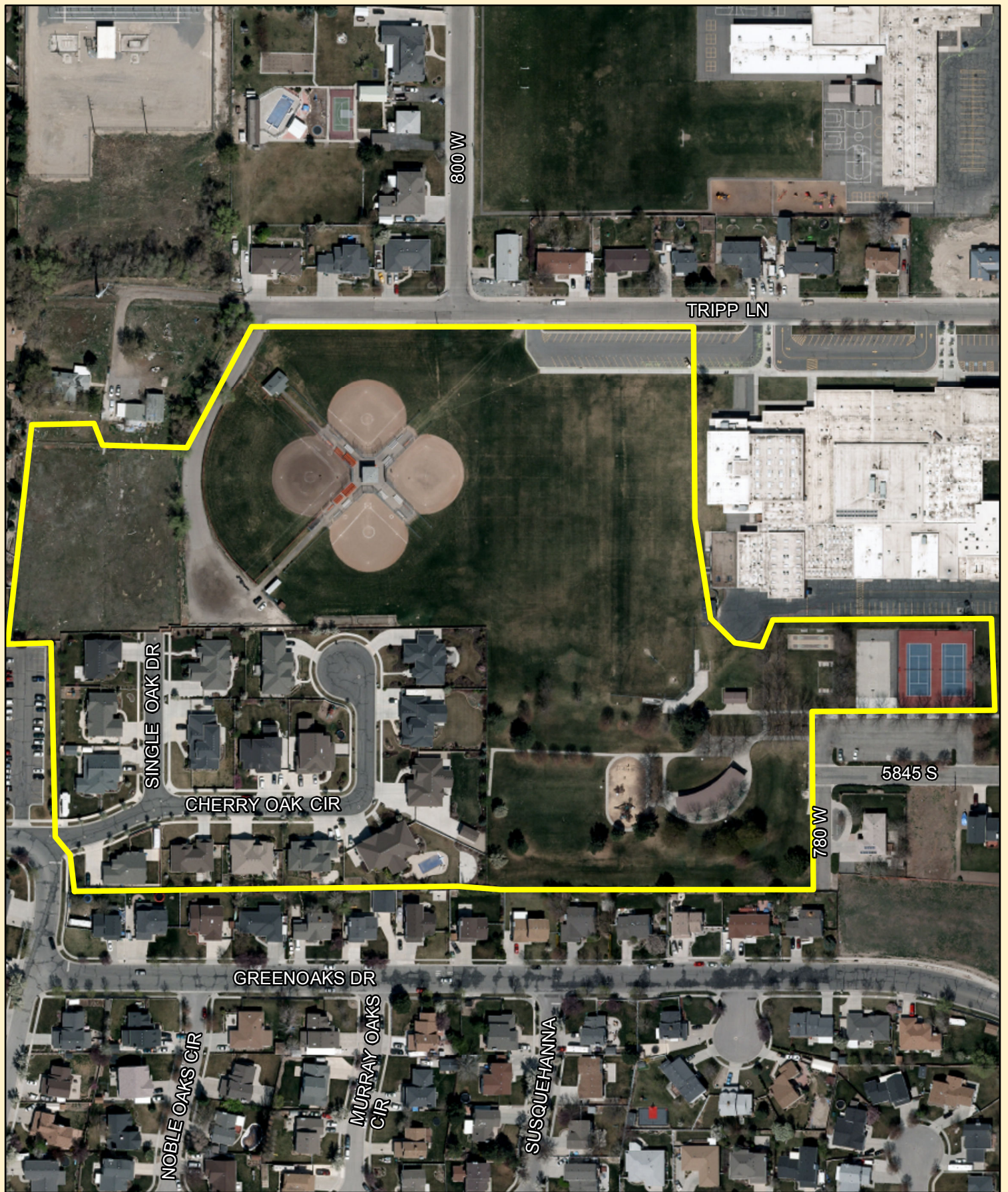
Salt Lake County Park Operations Cost Details Report

Riverview~pk480

Date: 01.01.2021 thru: 12.31.2021

Riverview~pk480	12/31/2021	Inventory	0.00	\$197.13	W020221203	Utility Water~1600 / Water Bill
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ProjectTitle	Hours	Labor	Invenm	Equipment	Total Cost
Riverview~pk480	1,223.25	\$43,883.75	\$11,443.78	\$4,054.97	\$59,382.50



Acres: 6
 Sq. Feet: 261,360
 2012 Aerial Photography

11/07/2013
 SU20130291

 Park Boundaries

In Conjunction with the Offices of:
 Salt Lake County Assessor
 Salt Lake County Clerk
 Salt Lake County Mayor
 Salt Lake County Recorder

RIVERVIEW PARK

5840 S 700 W

The information depicted on this map is for general reference only, and is not intended to determine final ownership, jurisdictional boundaries or to replace a survey or any other legal document.

Prepared By The Office Of:
 REID J. DEMMAN P.L.S.
Salt Lake County Surveyor
 2001 S. State N1500
 SLC, UT 84114-4575
 385-468-8240
www.surveyor.slco.org





Acres: 9.47
Sq. Feet: 412,333

2012 Aerial Photography
11/12/2013
SU20130291

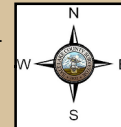
In Conjunction with the Offices of:
Salt Lake County Assessor
Salt Lake County Clerk
Salt Lake County Mayor
Salt Lake County Recorder

WOODSTOCK PARK

12600 S 4570 W

The information depicted on this map is for general reference only, and is not intended to determine final ownership, jurisdictional boundaries or to replace a survey or any other legal document.

Prepared By The Office Of:
REID J. DEMMAN P.L.S.
Salt Lake County Surveyor
2001 S. State #1500
SLC, UT 84114-4575
385-468-8240
www.surveyor.slco.org



 Park Boundaries



Discussion Item #2



MURRAY

Murray City Council

Public Works Department Report

Council Action Request

Committee of the Whole

Meeting Date: October 4, 2022

Department Director Jennifer Kennedy Phone # 801-264-2622 Presenters Russ Kakala Required Time for Presentation 30 Minutes Is This Time Sensitive No Mayor's Approval Date September 20, 2022	Purpose of Proposal Monthly Department Report Action Requested Information only. Attachments Budget Impact None Description of this Item Public Works will provide an update on their department.
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Discussion Item #3



MURRAY


PUBLIC WORKS DEPARTMENT

Salt Lake County Stormwater Coalition Media
Agreement

Council Action Request

Committee of the Whole

Meeting Date: October 4, 2022

Department Director Russ Kakala Phone # 801-111-2222 Presenters Lynn Potter Russ Kakala Required Time for Presentation 10 Minutes Is This Time Sensitive No Mayor's Approval  Date January 31, 2018	Purpose of Proposal Interlocal Cooperation Agreement between Murray City and Salt Lake County Action Requested Discuss, review, and approve in the October 18 2022 Council meeting. Attachments Explanation letter, Interlocal Cooperation Agreement and Resolution. Budget Impact Murray City Storm Water contribution is 7,700.88 / year and is based on population. Description of this Item This is an agreement for stormwater public education and outreach, ("WE All Live Downstream") Since 1994, the Salt Lake County Stormwater Coalition has worked together to successfully implement a public education and outreach program for increasing the public's awareness and knowledge of the importance of keeping stormwater clean before entering our creeks and lakes. Murray City has been a long-standing member of the Salt Lake County Stormwater Coalition. Your previous contract to participate in the Coalition and its media campaign expired June 30, 2022.
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Jenny Wilson
Mayor

Catherine Kanter
Deputy Mayor of Regional
Operations

Scott R. Baird, P.E.
Director, Public Works
and Municipal Services

Kade D. Moncur, P.E., CFM
Director, Public Works
Engineering Division

**PUBLIC WORKS
ENGINEERING DIVISION**

Government Center
2001 South State Street
Suite N3-120
Salt Lake City, Utah 84190

T 385-468-6600
F 385-468-6603

September 13, 2022

Lynn Potter
Murray City
4646 S 500 W
Murray, UT 84123

RE: Salt Lake County Stormwater Coalition Media Agreement

Dear Lynn,

Since 1994, the Salt Lake County Stormwater Coalition has worked together to successfully implement a public education and outreach program for increasing the public's awareness and knowledge of the importance of keeping stormwater clean before entering our creeks and lakes.

Murray City has been a long-standing member of the Salt Lake County Stormwater Coalition. Your previous contract to participate in the Coalition and its media campaign expired June 30, 2022. Attached you will find a new contract for participation in the Coalition from 2022 through 2028.

The cost of participation in the Coalition will be \$0.15 per resident per year. This includes contracting a Public Relations (PR) Consultant (a total cost of \$55,000 per year) to assist with dissemination of the "We All Live Downstream" message. The County will continue to administer this contract and program on behalf of the Coalition.

Based on the latest 2020 Census population and housing unit estimates by the United States Census Bureau, Murray City has a population of 50,637. The Coalition has a 2022 proposed budget of just over \$193,000. Your city's contribution of **\$7,700.88** (minimum contribution is set at \$5,000 for Cities with smaller populations) will assist with the expenses of the PR consultant, mainstream media advertising and development of educational materials as required by the UPDES permit.

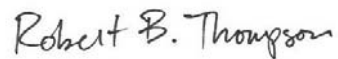
The funds provided by the partnering cities in the coalition will allow the Coalition to continue to operate at the same level in compliance with its UPDES Stormwater Permit. We look forward to continuing this program by working together and combining resources to successfully implement the program.

Moving forward, it is in the best interest of the Coalition to continue to market the "We All Live Downstream" slogan and Droplet branding to increase the public's knowledge of stormwater pollution and to change behaviors toward activities that keep stormwater clean. In addition, having a unified message and working together is significantly less expensive than each City having their own

public outreach program specifically as it relates to reaching a wider and more diverse audience.

The County looks forward to coordinating and supporting the public outreach and education efforts in the Coalition. Please sign and return the attached agreement to my attention and contact me at 385-468-6642 with any questions.

Respectfully,

A handwritten signature in black ink that reads "Robert B. Thompson". The script is cursive and fluid.

Robert B. Thompson P.G.
Watershed Section Manager

RESOLUTION NO.

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION
AGREEMENT BETWEEN THE CITY AND SALT LAKE COUNTY ("COUNTY")
FOR THE PURPOSE OF COST SHARING FOR THE 2022-2028 UPDES
MEDIA CAMPAIGN

WHEREAS, Title 11, Chapter 13, of the Utah Code, provides that two or more public agencies may enter into an agreement with one another for joint or cooperative actions; and

WHEREAS, the City and County are "public agencies" as contemplated in section 11-13-101 of the Utah Code, *et seq.* – Interlocal Cooperation Agreement Act; and

WHEREAS, in connection with the Utah Pollutant Discharge Elimination System, hereinafter "UPDES", permitting process, the parties desire to cooperate with each other in funding a 2022 through 2028 multi-media public information and education campaign; and

WHEREAS, the purpose of the campaign is to increase public awareness about storm water pollution and educate the public about the prevention of storm water pollution in the City and County; and

WHEREAS, the parties desire to enter into an agreement whereby their respective responsibilities concerning the campaign are specifically set forth

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

1. It hereby approves the Interlocal Cooperation Agreement, in substantially the form attached hereto; and
2. The Interlocal Cooperation Agreement is in the best interest of the City; and
3. Mayor Brett A. Hales is hereby authorized to execute the Agreement on behalf of the City and act in accordance with its terms.

PASSED AND APPROVED this ____ day of _____, 2022.

MURRAY CITY MUNICIPAL COUNCIL

Kat Martinez, Chair

ATTEST:

Brooke Smith, City Recorder

County Contract No. _____

County Contract No. _____

D.A. No. _____

INTERLOCAL COOPERATION AGREEMENT BETWEEN
MURRAY CITY AND SALT LAKE COUNTY FOR
2022-2028 UPDES MEDIA CAMPAIGN COST SHARING

THIS AGREEMENT is made this _____ day of _____, 2022, by and between MURRAY CITY, a municipal corporation of the State of Utah, hereinafter "City," and SALT LAKE COUNTY, a body corporate and politic of the State of Utah, hereinafter "County." City and County may be referenced to jointly as the "parties."

WITNESSETH:

WHEREAS, the parties are public agencies and are therefore authorized by the Utah Interlocal Cooperation Act, section 11-13-101, et seq., U.C.A., to enter into agreements with each other which will enable them to make the most efficient use of their powers; and,

WHEREAS, In connection with the Utah Pollutant Discharge Elimination System, hereinafter "UPDES," permitting process, the parties desire to cooperate with each other in funding a 2022 through 2028 multimedia public information and education campaign (hereinafter "Campaign") for the purpose of increasing public awareness about storm water pollution and educating the public about the prevention of storm water pollution in the City and the County; and,

WHEREAS, the parties desire to enter into an agreement whereby their respective responsibilities concerning the campaign are specifically set forth.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties

agree as follows:

1. Media Campaign Services. The County will continue to retain the services of a consultant and has developed a plan for the public education and awareness campaign, which will consist of many phases of development for the benefit of all coalition participants.

2. Term. This Agreement shall be in effect from July 1, 2022 through June 30, 2028. The Parties shall meet and confer as needed during the term of this Agreement if the scope of work, budget, payment schedule, or other matters require modification.

3. Budget. The proposed budget for the campaign is \$193,000.00 per year, and includes the components and funding shown on Appendix A which is incorporated as part of this agreement.

4. County Responsibilities. The County shall be responsible for all matters pertaining to administering the campaign and the consultant's contract.

5. City Responsibilities. The City shall pay to the County the sum of \$7,700.88 per year for years 2022-2028. The first payment shall be made within thirty (30) days after receipt of an invoice. The first invoice will be sent by June 30, 2023. Thereafter, payments shall be made no later than September 15 for each year the Agreement remains in effect. This amount may be increased by County each year by the lesser of three percent or the percentage increase, if any, in the latest published "Consumer Price Index, All Urban Consumers." For subsequent annual payments, the County shall submit to City an invoice with the total cost of such services no later than August 15 of each year, which invoice the City shall pay within thirty days.

6. Interlocal Cooperation Act. In satisfaction of the requirements of the Interlocal Act, and in connection with this Agreement, the Parties agree as follows:

(a) This Agreement shall be approved by each Party pursuant to Section 11-13-2025

of the Interlocal Act;

(b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act;

(c) A duly executed original counterpart of this Agreement shall be filed with keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Act;

(d) Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action taken pursuant to this. Agreement, and for any financing of such costs; and

(e) No separate legal entity is created by the terms of this Agreement To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by a joint board of the public works directors of the City and the County, or their designees. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

7. Termination. Pursuant to Utah Code Ann. 11-13-206(a), the parties agree that this agreement may be terminated (with or without cause) by either party upon at least thirty (30) days prior written notice to the other party, in which event an accounting shall be made of all funds not spent or encumbered as of the date of termination.

8. Applicable Law. The provisions of this agreement shall be governed by and construed in accordance with the laws of the State of Utah.

8. Integration. This agreement constitutes the entire agreement between the parties

pertaining to the subject matter hereof and supersedes all prior agreements and understandings pertaining thereto.

9. Amendment. The parties may amend this agreement by a writing signed by the parties. The amendment shall not be effective if it is not in writing or if it is not signed by all the parties.

10. No Agency. Agents, employees or representatives of each party shall-not be deemed to be agents, employees or representatives of the other.

IN WITNESS WHEREOF, the Parties have subscribed their names hereon and caused this agreement to be duly executed on the date and year specified above.

[Signature Page to Follow]

2022-2028 UPDES MEDIA CAMPAIGN COST SHARING INTERLOCAL AGREEMENT
SIGNATURE PAGE FOR THE COUNTY

SALT LAKE COUNTY

By: _____
Mayor or Designee

Date: _____

Administrative Approval:

By: _____
Scott Baird,
Department Director

Date: _____

By: _____
Kade Moncur,
Division Director

Date: _____

Reviewed as to Form:

By: _____
Ryan W. Lambert,
Deputy District Attorney

2022-2028 UPDES MEDIA CAMPAIGN COST SHARING INTERLOCAL
AGREEMENTSIGNATURE PAGE FOR THE CITY

MURRAY CITY

By _____
Mayor or designee

Date _____

ATTEST:

By _____
City Recorder

Date _____

Reviewed as to Form and Legality:

By _____
City Attorney

Date _____

2022-2028 UPDES MEDIA CAMPAIGN COST SHARING INTERLOCAL

Appendix A

Salt Lake County Stormwater Coalition 2023 Budget

Television Advertising
Bus Advertising
Public Opinion Poll
Stormwater Quality Fair
Water Science and Engineering Competition
Design and Distribute Educational Materials
Stormwater Coalition Website Updates and Maintenance
Social Media Management
Public Relations Consultant

Budget Total: \$194,194.93

Note: Some budget items will vary year to year based on permit cycle requirements



Discussion Item #4



MURRAY


Community and Economic Development

Text Amendment to streamline appeals and variance processes

Council Action Request

Committee of the Whole

Meeting Date: October 4, 2022

Department Director Jared Hall Phone # 801-270-2427 Presenters Zachary Smallwood Jared Hall Required Time for Presentation 30 Minutes Is This Time Sensitive No Mayor's Approval  Date January 31, 2018	Purpose of Proposal Consolidate and clarify processes as it relates to Hearing Officer applications for appeals and variances Action Requested Zoning Text Amendment Attachments Proposed changes to the Zoning Text, Presentation Budget Impact None Anticipated Description of this Item The Utah State Legislature has updated a number of items in the Land Use and Management Act (LUDMA) in recent legislative sessions. In coordination with the Murray City Attorney's Office, Planning Staff is proposing changes to the language in Chapter 17.16, Appeal Authority in the Murray City Land Use Ordinance. The proposed changes will streamline many aspects of the Land Use Ordinance by removing differing and conflicting appeal timeframes that are listed in various chapters throughout the title. These proposed changes also reflect updated state definitions on what constitutes an "adversely affected party". This text amendment also cleans up the text to allow for a greater ease of use.
---	--

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 18th day of October, 2022, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to a text amendment to chapter 17.16 and sections 17.08.020, 17.12.110, 17.36.050, 17.52.150, 17.54.090, 17.54.100, 17.56.080, 17.56.090, 17.56.100, 17.56.110, 17.56.120, 17.56.130, 17.56.140, 17.60.060 and 17.170.050, of the Murray City Municipal Code relating to land use appeals and variances.

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

DATED this 20th day of September 2022.



MURRAY CITY CORPORATION

A handwritten signature in black ink, appearing to read "Brooke Smith", written over a horizontal line.

Brooke Smith
City Recorder

DATE OF PUBLICATION: October 7, 2022
PH22-36

Mailed to affected entities - UCA §10-9a-205(2)(a)
Posted on City Website – UCA §10-9a-205(2)(b)(ii)
Posted on the Utah Public Notice Website – UCA §10-9a-205(2)(c)(i)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 17.16 AND SECTIONS 17.08.020, 17.36.050, 17.52.150, 17.54.090, 17.54.100, 17.56.080, 17.56.090, 17.56.100, 17.56.110, 17.56.120, 17.56.130, 17.56.140, 17.60.060 AND 17.170.050, AND REPEALING SECTION 17.12.110 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO LAND USE APPEALS AND VARIANCES

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this Ordinance is to amend chapter 17.16 and sections 17.08.020, 17.36.050, 17.52.150, 17.54.090, 17.54.100, 17.56.080, 17.56.090, 17.56.100, 17.56.110, 17.56.120, 17.56.130, 17.56.140, 17.60.060 and 17.170.050, and repeal section 17.12.110 of the Murray City Municipal Code relating to land use appeals and variances.

Section 2. Amendment of chapter 17.16 and sections 17.08.020, 17.36.050, 17.52.150, 17.54.090, 17.54.100, 17.56.080, 17.56.090, 17.56.100, 17.56.110, 17.56.120, 17.56.130, 17.56.140, 17.60.060 and 17.170.050 of the Murray City Municipal Code. Chapter 17.16 and sections 17.08.020, 17.36.050, 17.52.150, 17.54.090, 17.54.100, 17.56.080, 17.56.090, 17.56.100, 17.56.110, 17.56.120, 17.56.130, 17.56.140, 17.60.060 and 17.170.050 of the Murray City Municipal Code relating to land use appeals and variances shall be amended to read as follows:

CHAPTER 17.08

17.08.020: TERMS DEFINED:

• • •

ADVERSELY AFFECTED PARTY: a person other than a land use applicant who: (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

• • •

APPEAL AUTHORITY: A land use appeal and variance hearing officer ("hearing officer").

• • •

LAND USE AUTHORITY: The planning commission, the community and economic development director, or a staff member of the community and economic development division when making any order, requirement, decision or determination in the enforcement of title 16 or 17 of this code, or any other related ordinance.

LAND USE DECISION: an administrative decision of a land use authority or appeal authority regarding: (a) a land use permit; (b) a land use decision; or (c) the enforcement of a land use regulation, land use permit, or development agreement.

...

SUBSTANTIAL EVIDENCE: the degree of relevant evidence which a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion, even though other reasonable persons might disagree.

CHAPTER 17.16

APPEAL AUTHORITYLAND USE APPEALS AND VARIANCES

17.16.010: DEFINITIONS:

ADVERSELY AFFECTED PARTY: a person other than a land use applicant who: (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

APPEAL AUTHORITY: A land use appeal and variance hearing officer. A list of five (5) ("hearing officers"). appointed by the mayor, with advice and consent of the city council, to decide an appeal or request of a land use decision by a land use authority including a request for a variance under title 10, chapter 9a, part 7 of the Utah code. For each appeal or request, the mayor shall assign one hearing officer from the list of five (5) to handle the specific appeal or request.

LAND USE AUTHORITY: The planning commission, the administrative community and economic development services director, or a staff member of the community and economic development division when making any order, requirement, decision or determination in the enforcement of title 16 or 17 of this code, or any other related ordinance. (Ord. 14-10)

LAND USE DECISION: an administrative decision of a land use authority or appeal authority regarding: (a) a land use permit; (b) a land use decision; or (c) the enforcement of a land use regulation, land use permit, or development agreement.

SUBSTANTIAL EVIDENCE: the degree of relevant evidence which a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion, even though other reasonable persons might disagree.

17.16.0210: APPOINTEDMENT OF HEARING OFFICERS:

A. The mayor shall appoint a list of at least three ~~five~~ (5~~3~~) hearing officers, with advice and consent of the city council, to serve as an appeal authority for ~~requests and~~ appeals of land use decisions ~~by a land use authority including~~ and requests for variances under this title 10, chapter 9a, part 7 of the Utah code. For each appeal or request, the mayor shall assign one hearing officer from the list of five (5) to handle the specific appeal or request.

B. A hearing officer shall be a resident of the city.

C. ~~A hearing officer~~ shall, as a minimum, have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings regarding land use, land development and regulatory codes dealing with issues related to land use ~~have expertise in land use matters.~~

D. A hearing officer shall be appointed for a term of three (3) years and may not serve more than three (3) consecutive terms. Vacancies occurring during a term shall be filled for the balance of the term. An individual is considered to have served a full term if, due to filling a vacancy, the individual has ~~"Term", as used in this section, means serving~~ served for at least twelve (12) months.

E. A hearing officer may be removed from the list by the mayor for any reason. (Ord. 14-10)

17.16.03~~20~~: AUTHORITY OF APPEAL AUTHORITY**HEARING OFFICER:**

A. A hearing officer, ~~acting as the appeal authority,~~ shall hear and decide:

1. Requests for variances from the terms of the city's land use ordinances;
2. Appeals from decisions by a land use authority applying the city's land use ordinances;
3. Appeals from a fee charged in accordance with section 10-9a-510 of the Utah code;
4. Appeals of the denial by a land use authority of a request for a reasonable accommodation; and
5. Any other request or appeal of a decision delegated to ~~the~~ a land use authority by title 16 or 17 of this code.

B. A hearing officer, ~~serving as the appeal authority,~~ shall:

1. Act in a quasi-judicial manner;
2. Serve as the final arbiter of issues involving the interpretation or application of city land use ordinances subject to appeal to the Utah district courts as provided in section 10-9a-801 of the Utah code. (Ord. 14-10)

17.16.04~~30~~: APPEAL PROCESS:

A. Parties Entitled to Appeal: The City, a land use applicant, or an adversely affected party may appeal a final written decision of the land use authority.

B. Time to File Appeal:

1. Except as provided in subsection 2, A request or appeal to an appeal authority of a land use decision must be filed, ~~in writing,~~ with the city's community and economic development division, within ten (10) calendar days from the date of a written decision issued by a land use authority. If a written appeal or request is not timely filed as provided in this section, the decision of the land use authority shall be final.
2. An appeal may be filed within thirty (30) calendar days from the date of a written decision issued by a land use authority related to (a) the denial of a request for a reasonable accommodation under chapter 17.36; or (b) for the land use applicant

only, the decision of a historic preservation authority regarding a land use application.

C. Application: A hearing officer may only consider an appeal if the appellant submitted a complete application within the time period provided in subsection B of this section. An appeal application is complete if it includes:—B.—

1. A completed appeal application form provided by the city;
2. Payment of applicable fee; and
3. A written statement, no more than five (5) pages with one inch (1") margins, 12-point sans serif font, single spaced, that concisely: (a) explains the appellant's standing to appeal; (b) identifies the alleged error in the administration or interpretation of the city's land use ordinances that is grounds for the appeal; and (c) provides reasons the appellant claims the applicable decision was made in error. ~~The written appeal or request must, with specificity, allege the error in any order, requirement, decision or determination made by the land use authority in the administration or interpretation of the city's land use ordinances.~~

~~—C. On receipt of a timely written appeal or request, the city's community and economic development division shall notify the mayor of the appeal or request. The mayor shall, in a timely manner, assign a hearing officer from the list of five (5) hearing officers, to serve as the appeal authority for the specific appeal or request.~~

D. Stay of Proceedings: The filing of a written appeal or request does not stay the decision of the land use authority. The appellant may petition the assigned hearing officer to stay the land use authority decision. Upon petition, the assigned hearing officer may order the decision of the land use authority stayed pending review by the assigned hearing officer.

E. Hearing: Upon receipt of a completed appeal application, the matter shall be placed on the next available hearing officer agenda for which the item may be reasonably scheduled. ~~The assigned hearing officer shall proceed to take all steps necessary to review and hear the appeal or request.~~ at a public meeting. The hearing officer shall respect the due process rights of each of the participants.

~~—F. The appellant has the burden of proving that the land use authority erred.~~

~~—G. The assigned hearing officer shall respect the due process rights of each of the participants. (Ord. 14-10)~~

17.16.0450: SCOPE AND STANDARD OF REVIEW:

A. The review by the hearing officer, ~~as the appeal authority,~~ of the appeal or request shall be limited to the record of the land use application process resulting in the decision made by the land use authority which is the subject of the appeal or request. The record may include ~~ing~~ written communications, the land use application, staff reports, meeting minutes and the written land use decision ~~and the written appeal or request.~~

B. The ~~assigned~~ hearing officer may not hear, accept or consider any evidence outside the record of the land use authority unless that evidence was offered to the land use authority and the ~~assigned~~ hearing officer determines that it was improperly excluded.

C. The appellant has the burden of proving that the land use authority erred.

D. 1. Except as provided in subsection 2, the hearing officer shall determine whether the record on appeal includes substantial evidence for each essential finding of fact.

2. For appeals under the MCCD design review approval process outlined in section 17.170.050, the hearing officer shall uphold the decision so long as the decision was not arbitrary or capricious.

E. The hearing officer shall:

(a) determine the correctness of the land use authority's interpretation and application of the plan meaning of land use regulations, and

(b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

17.16.0560: FINAL DECISION:

A. A decision of a hearing officer takes effect on the date when the hearing officer issues a written decision.

B. An appeal of the decision by the hearing officer may be made to the Utah district court in compliance with section 10-9a-801 of the Utah code.

17.16.0670: VARIANCES:

A. Parties Entitled to Request a Variance: Any person or entity desiring a waiver or modification of a land use requirement of this title as applied to a parcel of property that they own, lease or in which they hold some other beneficial interest may apply to a hearing officer for a variance after receiving a final written administrative decision or interpretation of the land use requirement from a land used authority.

B. Application: a hearing officer may only consider a variance request after a complete variance application and fees have been submitted to the community and economic development division.

~~C. For the granting of variances, the assigned~~ A hearing officer may grant a variance only if:

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

5. The spirit of the land use ordinance is observed and substantial justice done.

D. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection C1 of this section, the ~~assigned~~ hearing officer may not find an unreasonable hardship unless the alleged hardship:

1. Is located on or associated with the property for which the variance is sought;
2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and

3. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection C1 of this section, the ~~assigned~~ hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

E. In determining whether or not there are special circumstances attached to the property under subsection C1 of this section, the ~~assigned~~ hearing officer may find that special circumstances exist only if the special circumstances:

1. Relate to the hardship complained of; and
2. Deprive the property of privileges granted to other properties in the same zone.

F. The appellant shall bear the burden of proving that all of the conditions justifying a variance have been met.

G. Variances run with the land.

H. The ~~assigned~~ hearing officer may not grant:

1. ~~grant~~ a use variance;
2. a temporary variance; or,
3. a variance that is greater than the minimum variation necessary to relieve the unreasonable hardship the applicant can demonstrate.

I. In granting a variance, the ~~assigned~~ hearing officer may impose additional requirements on the appellant that will:

1. Mitigate any harmful affects of the variance; or
2. Serve the purpose of the standard or requirement that is waived or modified. (Ord. 14-10)

~~17.16.060: FINAL DECISION:~~

~~A.~~ J. Final Decision on Variances.

1. A decision of a hearing officer, ~~serving as the appeal authority,~~ on a variance request takes effect on the date when the hearing officer issues a written decision.

~~B.~~ 2. An appeal of the decision on a variance request by the hearing officer may be made to the Utah district court ~~in~~ compliance with section 10-9a-~~708~~ 801 of the Utah code. (Ord. 14-10)

[Chapter 17.36 – Residential Facility for Persons with a Disability]

17.36.050: REASONABLE ACCOMMODATION:

A. None of the requirements of this chapter shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

B. Any person or entity wanting a reasonable accommodation shall make application therefor to the community development director or designee and shall articulate in writing the nature of the requested accommodation and the basis for the request.

C. The community development director, or designee, shall render a written decision on each application for a reasonable accommodation within thirty (30) days. The decision shall be based on evidence of record demonstrating:

1. The requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability;

2. That, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice; and

3. That equal results will be achieved as between the person with a disability requesting the accommodation and a nondisabled person.

D. If a reasonable accommodation request is denied, the decision may be appealed to the appeal authority within thirty (30) days of the decision denying the request in the manner provided for appeals of administrative decisions set as provided forth in this title. (Ord. 14-10: Ord. 07-30 § 2)

[Chapter 17.52 – Nonconforming Buildings and Uses]

17.52.150: REGISTRATION OF NONCONFORMING USES AND STRUCTURES REQUIRED:

A. Rights: The rights given to those using or owning property involving a nonconforming use or structure under this chapter are specifically conditioned on the registration of the nonconformity with the community development division. Nonconforming uses and structures so registered shall be deemed lawful uses and structures under the provisions of this code to the extent documented on the registration form.

B. Registration: Registration shall be required for all nonconforming uses and structures. There shall be no deadline for the registration required by this section. The community development director, or designee, shall establish a process for the registration of nonconformities and shall establish a system for keeping records of the same. The director shall provide registration forms for this purpose.

C. Verification Required; Appeal: The director shall verify the qualification of a nonconforming use or structure for registration under this section. The director shall refuse to permit the expansion, continuance, repair maintenance or other continuance of nonconforming status for a nonconforming use or structure not registered in accordance with this section. An aggrieved adversely affected party may appeal the director's registration or denial to the appeal authority as provided in this title. ~~The appeal shall be made in writing within thirty (30) days of the director's written decision.~~

[Chapter 17.54 – Site Plan Review]

17.54.080: APPEALS OF DECISIONS:

~~The applicant and/or property owner of any property for which site plan review has been applied may appeal the decision of the community and economic development department to the appeal authority. An appeal must be presented in writing within thirty (30) days after the date of the site plan review letter. (Ord. 14-10: Ord. 09-20 § 2)~~

17.54.090: INSPECTION:

Following approval of site plan review, the community and economic development department shall approve an application for a building permit upon submittal of plans meeting the conditions contained in the site plan review letter. Representatives of the community and economic development department shall inspect the site to ensure that all required improvements meet the conditions of the site plan review and this title before a certificate of occupancy is issued by the building division and/or prior to the issuance of a business license and before an application for permanent or temporary power from the property may be approved by the city power department. (Ord. 09-20 § 2)

17.54.100: CONTINUING EFFECT:

A site plan review, once approved, affects real property regardless of change in ownership and all subsequent owners are subject to those conditions so long as the site is being operated. If the site or use becomes nonconforming due to a later amendment of this title, the provisions of chapter 17.52 of this title relating to nonconforming buildings and uses shall apply. (Ord. 09-20 § 2)

[Chapter 17.56 – Conditional Uses]

17.56.070: APPEALS OF DECISIONS:

~~Any person for which any application for approval of a conditional use permit has been filed or any person who may be affected by the proposed use shall have the right to appeal the decision of the planning and zoning commission to the appeal authority. An appeal must be presented in writing within thirty (30) days after the date of decision of the planning and zoning commission. (Ord. 14-10: Ord. 07-30 § 2)~~

17.56.080: INSPECTION:

Following the issuance of a conditional use permit, the planning office shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission. Representatives of the code enforcement/community development division shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued by the building inspection division and before an application for permanent or temporary power for the property may be approved by the city power department. (Ord. 07-30 § 2)

17.56.090: REVOCATION:

A. Written Complaint: Upon receiving a written complaint alleging a violation or failure to comply with any condition prescribed in a conditional use permit, the code enforcement/community development division shall investigate the complaint. If the complaint

has merit, and attempts to remedy the complaint fail, the community development division may place the complaint on the agenda of the regular meeting of the planning commission, provided, that the permittee shall have at least fourteen (14) days' notice of the meeting.

B. Hearing Procedure: Permittee shall be given written notice of the exact nature of the complaint and the date and time of the hearing before the planning commission. The hearing shall be held in accordance with customary administrative hearings procedures.

C. Action; Complaint Dismissal: The planning commission, after hearing the evidence presented regarding the complaint, may continue the hearing from time to time, modify or rescind any condition or requirement of the conditional use permit as it deems necessary, revoke the conditional use permit, or take no action and dismiss the complaint.

D. Relief From Order: Any permittee aggrieved by an order entered by the planning commission pursuant to this section may maintain an action for relief therefrom in any court of competent jurisdiction. Action for relief must be filed with the court within thirty (30) days after the order from which relief is sought is made.

E. Notices: All notices required herein shall be provided by personal service or by certified mail.

F. Effective Date And Scope: This section shall apply to all conditional use permits issued after the effective date hereof, regardless of change in ownership or occupancy. (Ord. 07-30 § 2)

17.56.100090: TIME LIMIT:

A. A temporary conditional use permit may be issued by the planning commission for a period of six (6) months. This permit may be renewed by the planning staff for a total of three (3) successive six (6) month time periods, allowing a total of two (2) years for the temporary conditional use permit. Where hardship or unusual circumstances exist, the planning commission may extend the temporary permit for one additional year. These extensions shall be granted in two (2) separate six (6) month increments. A temporary conditional use permit shall not be issued for a use which is not incidental to or directly related to an intended permanent use on the property.

Mobile offices, homes or trailers which are used for business purposes shall only be allowed for a six (6) month time period as authorized by the planning commission. The planning commission may extend the time period for the temporary structure up to one additional year providing that plans for a permanent structure have received commission approval.

Temporary structures shall be removed from the property upon occupancy of the permanent structure. Premanufactured structures which meet all building code regulations and construction trailers shall be exempt from this regulation.

B. A temporary conditional use occupancy permit shall not be issued nor shall the building structure or other facility be occupied until all water, sewer, and electrical permits have been issued and all appropriate inspections performed.

C. Unless there is substantial action under a conditional use permit within a maximum period of two (2) years of its issuance, the conditional use permit shall expire. The planning commission may grant a yearly extension, when deemed in the public interest. (Ord. 07-30 § 2)

17.56.1400: CONDITIONAL ZONES:

Upon the recommendation of the planning and zoning commission and after the public hearing, the city may establish conditional zones within existing zoning districts where it is shown that it

is in the best interests and general welfare of the community. The planning commission may establish and impose such conditions and requirements that are in keeping with the best interest and general welfare of the community. (Ord. 07-30 § 2)

17.56.1210: REAPPLICATION AFTER DENIAL:

Denial of an application for a conditional use permit regarding any parcel of property shall prohibit the filing of another application for a conditional use permit for the same parcel of property or any portion thereof, within one year of the date of the final denial of the previous application unless the planning commission finds that there has been a substantial change in the circumstances or sufficient new evidence as submitted by the applicant in writing since the denial of the previous application to merit consideration of a second application within the one year time period. (Ord. 07-30 § 2)

17.56.1320: CONTINUING EFFECT:

A conditional use permit, once approved, affects real property regardless of change in ownership and all subsequent owners are subject to those conditions so long as that conditional use is being conducted on the property. The conditional use may be conducted either intermittently or continuously, provided, however, that if the conditional use becomes a legal nonconforming use due to a later amendment to this title, the provisions of chapter 17.52 of this title relating to nonconforming buildings and uses shall apply. (Ord. 07-30 § 2)

17.56.1430: REPORTING REQUIREMENTS:

Before February 1 of every year, the owner or occupant of a property which has been approved for the following land use under a conditional use permit shall provide written evidence to the community development division that the property use complies with this title:

1210.1 Supervised youth group home. (Ord. 07-30 § 2)

[Chapter 17.60 – Planned Unit Development]

17.60.060: SCOPE OF PLANNING COMMISSION ACTION:

In carrying out the intent of this chapter, the planning commission shall consider the following principles:

A. It is the intent of this chapter that site and building plans for a planned unit development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The commission may require the applicant to engage such a qualified designer or design team.

B. It is not the intent of this section that control of the design of a planned unit development by the planning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this chapter.

C. The planning commission may approve or disapprove an application for a planned unit development. In approving an application the commission may attach such conditions as it may deem necessary to secure compliance. ~~The action of the planning commission may be appealed to the appeal authority, in writing, within thirty (30) calendar days after the decision is announced on the record, by the planning commission.~~ (Ord. 07-43 § 2)

[Chapter 17.170 – Murray City Center District MCCD]

17.170.050: PROCEDURES:

A. Applications: The Community and Economic Development Department shall receive applications for design review approval as required under section [17.170.040](#) of this chapter. Applications for new construction or major alteration must be reviewed by the MCCD Review Committee, which must forward a recommendation to the Commission. Members of the Planning Commission or MCCD Review Committee may enter, solely in performance of their official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the Commission or Committee may enter any private building without express consent of the owner or occupant thereof.

B. Public Meeting: Prior to action on an application for design review approval, the Commission shall hold a public meeting. The Commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard. A written notice of the proposal shall be sent at least ten (10) days prior to the hearing to the applicant and to owners of property (lots, parcels, or tracts of land) within three hundred feet (300') of the property that is the subject of an application for design review approval.

C. Final Action: The Commission's final action on an application for design review approval for major alterations and new construction shall be by the passage of a motion to take one (1) of the following actions:

1. Grant the design review approval as proposed.
2. Grant the design review approval subject to specific conditions and/or modifications of the proposal presented in the application.
3. Deny the design review approval as proposed or modified.

D. Appeal:

1. Minor Alterations: Minor alterations denied by the administrative staff may be appealed to the Planning Commission by filing written notice of the appeal with the Community and Economic Development Department within thirty (30) calendar days from issuance of the written decision by the administrative staff.

2. Major Alterations And New Construction: Planning Commission decisions on applications for design review approval may be appealed to the Hearing Officer by an ~~aggrieved~~ **adversely affected** party **as provided in this title**. ~~Written notice of the appeal must be filed with the Community and Economic Development Department within thirty (30) calendar days from the date of the Commission's decision. The appeal shall be a review of the record to determine whether the decision was so unreasonable as to be arbitrary and capricious. (Ord. 21-21: Ord. 19-40)~~

Section 3. Repeal section 17.12.110 of the Murray City Municipal Code. Section 17.12.110 of the Murray City Municipal Code relating to land use appeals and variances shall be repealed as follows:

[Chapter 17.12 - Planning and Zoning Commission]

17.12.110: PLANNING COMMISSION APPEALS: REPEALED

~~Any applicant or directly aggrieved person has the right to appeal a planning commission decision to the appeal authority. The appeal shall be made in writing within thirty (30) days of the planning commission decision.~~

Section 4. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this _____ day of _____, 2022.

MURRAY CITY MUNICIPAL COUNCIL

Kat Martinez, Chair

ATTEST:

Brooke Smith, City Recorder

Transmitted to the Office of the Mayor of Murray City on this ____ day of _____, 2022.

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2022.

Brett A. Hales, Mayor

ATTEST:

Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the ____ day of _____, 2022.

Brooke Smith, City Recorder

ORDINANCE TEXT AMENDMENT – Chapter 17.6 Appeal Authority – Project #22-129

Mr. Smallwood presented a request from Murray City Planning Division Staff, in conjunction with the attorney's office. They have been discussing a text amendment to appeals and variances in the Title 17 Land Use Ordinances. Specifically, most of the changes are in section 17.16, and it is being changed to Land Use Appeals and Variances. This also affects the definition section, and various other sections throughout the code where there were specific timeframes for appeal dates and deadlines; those timelines will be repealed from those sections to bring everything into one easy to read and understand language. A few of the larger changes are the definition changes and unclear descriptions regarding appeal instructions. As Senior Planner, one of his objectives and goals is to go through the land use ordinance and do some clean up, including moving every definition to the Greater Definition section, instead of each chapter having its own definition section. Next, there were unclear directions as to who directly a grieved person was in the code; without a hard definition, anyone could apply to appeal a decision, regardless. The state made a change recently to their code stating that "an adversely affected party is a person who owns real property adjoining the property that is subject to the land use application; or will suffer damage different in kind or an injury distinct from that of the general community as a result of the decision." That definition helped to narrow the field to people having a direct impact from a project.

Mr. Lowry appreciates what's being done and wonders if in the language given by the state above it opens things up and makes it broader for someone to claim emotional/psychological damage. They have had someone in the past claim potential psychological/emotional damage from walking past a building that used to be a cherished memory for them.

Mr. Smallwood that could be a case, but they would have to submit that appeal and staff, the attorney's office and the hearing officer would decide further steps together.

Mr. Lowry noted that maybe there should not be a semicolon after "or land use decision," just a period and it stops there.

Mr. Smallwood said they are just using the state definition, and it has been copied exactly from them.

Ms. Milkavich asked if the state could trump the city if there was an issue, and if so this is a smart practice to follow their lead.

Mr. Smallwood said it is easier to follow them, then to work against them. They also moved the definitions to the appropriate section. They will have clearer text, and he gave examples from a previous section where things were all in one section, but not specific. Hardship tests need to be specific to the appeal, so those were broken out into an appeal process and variance process, to make things more clear. As discussed in the pre-meeting, there were many locations in the code that gave different timelines for appealing a land use decision. Everything was narrowed down into one section, where the timeline is 10 calendar days from the written land use decision; this is the same timeline the state has adopted.

Mr. Nay asked if staff feels like that's giving an aggrieved party enough time to get everything together and make an appeal.

Mr. Smallwood said the 10 days doesn't start until a written decision is given. For a conditional use permit, that would mean the countdown doesn't start until the commission approves the findings of fact. In theory, that should give them plenty of time to get their appeal completed.

Ms. Milkavich said that in her profession they have 30 days to get things done, and there is always a discussion about whether those are working days; do those days include holidays and weekends, etc. Do they need to be concerned about that clarification regarding which days count against the 10 days.

Mr. Smallwood said the rules specify "calendar days," and that is what the state has defined as well. If someone is wanting to file an appeal, they are usually here at this meeting and they let staff know they want to appeal so staff can discuss the process with them afterwards. They will have to be a little more diligent in that, explaining that they have 10 days instead of 30 to file an appeal.

Mr. Nay asked what happens if the 10 days ends on a Sunday, that would mean they've lost a Saturday and Sunday.

Mr. Smallwood responded that typically they would give them until the Monday, per the legal department

Mr. Farnsworth added that 10 days from a Tuesday is a Thursday, so that 10 days will never fall on a Sunday and will never be a problem.

Ms. Milkavich asked about when a resident is going to appeal, do they just have to turn in a statement with the request to appeal, or the fully developed argument.

Mr. Smallwood said that technically in the code it's laid out exactly what has to be provided, in the redline copy it's Section 17.16.030c, Application.

Mr. Lowry asked if this reduction from 30 days to 10 days will improve administrative capacity, or what the intent is behind the change.

Mr. Smallwood said the first reason is to be in line with the state code, but it also does have the potential to allow staff a little bit more time. This makes people really need to think and make a decision quickly if there is a legitimate issue. Largely, they don't receive many appeals, there has been one in the five years he has been with the city. There was one in the MCCD, but that was wrapping up when he started employment.

Ms. Milkavich is concerned with decreasing the timeframe, as residents who would be interested in appealing may not have the land use knowledge and it might take them more time to gather the information for the appeal. However, if we are in compliance with the state and how they are running things, then she sees why we would want to follow those same processes.

Mr. Smallwood agreed that not everyone has extensive knowledge about land use, but staff is available to discuss those things every day of the week.

Mr. Lowry said that those that are upset and want to file an appeal, usually decide the night of the decision and file the appeal right away. He doesn't want to short change residents, but if a party is aggrieved they will know, and they don't need to think about it for a long period of time.

Ms. Milkavich said they do need to gain knowledge to state their grievance well, and she thinks it's easy to say the public can go to the planners, but to residents, the city staff may feel more like the other party and not on their side.

Mr. Lowry said that they can only appeal if somehow the planning commission makes a mistake procedurally, for instance, if they voted against a written ordinance, etc. This body takes administrative action, not legislative action, so this is not necessarily a situation where someone can disagree with the land use; that is a city council decision, the planning commission doesn't make those types of decisions.

Mr. Smallwood said that for an administrative body, that is correct, The commission reviews the staff report, public comment, and they discuss the item. Nothing else can be used for the appeal, only the meeting records, which means that when someone files an appeal they can't make or present new claims or evidence. The residents need to do their homework before the planning commission meeting, and if they find something egregiously wrong or something that was missed by staff, that needs to be brought up here. If that changes the commission's perception or decision, and then for some reason someone else points out that the decision wasn't in the commission's scope, there could be situations where it would apply. By the time you get to the hearing officer, it is strictly based on what was presented here.

Ms. Milkavich said there have been two contested discussions about gas stations in the past few years. The first of which, the residents felt they wouldn't be able to insure their homes due to the proximity of the gas station and they felt that was some kind of legality. The commission didn't know, the information wasn't available to them. She asked to put the item on hold so they could investigate that further and see if it was a legitimate concern. When the second gas station came up, that issue wasn't brought up, but to her that seems like something that, if brought to the hearing officer, could be deemed legitimate information presented and ignored.

Mr. Smallwood said that yes, if that had been approved, and the residents appealed and showed the information presented and that they feel the planning commission made an error and shouldn't have approved it, and provided information regarding that, that could have been looked at more.

Mr. Lowry said whether you can or can't get insurance isn't a legal issue, but if there was an ordinance that said a gas station can't be within 500 feet of a residence, and the commission approved one within 400 feet of a residence and someone appealed that, they would probably have a reason to be sent to a hearing officer. It is not incumbent upon the planning commission to run down every piece of information that is shared. He wants to be satisfied that they are compliant with all the zoning ordinances. Insurance is a marketplace and there is a price associated with different risks, and it very well may cost more to insure a home with proximity to certain risks, but he can't imagine that would be a legal issue.

Mr. Smallwood said that's why it went nowhere, but if there had been something it could have been brought up.

Mr. Nay brought up the Murray 1st Ward and asked if the people that filed their appeal have standing with this new code.

Mr. Smallwood said that from his understanding of the appeal, he doesn't believe so as it was only one person.

Ms. Milkavich said that one person could have said they were affiliated with the church.

Mr. Smallwood said it wasn't a church anymore, it was a school. From what he remembers, it was only one applicant. He is not speaking as an attorney, or giving legal advice, but he doesn't believe that resident would have had standing even with the new rule. Staff recommends the planning commission forward a recommendation of approval for the text amendment to Section 17.08, 17.12, 17.16, 17.36, 17.52, 17.54, 17.56, 17.60 and 17.170 as reviewed in the staff report.

Mr. Lowry opened the hearing for public comment. There were no comments in person or submitted beforehand, and the hearing was closed.

Mr. Richards motioned for the planning commission to make a recommendation of approval to the city council of the proposed text amendment Sections 17.08, 17.12, 17.16, 17.36, 17.52, 17.54, 17.56, 17.60 and 17.170, as reviewed in the staff report. Seconded by Ms. Milkavich.

Roll call vote

<u>A</u>	Richards
<u>A</u>	Milkavich
<u>A</u>	Nay
<u>A</u>	Hacker
<u>A</u>	Lowry

Motion passed 5-0.

Mr. Nay motioned to adjourn the September 1, 2022 Planning Commission meeting at 7:50 p.m. Seconded by Mr. Hacker. A voice vote was made, motion passed 5-0.



Jared Hall, Director



AGENDA ITEM #7 Amendments to Appeal Authority in the Land Use Ordinance			
ITEM TYPE:	Text Amendment		
ADDRESS:	Citywide	MEETING DATE:	September 1, 2022
APPLICANT:	Murray City, Community & Economic Development Department	STAFF:	Zachary Smallwood, Senior Planner
PARCEL ID:		PROJECT NUMBER:	22-129
AFFECTED CHAPTERS:	17.08, 17.12, 17.16, 17.36, 17.52, 17.54, 17.56, 17.60, and 17.170		
SIZE:	N/A		
REQUEST:	Planning Division Staff proposes amendments to the sections stated above as they relate to appeals and variances to streamline timing, requirements and make the process clearer.		

I STAFF REVIEW & ANALYSIS

Background

The Utah State Legislature has updated a number of items in the Land Use and Management Act (LUDMA) in recent legislative sessions. In coordination with the Murray City Attorney's Office, Planning Staff is proposing changes to the language in Chapter 17.16, Appeal Authority in the Murray City Land Use Ordinance. The proposed changes will streamline many aspects of the Land Use Ordinance by removing differing and conflicting appeal timeframes that are listed in various chapters throughout the title. These proposed changes also reflect updated state definitions on what constitutes an "adversely affected party".

Proposed Amendments

Staff's proposed amendments are included as an attachment to this staff report. The following review covers the major items that have changed from the existing code.

Definitions

Planning Division Staff will be moving most definitions from individual chapters into Chapter 17.08, Definitions. This seems the most logical place, instead of having individual chapters with their own definition sections. The most important change in the definitions section is an update to the "Adversely Affected Party". This has been changed to reflect state code which limits who may appeal decisions.

Land Use Appeals and Variances

The most significant changes are proposed in Chapter 17.16. It has been renamed from "Appeal Authority" to "Land Use Appeals and Variances". In the review of potential changes, it was decided that the number of hearing officers be reduced from five to three. To date, there have not been more than three appointed hearing officers, and staff has not seen the volume of applications nor had conflicts of interest or scheduling problems to reflect a need for more than two or three. This change reflects the City's current practice and realistic need.

The timing for making an application for an appeal has been updated to reflect state code, which allows for an appeal up to ten days after a written decision has been issued by the planning commission. There are exceptions for an applicant of a land use decision and reasonable accommodation requests, which are left at thirty days. This streamlines the process from multiple sections of the code where there were timelines as long as thirty days and some as short as ten days.

The current code combines the reviews for an appeal and variances. City Staff proposes

separating each into its own section to provide greater clarity when reviewing the standards. This also helps explain to the public when they have questions regarding a variance or an appeal.

The remaining changes are largely grammatical or remove those sections of other chapters that reference specific timeframes and refers the reader to consult the Land Use Appeals and Variance chapter of Title 17.

II. PUBLIC INPUT

Notices were sent to Affected Entities for this Text Amendment. Officials at Sandy City asked to see the draft changes but had no comments otherwise.

III. FINDINGS

Based on the analysis of the proposed text amendments and review of the Murray City General Plan and Land Use Ordinance, staff concludes the following:

1. The proposed text amendments have been carefully considered and provide greater clarity to both city staff and the public.
2. The proposed text amendment addresses conflicts that exist in the Land Use Ordinance and makes the ordinance easier to read for more people.
3. The proposed text amendment is consistent with the Goal and Mission of Murray City to “Guide growth to promote prosperity and sustain a high quality of life for those who live, work, shop, and recreate in Murray” by making updates to the Land Use Ordinance to treat every person fairly.

IV. CONCLUSION/RECOMMENDATION

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the proposed text amendments to Sections 17.08, 17.12, 17.16, 17.36, 17.52, 17.54, 17.56, 17.60, and 17.170 as reviewed in the Staff Report.**



NOTICE OF PUBLIC HEARING

September 1, 2022, 6:30 PM

The Murray City Planning Commission will hold a public hearing in the Murray City Municipal Council Chambers, located at 5025 S. State Street to receive public comment on the following application made by Murray City Community and Economic Development Staff:

The Murray City Attorney's Office and Planning Division are requesting an amendment to Murray City Code Chapter 17.16, Appeal Authority. This update is to comply with State definitions, simplify, and easier to navigate the code.

The meeting is open, and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

Comments are limited to 3 minutes or less, written comments will be read into the meeting record.

If you have questions or comments concerning this proposal, please contact Zachary Smallwood in the Murray City Planning Division at 801-270-2407, or e-mail zsmallwood@murray.utah.gov.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 17.16, _____
OF THE MURRAY CITY MUNICIPAL CODE RELATING TO LAND USE
APPEALS AND VARIANCES

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this Ordinance is to amend
_____ of the Murray City Municipal Code relating to land use
appeals and variances.

Section 2. Amendment of _____ of the Murray City Municipal
Code. _____ of the Murray City Municipal Code relating to
land use appeals and variances shall be amended to read as follows:

CHAPTER 17.08

17.08.020: TERMS DEFINED:

...

ADVERSELY AFFECTED PARTY: a person other than a land use applicant who: (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

...

APPEAL AUTHORITY: A land use appeal and variance hearing officer ("hearing officer").

...

LAND USE AUTHORITY: The planning commission, the community and economic development director, or a staff member of the community and economic development division when making any order, requirement, decision or determination in the enforcement of title 16 or 17 of this code, or any other related ordinance.

LAND USE DECISION: an administrative decision of a land use authority or appeal authority regarding: (a) a land use permit; (b) a land use decision; or (c) the enforcement of a land use regulation, land use permit, or development agreement.

...

SUBSTANTIAL EVIDENCE: the degree of relevant evidence which a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion, even though other reasonable persons might disagree.

[Chapter 17.12 - Planning and Zoning Commission]

17.12.110: PLANNING COMMISSION APPEALS:

~~Any applicant or directly aggrieved person has the right to appeal a planning commission decision to the appeal authority. The appeal shall be made in writing within thirty (30) days of the planning commission decision.~~

CHAPTER 17.16

APPEAL AUTHORITY LAND USE APPEALS AND VARIANCES

17.16.010: DEFINITIONS:

~~ADVERSELY AFFECTED PARTY: a person other than a land use applicant who: (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.~~

~~APPEAL AUTHORITY: A land use appeal and variance hearing officer. A list of five (5) ("hearing officers") appointed by the mayor, with advice and consent of the city council, to decide an appeal or request of a land use decision by a land use authority including a request for a variance under title 10, chapter 9a, part 7 of the Utah code. For each appeal or request, the mayor shall assign one hearing officer from the list of five (5) to handle the specific appeal or request.~~

~~LAND USE AUTHORITY: The planning commission, the administrative community and economic development services director, or a staff member of the community and economic development division when making any order, requirement, decision or determination in the enforcement of title 16 or 17 of this code, or any other related ordinance. (Ord. 14-10)~~

~~LAND USE DECISION: an administrative decision of a land use authority or appeal authority regarding: (a) a land use permit; (b) a land use decision; or (c) the enforcement of a land use regulation, land use permit, or development agreement.~~

~~SUBSTANTIAL EVIDENCE: the degree of relevant evidence which a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion, even though other reasonable persons might disagree.~~

17.16.0210: APPOINTMENT OF HEARING OFFICERS:

A. The mayor shall appoint a list of at least three~~five~~ (53) hearing officers, with advice and consent of the city council, to serve as an appeal authority for ~~requests and~~ appeals of land use decisions ~~by a land use authority including and requests for~~ variances under this title 10, chapter

~~9a, part 7 of the Utah code. For each appeal or request, the mayor shall assign one hearing officer from the list of five (5) to handle the specific appeal or request.~~

B. A hearing officer shall be a resident of the city.

C. ~~A hearing officer shall, as a minimum, have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings regarding land use, land development and regulatory codes dealing with issues related to land use have expertise in land use matters.~~

D. A hearing officer shall be appointed for a term of three (3) years and may not serve more than three (3) consecutive terms. ~~Vacancies occurring during a term shall be filled for the balance of the term. An individual is considered to have served a full term if, due to filling a vacancy, the individual has "Term", as used in this section, means serving~~served for at least twelve (12) months.

E. A hearing officer may be removed from the list by the mayor for any reason. (Ord. 14-10)

17.16.0320: AUTHORITY OF ~~APPEAL AUTHORITY~~HEARING OFFICER:

A. A hearing officer, ~~acting as the appeal authority,~~ shall hear and decide:

1. Requests for variances from the terms of the city's land use ordinances;
2. Appeals from decisions by a land use authority applying the city's land use ordinances;
3. Appeals from a fee charged in accordance with section 10-9a-510 of the Utah code;
4. Appeals of the denial by a land use authority of a request for a reasonable accommodation; and
5. Any other request or appeal of a decision delegated to ~~the a~~ land use authority by title 16 or 17 of this code.

B. A hearing officer, ~~serving as the appeal authority,~~ shall:

1. Act in a quasi-judicial manner;
2. Serve as the final arbiter of issues involving the interpretation or application of city land use ordinances subject to appeal to the Utah district courts as provided in section 10-9a-801 of the Utah code. (Ord. 14-10)

17.16.0430: APPEAL PROCESS:

A. Parties Entitled to Appeal: The City, a land use applicant, or an adversely affected party may appeal a final written decision of the land use authority.

B. Time to File Appeal:

1. Except as provided in subsection 2, A an request or appeal to an appeal authority of a land use decision must be filed, ~~in writing,~~ with the city's community and economic development division, within ten (10) calendar days from the date of a written decision issued by a land use authority. If a written appeal or request is not timely filed as provided in this section, the decision of the land use authority shall be final.

2. An appeal may be filed within thirty (30) calendar days from the date of a written decision issued by a land use authority related to (a) the denial of a request for a reasonable accommodation under chapter 17.36; or (b) for the land use applicant only, the decision of a historic preservation authority regarding a land use application.

C. Application: A hearing officer may only consider an appeal if the appellant submitted a complete application within the time period provided in subsection B of this section. An appeal application is complete if it includes:—B.—

1. A completed appeal application form provided by the city;
2. Payment of applicable fee; and
3. A written statement, no more than five (5) pages with one inch (1") margins, 12-point sans serif font, single spaced, that concisely: (a) explains the appellant's standing to appeal; (b) identifies the alleged error in the administration or interpretation of the city's land use ordinances that is grounds for the appeal; and (c) provides reasons the appellant claims the applicable decision was made in error. The written appeal or request must, with specificity, allege the error in any order, requirement, decision or determination made by the land use authority in the administration or interpretation of the city's land use ordinances.

1.—

~~—C. On receipt of a timely written appeal or request, the city's community and economic development division shall notify the mayor of the appeal or request. The mayor shall, in a timely manner, assign a hearing officer from the list of five (5) hearing officers, to serve as the appeal authority for the specific appeal or request.~~

D. Stay of Proceedings: The filing of a written appeal or request does not stay the decision of the land use authority. The appellant may petition the assigned hearing officer to stay the land use authority decision. Upon petition, the assigned hearing officer may order the decision of the land use authority stayed pending review by the assigned hearing officer.

E. Hearing: Upon receipt of a completed appeal application, the matter shall be placed on the next available hearing officer agenda for which the item may be reasonably scheduled. The assigned hearing officer shall proceed to take all steps necessary to review and hear the appeal or request at a public meeting. The hearing officer shall respect the due process rights of each of the participants.

~~—F. The appellant has the burden of proving that the land use authority erred.~~

~~—G. The assigned hearing officer shall respect the due process rights of each of the participants. (Ord. 14-10)~~

17.16.0450: SCOPE AND STANDARD OF REVIEW:

A. The review by the hearing officer, ~~as the appeal authority,~~ of the appeal ~~or request~~ shall be limited to the record of the land use application process resulting in the decision made by the land use authority which is the subject of the appeal ~~or request~~. The record may includeing written communications, the land use application, staff reports, meeting minutes and the written land use decision ~~and the written appeal or request.~~

B. The ~~assigned~~ hearing officer may not hear, accept or consider any evidence outside the record of the land use authority unless that evidence was offered to the land use authority and the ~~assigned~~ hearing officer determines that it was improperly excluded.

C. The appellant has the burden of proving that the land use authority erred.

D. 1. Except as provided in subsection 2, the hearing officer shall determine whether the record on appeal includes substantial evidence for each essential finding of fact.

2. For appeals under the MCCD design review approval process outlined in section 17.170.050, the hearing officer shall uphold the decision so long as the decision was not arbitrary or capricious.

E. The hearing officer shall:

(a) determine the correctness of the land use authority's interpretation and application of the plan meaning of land use regulations, and

(b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

17.16.0560: FINAL DECISION:

A. A decision of a hearing officer takes effect on the date when the hearing officer issues a written decision.

B. An appeal of the decision by the hearing officer may be made to the Utah district court in compliance with section 10-9a-801 of the Utah code.

17.16.0670: VARIANCES:

A. Parties Entitled to Request a Variance: Any person or entity desiring a waiver or modification of a land use requirement of this title as applied to a parcel of property that they own, lease or in which they hold some other beneficial interest may apply to a hearing officer for a variance after receiving a final written administrative decision or interpretation of the land use requirement from a land used authority.

B. Application: a hearing officer may only consider a variance request after a complete variance application and fees have been submitted to the community and economic development division.

C. ~~For the granting of variances, the assigned A~~ hearing officer may grant a variance only if:

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

5. The spirit of the land use ordinance is observed and substantial justice done.

D. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection C1 of this section, the ~~assigned~~ hearing officer may not find an unreasonable hardship unless the alleged hardship:

1. Is located on or associated with the property for which the variance is sought;
2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and

3. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection C1 of this section, the ~~assigned~~ hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

E. In determining whether or not there are special circumstances attached to the property under subsection C1 of this section, the ~~assigned~~ hearing officer may find that special circumstances exist only if the special circumstances:

1. Relate to the hardship complained of; and
2. Deprive the property of privileges granted to other properties in the same zone.

F. The appellant shall bear the burden of proving that all of the conditions justifying a variance have been met.

G. Variances run with the land.

H. The ~~assigned~~ hearing officer may not grant:

1. grant a use variance;
2. a temporary variance; or,
- ~~4-3.~~ a variance that is greater than the minimum variation necessary to relieve the unreasonable hardship the applicant can demonstrate.

I. In granting a variance, the ~~assigned~~ hearing officer may impose additional requirements on the appellant that will:

1. Mitigate any harmful affects of the variance; or
2. Serve the purpose of the standard or requirement that is waived or modified. (Ord. 14-10)

~~17.16.060: FINAL DECISION:~~

~~AJ.~~ Final Decision on Variances.

1. A decision of a hearing officer, ~~serving as the appeal authority, on a variance request~~ takes effect on the date when the hearing officer issues a written decision.

~~B.~~ 2. An appeal of the decision on a variance request by the hearing officer may be made to the Utah district court ~~in~~ compliance with section 10-9a-~~708~~ 801 of the Utah code. (Ord. 14-10)

[Chapter 17.36 – Residential Facility for Persons with a Disability]

17.36.050: REASONABLE ACCOMMODATION:

A. None of the requirements of this chapter shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

B. Any person or entity wanting a reasonable accommodation shall make application therefor to the community development director or designee and shall articulate in writing the nature of the requested accommodation and the basis for the request.

C. The community development director, or designee, shall render a written decision on each application for a reasonable accommodation within thirty (30) days. The decision shall be based on evidence of record demonstrating:

1. The requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability;

2. That, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice; and

3. That equal results will be achieved as between the person with a disability requesting the accommodation and a nondisabled person.

~~C.D.~~ D. If a reasonable accommodation request is denied, the decision may be appealed ~~to the appeal authority within thirty (30) days of the decision denying the request in the manner provided for appeals of administrative decisions set as provided forth~~ in this title. (Ord. 14-10: Ord. 07-30 § 2)

[Chapter 17.52 – Nonconforming Buildings and Uses]

17.52.150: REGISTRATION OF NONCONFORMING USES AND STRUCTURES REQUIRED:

A. Rights: The rights given to those using or owning property involving a nonconforming use or structure under this chapter are specifically conditioned on the registration of the nonconformity with the community development division. Nonconforming uses and structures so registered shall be deemed lawful uses and structures under the provisions of this code to the extent documented on the registration form.

B. Registration: Registration shall be required for all nonconforming uses and structures. There shall be no deadline for the registration required by this section. The community development director, or designee, shall establish a process for the registration of nonconformities and shall establish a system for keeping records of the same. The director shall provide registration forms for this purpose.

C. Verification Required; Appeal: The director shall verify the qualification of a nonconforming use or structure for registration under this section. The director shall refuse to permit the expansion, continuance, repair maintenance or other continuance of nonconforming status for a nonconforming use or structure not registered in accordance with this section. An aggrieved adversely affected party may appeal the director's registration or denial ~~to the appeal~~

~~authority as provided in this title. The appeal shall be made in writing within thirty (30) days of the director's written decision.~~

[Chapter 17.54 – Site Plan Review]

~~17.54.080:~~ APPEALS OF DECISIONS:

~~The applicant and/or property owner of any property for which site plan review has been applied may appeal the decision of the community and economic development department to the appeal authority. An appeal must be presented in writing within thirty (30) days after the date of the site plan review letter. (Ord. 14-10: Ord. 09-20 § 2)~~

17.54.0890: INSPECTION:

Following approval of site plan review, the community and economic development department shall approve an application for a building permit upon submittal of plans meeting the conditions contained in the site plan review letter. Representatives of the community and economic development department shall inspect the site to ensure that all required improvements meet the conditions of the site plan review and this title before a certificate of occupancy is issued by the building division and/or prior to the issuance of a business license and before an application for permanent or temporary power from the property may be approved by the city power department. (Ord. 09-20 § 2)

~~17.54.1090:~~ CONTINUING EFFECT:

A site plan review, once approved, affects real property regardless of change in ownership and all subsequent owners are subject to those conditions so long as the site is being operated. If the site or use becomes nonconforming due to a later amendment of this title, the provisions of chapter 17.52 of this title relating to nonconforming buildings and uses shall apply. (Ord. 09-20 § 2)

[Chapter 17.56 – Conditional Uses]

~~17.56.070:~~ APPEALS OF DECISIONS:

~~Any person for which any application for approval of a conditional use permit has been filed or any person who may be affected by the proposed use shall have the right to appeal the decision of the planning and zoning commission to the appeal authority. An appeal must be presented in writing within thirty (30) days after the date of decision of the planning and zoning commission. (Ord. 14-10: Ord. 07-30 § 2)~~

17.56.0870: INSPECTION:

Following the issuance of a conditional use permit, the planning office shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission. Representatives of the code enforcement/community development division shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued by the building inspection division and before an application for permanent or temporary power for the property may be approved by the city power department. (Ord. 07-30 § 2)

17.56.0890: REVOCATION:

A. Written Complaint: Upon receiving a written complaint alleging a violation or failure to comply with any condition prescribed in a conditional use permit, the code enforcement/community development division shall investigate the complaint. If the complaint has merit, and attempts to remedy the complaint fail, the community development division may place the complaint on the agenda of the regular meeting of the planning commission, provided, that the permittee shall have at least fourteen (14) days' notice of the meeting.

B. Hearing Procedure: Permittee shall be given written notice of the exact nature of the complaint and the date and time of the hearing before the planning commission. The hearing shall be held in accordance with customary administrative hearings procedures.

C. Action; Complaint Dismissal: The planning commission, after hearing the evidence presented regarding the complaint, may continue the hearing from time to time, modify or rescind any condition or requirement of the conditional use permit as it deems necessary, revoke the conditional use permit, or take no action and dismiss the complaint.

D. Relief From Order: Any permittee aggrieved by an order entered by the planning commission pursuant to this section may maintain an action for relief therefrom in any court of competent jurisdiction. Action for relief must be filed with the court within thirty (30) days after the order from which relief is sought is made.

E. Notices: All notices required herein shall be provided by personal service or by certified mail.

F. Effective Date And Scope: This section shall apply to all conditional use permits issued after the effective date hereof, regardless of change in ownership or occupancy. (Ord. 07-30 § 2)

17.56.100090: TIME LIMIT:

A. A temporary conditional use permit may be issued by the planning commission for a period of six (6) months. This permit may be renewed by the planning staff for a total of three (3) successive six (6) month time periods, allowing a total of two (2) years for the temporary conditional use permit. Where hardship or unusual circumstances exist, the planning commission may extend the temporary permit for one additional year. These extensions shall be granted in two (2) separate six (6) month increments. A temporary conditional use permit shall not be issued for a use which is not incidental to or directly related to an intended permanent use on the property.

Mobile offices, homes or trailers which are used for business purposes shall only be allowed for a six (6) month time period as authorized by the planning commission. The planning commission may extend the time period for the temporary structure up to one additional year providing that plans for a permanent structure have received commission approval.

Temporary structures shall be removed from the property upon occupancy of the permanent structure. Premanufactured structures which meet all building code regulations and construction trailers shall be exempt from this regulation.

B. A temporary conditional use occupancy permit shall not be issued nor shall the building structure or other facility be occupied until all water, sewer, and electrical permits have been issued and all appropriate inspections performed.

C. Unless there is substantial action under a conditional use permit within a maximum period of two (2) years of its issuance, the conditional use permit shall expire. The planning commission may grant a yearly extension, when deemed in the public interest. (Ord. 07-30 § 2)

17.56.1400: CONDITIONAL ZONES:

Upon the recommendation of the planning and zoning commission and after the public hearing, the city may establish conditional zones within existing zoning districts where it is shown that it is in the best interests and general welfare of the community. The planning commission may establish and impose such conditions and requirements that are in keeping with the best interest and general welfare of the community. (Ord. 07-30 § 2)

17.56.1210: REAPPLICATION AFTER DENIAL:

Denial of an application for a conditional use permit regarding any parcel of property shall prohibit the filing of another application for a conditional use permit for the same parcel of property or any portion thereof, within one year of the date of the final denial of the previous application unless the planning commission finds that there has been a substantial change in the circumstances or sufficient new evidence as submitted by the applicant in writing since the denial of the previous application to merit consideration of a second application within the one year time period. (Ord. 07-30 § 2)

17.56.1320: CONTINUING EFFECT:

A conditional use permit, once approved, affects real property regardless of change in ownership and all subsequent owners are subject to those conditions so long as that conditional use is being conducted on the property. The conditional use may be conducted either intermittently or continuously, provided, however, that if the conditional use becomes a legal nonconforming use due to a later amendment to this title, the provisions of chapter 17.52 of this title relating to nonconforming buildings and uses shall apply. (Ord. 07-30 § 2)

17.56.1430: REPORTING REQUIREMENTS:

Before February 1 of every year, the owner or occupant of a property which has been approved for the following land use under a conditional use permit shall provide written evidence to the community development division that the property use complies with this title:

1210.1 Supervised youth group home. (Ord. 07-30 § 2)

[Chapter 17.60 – Planned Unit Development]

17.60.060: SCOPE OF PLANNING COMMISSION ACTION:

In carrying out the intent of this chapter, the planning commission shall consider the following principles:

A. It is the intent of this chapter that site and building plans for a planned unit development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The commission may require the applicant to engage such a qualified designer or design team.

B. It is not the intent of this section that control of the design of a planned unit development by the planning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this chapter.

C. The planning commission may approve or disapprove an application for a planned unit development. In approving an application the commission may attach such conditions as it may deem necessary to secure compliance. ~~The action of the planning commission may be appealed to the appeal authority, in writing, within thirty (30) calendar days after the decision is announced on the record, by the planning commission.~~ (Ord. 07-43 § 2)

[Chapter 17.170 – Murray City Center District MCCD]

17.170.050: PROCEDURES:

A. Applications: The Community and Economic Development Department shall receive applications for design review approval as required under section [17.170.040](#) of this chapter. Applications for new construction or major alteration must be reviewed by the MCCD Review Committee, which must forward a recommendation to the Commission. Members of the Planning Commission or MCCD Review Committee may enter, solely in performance of their official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the Commission or Committee may enter any private building without express consent of the owner or occupant thereof.

B. Public Meeting: Prior to action on an application for design review approval, the Commission shall hold a public meeting. The Commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard. A written notice of the proposal shall be sent at least ten (10) days prior to the hearing to the applicant and to owners of property (lots, parcels, or tracts of land) within three hundred feet (300') of the property that is the subject of an application for design review approval.

C. Final Action: The Commission's final action on an application for design review approval for major alterations and new construction shall be by the passage of a motion to take one (1) of the following actions:

1. Grant the design review approval as proposed.
2. Grant the design review approval subject to specific conditions and/or modifications of the proposal presented in the application.
3. Deny the design review approval as proposed or modified.

D. Appeal:

1. Minor Alterations: Minor alterations denied by the administrative staff may be appealed to the Planning Commission by filing written notice of the appeal with the Community and Economic Development Department within thirty (30) calendar days from issuance of the written decision by the administrative staff.

2. Major Alterations And New Construction: Planning Commission decisions on applications for design review approval may be appealed to the Hearing Officer by an **aggrieved adversely affected party as provided in this title.** ~~Written notice of the appeal must be filed with the Community and Economic Development Department within thirty (30) calendar days from the date of the Commission's decision. The appeal shall be a review of the record to determine whether the decision was so unreasonable as to be arbitrary and capricious.~~ (Ord. 21-21: Ord. 19-40)

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

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this _____ day of _____, 2022.

MURRAY CITY MUNICIPAL COUNCIL

Kat Martinez, Chair

ATTEST:

Brooke Smith, City Recorder

Transmitted to the Office of the Mayor of Murray City on this ____ day of _____, 2022.

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2022.

Brett A. Hales, Mayor

ATTEST:

Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the ____ day of _____, 2022.

Brooke Smith, City Recorder

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 17.16, _____
OF THE MURRAY CITY MUNICIPAL CODE RELATING TO LAND USE
APPEALS AND VARIANCES

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this Ordinance is to amend
_____ of the Murray City Municipal Code relating to land use
appeals and variances.

Section 2. Amendment of _____ of the Murray City Municipal
Code. _____ of the Murray City Municipal Code relating to
land use appeals and variances shall be amended to read as follows:

CHAPTER 17.08

17.08.020: TERMS DEFINED:

...
ADVERSELY AFFECTED PARTY: a person other than a land use applicant who: (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

...
APPEAL AUTHORITY: A land use appeal and variance hearing officer ("hearing officer").

...
LAND USE AUTHORITY: The planning commission, the community and economic development director, or a staff member of the community and economic development division when making any order, requirement, decision or determination in the enforcement of title 16 or 17 of this code, or any other related ordinance.

LAND USE DECISION: an administrative decision of a land use authority or appeal authority regarding: (a) a land use permit; (b) a land use decision; or (c) the enforcement of a land use regulation, land use permit, or development agreement.

...

SUBSTANTIAL EVIDENCE: the degree of relevant evidence which a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion, even though other reasonable persons might disagree.

[Chapter 17.12 - Planning and Zoning Commission]

CHAPTER 17.16

LAND USE APPEALS AND VARIANCES

17.16.010: APPOINTMENT OF HEARING OFFICERS:

A. The mayor shall appoint a list of at least three (3) hearing officers, with advice and consent of the city council, to serve as an appeal authority for appeals of land use decisions and requests for variances under this title

B. A hearing officer shall be a resident of the city.

C. Hearing officers shall, as a minimum, have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings regarding land use, land development and regulatory codes dealing with issues related to land use .

D. A hearing officer shall be appointed for a term of three (3) years and may not serve more than three (3) consecutive terms. Vacancies occurring during a term shall be filled for the balance of the term. An individual is considered to have served a full term if, due to filling a vacancy, the individual has served for at least twelve (12) months.

E. A hearing officer may be removed from the list by the mayor for any reason. (Ord. 14-10)

17.16.020: AUTHORITY OF HEARING OFFICER:

A. A hearing officer shall hear and decide:

1. Requests for variances from the terms of the city's land use ordinances;
2. Appeals from decisions by a land use authority applying the city's land use ordinances;
3. Appeals from a fee charged in accordance with section 10-9a-510 of the Utah code;
4. Appeals of the denial by a land use authority of a request for a reasonable accommodation; and
5. Any other request or appeal of a decision delegated to a land use authority by title 16 or 17 of this code.

B. A hearing officer shall:

1. Act in a quasi-judicial manner;

2. Serve as the final arbiter of issues involving the interpretation or application of city land use ordinances subject to appeal to the Utah district courts as provided in section 10-9a-801 of the Utah code. (Ord. 14-10)

17.16.030: APPEAL PROCESS:

A. Parties Entitled to Appeal: The City, a land use applicant, or an adversely affected party may appeal a final written decision of the land use authority.

B. Time to File Appeal:

1. Except as provided in subsection 2, an appeal of a land use decision must be filed with the city's community and economic development division within ten (10) calendar days from the date of a written decision issued by a land use authority. If a written appeal or request is not timely filed as provided in this section, the decision of the land use authority shall be final.
2. An appeal may be filed within thirty (30) calendar days from the date of a written decision issued by a land use authority related to (a) the denial of a request for a reasonable accommodation under chapter 17.36; or (b) for the land use applicant only, the decision of a historic preservation authority regarding a land use application.

C. Application: A hearing officer may only consider an appeal if the appellant submitted a complete application within the time period provided in subsection B of this section. An appeal application is complete if it includes:

1. A completed appeal application form provided by the city;
2. Payment of applicable fee; and
3. A written statement, no more than five (5) pages with one inch (1") margins, 12-point sans serif font, single spaced, that concisely: (a) explains the appellant's standing to appeal; (b) identifies the alleged error in the administration or interpretation of the city's land use ordinances that is grounds for the appeal; and (c) provides reasons the appellant claims the applicable decision was made in error.

D. Stay of Proceedings: The filing of a written appeal or request does not stay the decision of the land use authority. The appellant may petition the assigned hearing officer to stay the land use authority decision. Upon petition, the assigned hearing officer may order the decision of the land use authority stayed pending review by the assigned hearing officer.

E. Hearing: Upon receipt of a completed appeal application, the matter shall be placed on the next available hearing officer agenda for which the item may be reasonably scheduled. The hearing officer shall proceed to take all steps necessary to review and hear the appeal at a public meeting. The hearing officer shall respect the due process rights of each of the participants.

17.16.040: SCOPE AND STANDARD OF REVIEW:

A. The review by the hearing officer of the appeal shall be limited to the record of the land use application process resulting in the decision made by the land use authority which is the

subject of the appeal. The record may include written communications, the land use application, staff reports, meeting minutes and the written land use decision.

B. The hearing officer may not hear, accept or consider any evidence outside the record of the land use authority unless that evidence was offered to the land use authority and the hearing officer determines that it was improperly excluded.

C. The appellant has the burden of proving that the land use authority erred.

D. 1. Except as provided in subsection 2, the hearing officer shall determine whether the record on appeal includes substantial evidence for each essential finding of fact.

2. For appeals under the MCCD design review approval process outlined in section 17.170.050, the hearing officer shall uphold the decision so long as the decision was not arbitrary or capricious.

E. The hearing officer shall:

(a) determine the correctness of the land use authority's interpretation and application of the plan meaning of land use regulations, and

(b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

17.16.050: FINAL DECISION:

A. A decision of a hearing officer takes effect on the date when the hearing officer issues a written decision.

B. An appeal of the decision by the hearing officer may be made to the Utah district court in compliance with section 10-9a-801 of the Utah code.

17.16.060: VARIANCES:

A. Parties Entitled to Request a Variance: Any person or entity desiring a waiver or modification of a land use requirement of this title as applied to a parcel of property that they own, lease or in which they hold some other beneficial interest may apply to a hearing officer for a variance after receiving a final written administrative decision or interpretation of the land use requirement from a land use authority.

B. Application: a hearing officer may only consider a variance request after a complete variance application and fees have been submitted to the community and economic development division.

C. A hearing officer may grant a variance only if:

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

5. The spirit of the land use ordinance is observed and substantial justice done.

D. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection C1 of this section, the hearing officer may not find an unreasonable hardship unless the alleged hardship:

1. Is located on or associated with the property for which the variance is sought;

2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and

3. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection C1 of this section, the hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

E. In determining whether or not there are special circumstances attached to the property under subsection C1 of this section, the hearing officer may find that special circumstances exist only if the special circumstances:

1. Relate to the hardship complained of; and

2. Deprive the property of privileges granted to other properties in the same zone.

F. The appellant shall bear the burden of proving that all of the conditions justifying a variance have been met.

G. Variances run with the land.

H. The hearing officer may not grant:

1. a use variance;

2. a temporary variance; or

3. a variance that is greater than the minimum variation necessary to relieve the unreasonable hardship the applicant can demonstrate.

I. In granting a variance, the hearing officer may impose additional requirements on the appellant that will:

1. Mitigate any harmful affects of the variance; or

2. Serve the purpose of the standard or requirement that is waived or modified. (Ord. 14-10)

J. Final Decision on Variances.

1. A decision of a hearing officer on a variance request takes effect on the date when the hearing officer issues a written decision.

2. An appeal of the decision on a variance request by the hearing officer may be made to the Utah district court in compliance with section 10-9a-801 of the Utah code. (Ord. 14-10)

[Chapter 17.36 – Residential Facility for Persons with a Disability]

17.36.050: REASONABLE ACCOMMODATION:

A. None of the requirements of this chapter shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

B. Any person or entity wanting a reasonable accommodation shall make application therefor to the community development director or designee and shall articulate in writing the nature of the requested accommodation and the basis for the request.

C. The community development director, or designee, shall render a written decision on each application for a reasonable accommodation within thirty (30) days. The decision shall be based on evidence of record demonstrating:

1. The requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability;

2. That, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice; and

3. That equal results will be achieved as between the person with a disability requesting the accommodation and a nondisabled person.

D. If a reasonable accommodation request is denied, the decision may be appealed as provided in this title. (Ord. 14-10: Ord. 07-30 § 2)

[Chapter 17.52 – Nonconforming Buildings and Uses]

17.52.150: REGISTRATION OF NONCONFORMING USES AND STRUCTURES REQUIRED:

A. Rights: The rights given to those using or owning property involving a nonconforming use or structure under this chapter are specifically conditioned on the registration of the nonconformity with the community development division. Nonconforming uses and structures so registered shall be deemed lawful uses and structures under the provisions of this code to the extent documented on the registration form.

B. Registration: Registration shall be required for all nonconforming uses and structures. There shall be no deadline for the registration required by this section. The community development director, or designee, shall establish a process for the registration of nonconformities and shall establish a system for keeping records of the same. The director shall provide registration forms for this purpose.

C. Verification Required; Appeal: The director shall verify the qualification of a nonconforming use or structure for registration under this section. The director shall refuse to permit the expansion, continuance, repair maintenance or other continuance of nonconforming status for a nonconforming use or structure not registered in accordance with this section. An adversely affected party may appeal the director's registration or denial as provided in this title.

[Chapter 17.54 – Site Plan Review]

(Ord. 14-10: Ord. 09-20 § 2)

17.54.080: INSPECTION:

Following approval of site plan review, the community and economic development department shall approve an application for a building permit upon submittal of plans meeting the conditions contained in the site plan review letter. Representatives of the community and economic development department shall inspect the site to ensure that all required improvements meet the conditions of the site plan review and this title before a certificate of occupancy is issued by the building division and/or prior to the issuance of a business license and before an application for permanent or temporary power from the property may be approved by the city power department. (Ord. 09-20 § 2)

17.54.090: CONTINUING EFFECT:

A site plan review, once approved, affects real property regardless of change in ownership and all subsequent owners are subject to those conditions so long as the site is being operated. If the site or use becomes nonconforming due to a later amendment of this title, the provisions of chapter 17.52 of this title relating to nonconforming buildings and uses shall apply. (Ord. 09-20 § 2)

[Chapter 17.56 – Conditional Uses]

17.56.070: INSPECTION:

Following the issuance of a conditional use permit, the planning office shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission. Representatives of the code enforcement/community development division shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued by the building inspection division and before an application for permanent or temporary power for the property may be approved by the city power department. (Ord. 07-30 § 2)

17.56.080: REVOCATION:

A. Written Complaint: Upon receiving a written complaint alleging a violation or failure to comply with any condition prescribed in a conditional use permit, the code enforcement/community development division shall investigate the complaint. If the complaint has merit, and attempts to remedy the complaint fail, the community development division may place the complaint on the agenda of the regular meeting of the planning commission, provided, that the permittee shall have at least fourteen (14) days' notice of the meeting.

B. Hearing Procedure: Permittee shall be given written notice of the exact nature of the complaint and the date and time of the hearing before the planning commission. The hearing shall be held in accordance with customary administrative hearings procedures.

C. Action; Complaint Dismissal: The planning commission, after hearing the evidence presented regarding the complaint, may continue the hearing from time to time, modify or rescind any condition or requirement of the conditional use permit as it deems necessary, revoke the conditional use permit, or take no action and dismiss the complaint.

D. Relief From Order: Any permittee aggrieved by an order entered by the planning commission pursuant to this section may maintain an action for relief therefrom in any court of competent jurisdiction. Action for relief must be filed with the court within thirty (30) days after the order from which relief is sought is made.

E. Notices: All notices required herein shall be provided by personal service or by certified mail.

F. Effective Date And Scope: This section shall apply to all conditional use permits issued after the effective date hereof, regardless of change in ownership or occupancy. (Ord. 07-30 § 2)

17.56.090: TIME LIMIT:

A. A temporary conditional use permit may be issued by the planning commission for a period of six (6) months. This permit may be renewed by the planning staff for a total of three (3) successive six (6) month time periods, allowing a total of two (2) years for the temporary conditional use permit. Where hardship or unusual circumstances exist, the planning commission may extend the temporary permit for one additional year. These extensions shall be granted in two (2) separate six (6) month increments. A temporary conditional use permit shall not be issued for a use which is not incidental to or directly related to an intended permanent use on the property.

Mobile offices, homes or trailers which are used for business purposes shall only be allowed for a six (6) month time period as authorized by the planning commission. The planning commission may extend the time period for the temporary structure up to one additional year providing that plans for a permanent structure have received commission approval.

Temporary structures shall be removed from the property upon occupancy of the permanent structure. Premanufactured structures which meet all building code regulations and construction trailers shall be exempt from this regulation.

B. A temporary conditional use occupancy permit shall not be issued nor shall the building structure or other facility be occupied until all water, sewer, and electrical permits have been issued and all appropriate inspections performed.

C. Unless there is substantial action under a conditional use permit within a maximum period of two (2) years of its issuance, the conditional use permit shall expire. The planning commission may grant a yearly extension, when deemed in the public interest. (Ord. 07-30 § 2)

17.56.100: CONDITIONAL ZONES:

Upon the recommendation of the planning and zoning commission and after the public hearing, the city may establish conditional zones within existing zoning districts where it is shown that it is in the best interests and general welfare of the community. The planning commission may establish and impose such conditions and requirements that are in keeping with the best interest and general welfare of the community. (Ord. 07-30 § 2)

17.56.110: REAPPLICATION AFTER DENIAL:

Denial of an application for a conditional use permit regarding any parcel of property shall prohibit the filing of another application for a conditional use permit for the same parcel of property or any portion thereof, within one year of the date of the final denial of the previous application unless the planning commission finds that there has been a substantial change in the circumstances or sufficient new evidence as submitted by the applicant in writing since the denial of the previous application to merit consideration of a second application within the one year time period. (Ord. 07-30 § 2)

17.56.120: CONTINUING EFFECT:

A conditional use permit, once approved, affects real property regardless of change in ownership and all subsequent owners are subject to those conditions so long as that conditional use is being conducted on the property. The conditional use may be conducted either intermittently or continuously, provided, however, that if the conditional use becomes a legal nonconforming use due to a later amendment to this title, the provisions of chapter 17.52 of this title relating to nonconforming buildings and uses shall apply. (Ord. 07-30 § 2)

17.56.130: REPORTING REQUIREMENTS:

Before February 1 of every year, the owner or occupant of a property which has been approved for the following land use under a conditional use permit shall provide written evidence to the community development division that the property use complies with this title:

1210.1 Supervised youth group home. (Ord. 07-30 § 2)

*[Chapter 17.60 – Planned Unit Development]***17.60.060: SCOPE OF PLANNING COMMISSION ACTION:**

In carrying out the intent of this chapter, the planning commission shall consider the following principles:

A. It is the intent of this chapter that site and building plans for a planned unit development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The commission may require the applicant to engage such a qualified designer or design team.

B. It is not the intent of this section that control of the design of a planned unit development by the planning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this chapter.

C. The planning commission may approve or disapprove an application for a planned unit development. In approving an application the commission may attach such conditions as it may deem necessary to secure compliance. . (Ord. 07-43 § 2)

*[Chapter 17.170 – Murray City Center District MCCD]***17.170.050: PROCEDURES:**

A. Applications: The Community and Economic Development Department shall receive applications for design review approval as required under section [17.170.040](#) of this chapter. Applications for new construction or major alteration must be reviewed by the MCCD Review Committee, which must forward a recommendation to the Commission. Members of the Planning Commission or MCCD Review Committee may enter, solely in performance of their official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the Commission or Committee may enter any private building without express consent of the owner or occupant thereof.

B. Public Meeting: Prior to action on an application for design review approval, the Commission shall hold a public meeting. The Commission shall take such action as may

reasonably be required to inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard. A written notice of the proposal shall be sent at least ten (10) days prior to the hearing to the applicant and to owners of property (lots, parcels, or tracts of land) within three hundred feet (300') of the property that is the subject of an application for design review approval.

C. Final Action: The Commission's final action on an application for design review approval for major alterations and new construction shall be by the passage of a motion to take one (1) of the following actions:

1. Grant the design review approval as proposed.
2. Grant the design review approval subject to specific conditions and/or modifications of the proposal presented in the application.
3. Deny the design review approval as proposed or modified.

D. Appeal:

1. Minor Alterations: Minor alterations denied by the administrative staff may be appealed to the Planning Commission by filing written notice of the appeal with the Community and Economic Development Department within thirty (30) calendar days from issuance of the written decision by the administrative staff.

2. Major Alterations And New Construction: Planning Commission decisions on applications for design review approval may be appealed to the Hearing Officer by an adversely affected party as provided in this title (Ord. 21-21: Ord. 19-40)

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

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this _____ day of _____, 2022.

MURRAY CITY MUNICIPAL COUNCIL

Kat Martinez, Chair

ATTEST:

Brooke Smith, City Recorder

Transmitted to the Office of the Mayor of Murray City on this ____ day of _____, 2022.

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2022.

Brett A. Hales, Mayor

ATTEST:

Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the ____ day of _____, 2022.

Brooke Smith, City Recorder

Murray City Committee of the Whole

October 4, 2022



Applicant: Murray City Community and Economic Development and Attorney's Office

Request: Amend the Land Use Ordinance to clarify, consolidate, and streamline multiple chapters of the ordinance pertaining to appeals and variances.

Affected Chapters: 17.08, 17.12, 17.16, 17.36, 17.52, 17.54, 17.56, 17.60, and 17.170

Definition Changes

Previous:

Unclear descriptions of “directly aggrieved person” throughout the code, no single location.

New (from state statute):

ADVERSELY AFFECTED PARTY: a person other than a land use applicant who: (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

Clearer Text

Previous:

The language regarding appeals and variances were included in section 17.16.050: Standard of Review. This was confusing to people who needed to apply for an appeal or variance and what was required of them.

New:

Appeals have their own section (17.16.030) that streamlines the timeline, who may appeal a decision, application requirements, and hearings.

Variances have also been given their own section (17.16.060). This lays out the state mandated review for granting variances.

Removed Conflicting Language

Previous:

Many sections of title 17 included individual timelines for reviewing an appeal of the Land Use Authority decision, some were 30 days, 30 calendar days, and some were 10 days. The code also had differing “shot clocks” or when the appeal timeframe was in effect.

New:

All appeals have been given a ten (10) calendar day shot clock from the date of the written decision by the Land Use Authority.

There is a thirty (30) calendar day exception for decisions regarding a reasonable accommodation or a historic preservation authority regarding a land use decision.

Findings

1. The proposed text amendments have been carefully considered and provide greater clarity to both city staff and the public.
2. The proposed text amendment addresses conflicts that exist in the Land Use Ordinance and makes the ordinance easier to read for more people.
3. The proposed text amendment is consistent with the Goal and Mission of Murray City to “Guide growth to promote prosperity and sustain a high quality of life for those who live, work, shop, and recreate in Murray” by making updates to the Land Use Ordinance to treat every person fairly.
4. The Planning Commission voted 5-0 to recommend approval to the City Council

Staff Recommendation

Staff and the Planning Commission recommend that the City Council of **ADOPT** the proposed text amendments to Sections 17.08, 17.12, 17.16, 17.36, 17.52, 17.54, 17.56, 17.60, and 17.170 as presented and reviewed in the Staff Report.



MURRAY
CITY COUNCIL

Adjournment



MURRAY
CITY COUNCIL

Council Meeting 6:30 p.m.

Call to Order

Pledge of Allegiance



MURRAY
CITY COUNCIL

Council Meeting Minutes

Murray City Municipal Council Chambers Murray City, Utah

DRAFT

Tuesday, September 6th, 2022

The Murray City Municipal Council met on Tuesday, September 6th, 2022, at 6:30 p.m. (or as soon as possible thereafter) for a meeting held in the Murray City 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/>. A recording of the City Council meeting can be viewed [HERE](#).

Council in Attendance:

Kat Martinez	District #1
Pamela Cotter	District #2
Rosalba Dominguez	District #3 - Conducting
Diane Turner	District #4
Garry Hrechkosy	District #5
Jennifer Kennedy	Council Director
Patti Johnson	Council Office Administrator III
Crystal Brown	Officer Administrator

Administrative Staff in Attendance:

Brett A. Hales	Mayor
Doug Hill	Chief Administrative Officer
Tammy Kikuchi	Chief Communication Officer
G.L. Critchfield	City Attorney
Brooke Smith	City Recorder
Brenda Moore	Finance and Administration Director
Craig Burnett	Police Chief
Joey Mittelman	Fire Chief
Kim Sorensen	Parks and Recreation Director
Bruce Holyoak	Parks Superintendent
Flip Nielson	Parks Leadworker
Blaine Haacke	General Manager of Power

Zach Green	Utility Planner II for Power
Matt Erkelens	Forestry Supervisor
Jared Hall	Community and Economic Development Director
Russ Kakala	Public Works Director
Ben Gray	Sr. IT Technician

Others in Attendance:

Eric Bishop	Dan Bishop	Laura Ashby	Chris Shaw
Kim Alexander	Terri Daley	Jesus Gomez	Shelley Phillips-Nielson
Bob Van Bibber	Shari Van Bibber	David Rodgers	Natalia Harmond
Gabe Ulibarri	Emily Newbold	Ben Newbold	Pam Sanders
Loran Pasalich	Morgan Smith	Frank Mendez	Melissa Mendez
Bryan Watts	Lawrence Horman		

Opening Ceremonies

Call to Order – Councilmember Dominguez called the meeting to order at 6:30 p.m.

The audience was invited to recite the Pledge of Allegiance led by David Rodgers.

Approval of Minutes

Council Meeting – August 2, 2022
Truth in Taxation Meeting – August 9, 2022

MOTION:

Councilmember Cotter moved to approve the Council Minutes on August 2, 2022, and the Truth in Taxation Minutes on August 9, 2022. The motion was SECONDED by Councilmember Martinez.

Ayes: Councilmember Turner, Councilmember Hrechkosy, Councilmember Martinez, Councilmember Cotter, Councilmember Dominguez

Nays: None

Abstentions: None

Motion passed 5-0

Special Recognition

1. Murray City Council Employee of the Month, Flip Nielson, Parks Lead

Presenting: Councilmember Dominguez and Kim Sorensen, Parks and Recreation Director

Councilmember Dominguez introduced Flip Nielson as August 2022 Employee of the Month and read a brief bio about him.

Kim Sorensen, Parks and Recreation Director, shared that Flip Nielson has worked for the city for 24 years. Flip Nielson was tasked with the responsibility of getting Murray Park ready for the Murray Fun Days and did an outstanding job. Flip Nielson supervised several full-time and part-time employees to assure the park was immaculate for the event.

Bob Van Bibber requested to share a few words about Flip Nielson over the podium. Bob Van Bibber has known Flip Nielson for a long time and shared several examples of the hard work and dedication that Flip Nielson has done not only in his capacity as a Murray City employee but for the community.

Flip Nielson was invited to the podium. He expressed appreciation for the acknowledgment and thanked the council for the recognition. Flip Nielson introduced his family and co-workers who were with him tonight.

Councilmember Dominguez thanked Flip Nielson for his service and presented him with a certificate and a \$50 gift card. His name will also appear on the plaque located in the Council Chambers.

2. 2022 Jim and Jean Hendrickson Beautification Awards

Presenting: Matt Erkelens, Forestry Supervisor, and Darin Bird, Committee member
PowerPoint Presentation - Attachment A- Murray City's 38th Annual Jim and Jean
Hendrickson Beautification Awards Program

Shade Tree and Beautification Committee:

District 1 represented by Judith Payne

District 2 represented by Darin Bird

District 3 represented by Geneal Nelson

District 4 Vacant

District 5 represented by Dr. Janice Evans

Darin Bird, Committee member announced the 2022 Jim and Jean Hendrickson Beautification Award winners:

District Award

District 1 – Kent and Susan Mohlan, 808 W Clover Meadow Dr; 84123

District 2 – John and Joan Fackrell, 6038 South LaSalle Circle; 84123

District 3 – Stewart VanCleave, 4708 South Rainbow Circle; 84107

District 4 – Ben and Emily Newbold, 5577 Hillside Drive; 84107

District 5 – Olive Watts, 6250 Turpin Street; 84107

Mayor's Award

Mayor's Award – Michael Dent, 540 E Edindrew Circle; 84107

Mayor's Citywide Xeriscape – Frank and Melissa Mendez, 1198 Hickman Cove; 84123

Mayor's Citywide Commercial – Lake City Dental, 142 W Winchester; 84107

Mayor's Citywide Multi-Family Residential – Three Fountains, 828 East Three Fountains Circle; 84107

The awardees were invited to the podium to accept the award. Each of them expressed gratitude for the recognition.

Councilmembers shared their appreciation for the Shade Tree and Beautification Committee and the residents who help make Murray beautiful.

Citizen Comments

The meeting was open for public comment.

Lawrence Horman

Shared information about homeless issues.

Dan Bishop and Eric Bishop

Daniel Bishop introduced himself and his father/partner, Eric Bishop. They are currently working with Murray City to develop a 305-unit on Commerce Drive, north of Vine Street. They appreciate all the great professionals working in Murray City.

Eric Bishop shared that their family has deep family ties to Murray City and invited the council to take tours and come to the open house once the project is complete.

Chris Shaw

Requested the City add a crossing guard behind Longview Elementary, located at 627 South and between 535-541 East.

No additional comments were given, and the open public comment period was closed.

Consent Agenda

None Scheduled

Public Hearings

- 1. Consider an ordinance permanently closing and vacating an unused Public Utility Easement at 4994 South Commerce Drive, Murray City, Salt Lake County, State of Utah.**

Presenting: Zach Green, Utility Planner II

Proposed Ordinance: O22-26

Slide: Alta/NSPS Lane Title Survey Bonnyview Partners, LLC

Zach Green, Utility Planner II for the Power Department, shared an overview of the ordinance requested to permanently close and vacation an unused Public Utility Easement at 4994 South Commerce Drive.

Murray City Power has large blanket easements covering most of the property at 4994 S. Commerce Dr. These easements are no longer needed as changes in overhead and underground power will require a new Public Utility Easement (PUE) for the Current Apartments development.

Citizen Comments

The meeting was open for public comment.

No additional comments were given, and the open public comment period was closed.

MOTION:

Councilmember Hrechkosy moves to approve the recommendations to permanently close and vacate an unused Public Utility Easement at 4994 South Commerce Drive. The motion was seconded by Councilmember Turner.

Roll Call:

Ayes: Councilmember Turner, Councilmember Hrechkosy, Councilmember Martinez, Councilmember Cotter, Councilmember Dominguez.

Nays: None

Abstentions: None

Motion passed 5-0

Business Item

None Scheduled

Mayor's Report and Questions

Mayor Hales shared:

- On Friday, September 2, he attended the Carpenters Platinum, Tribute band at the Murray City Amphitheater. Approximately 700 people attended the event.
- Next month, the Murray City Amphitheater will be updating its seats in the theater. The new seats will include cup holders.
- Kim Sorensen, Parks and Recreation Director, met with the architect for the Armory Building, and they are excited to get going on that project.
- The new City Hall construction project is being worked on and invited the council to take a tour.

COUNCIL QUESTION(S):

Councilmember Dominguez asked if there was any discussion about extending the outside pool operating hours since we are having a record-breaking heatwave.

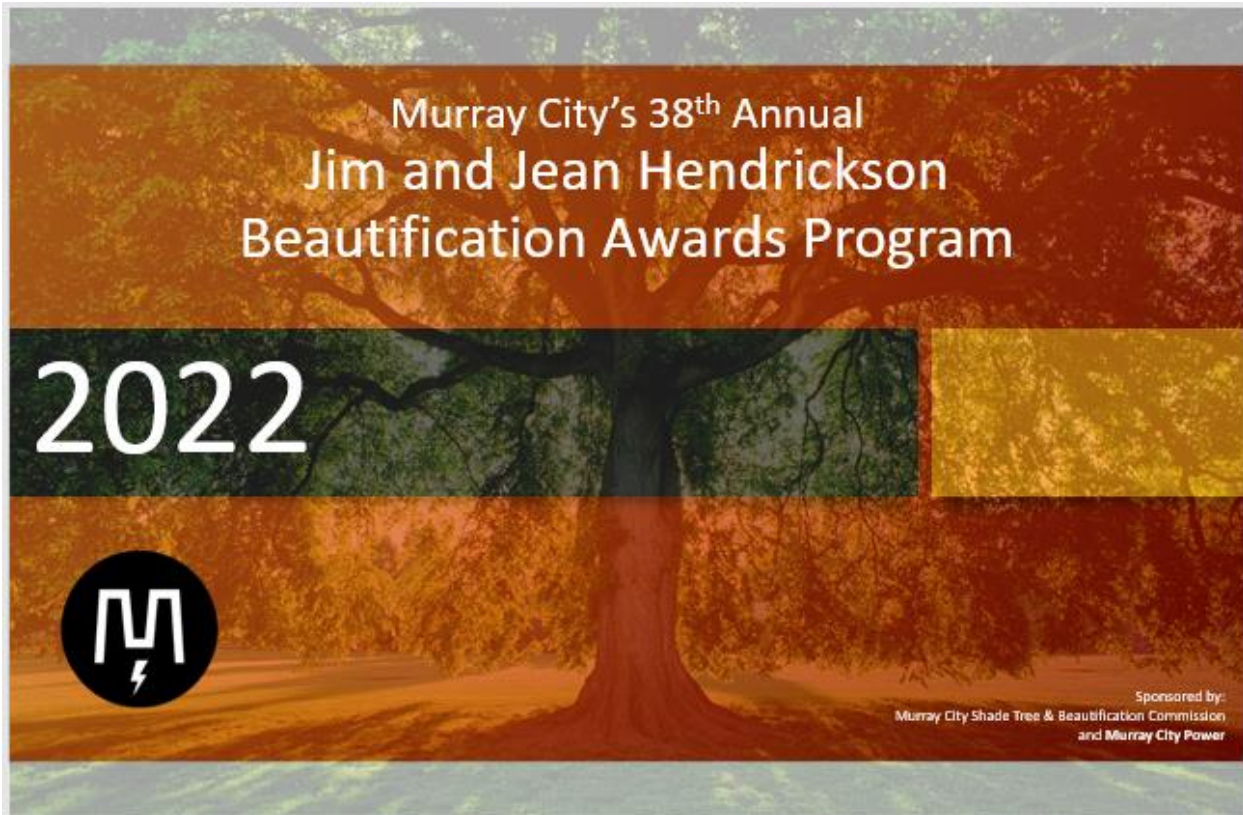
Kim Sorensen, Parks and Recreation Director, was invited to the podium and shared that due to staffing shortages and school back in session, the pool will remain closed for the rest of the season.

Adjournment

The meeting was adjourned at 7:09 p.m.

Brooke Smith, City Recorder [SEAL]

Attachment A- 2022 Murray City 38th Annual Jim and Jean Hendrickson Beautification Awards Program



Murray City Shade Tree & Beautification Commission Members

(Appointed by the Mayor)

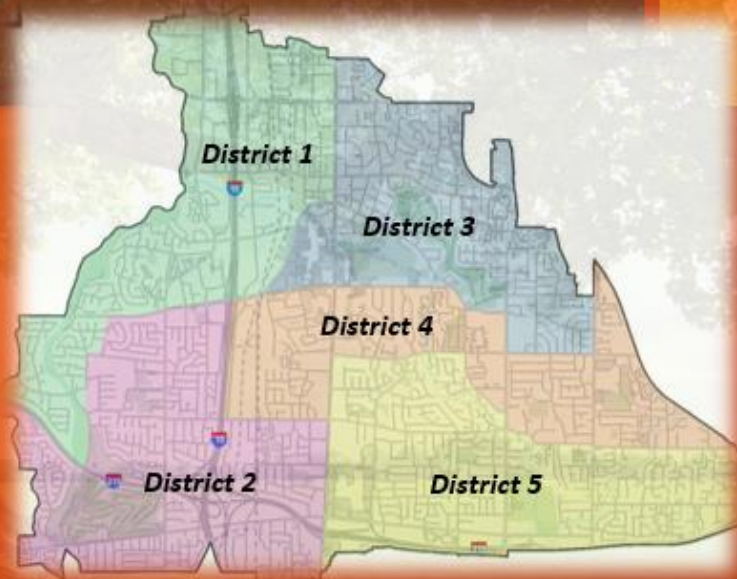
- Judith Payne
- Darin Bird
- Geneal Nelson
- Dr. Janice Evans



TREE CITY USA

District Awards

(Beautification Districts are the same as the Murray City Council Districts)



District 1 - Winner

Kent and Susan Mohlman
808 West Meadow Drive



District 2 - Winner

John and Joan Fackrell
6038 South LaSalle Circle



District 3 - Winner

Stewart VanCleave
4708 South Rainbow Circle



District 4 - Winner

Ben and Emily Newbold
5577 South Hillside Drive



District 5 - Winner

Olive Watts
6250 South Turpin Street



Citywide Xeriscape

Frank and Melissa Mendez
1198 West Hickman Cove



Citywide Commercial

Lake City Dental
142 West Winchester Street

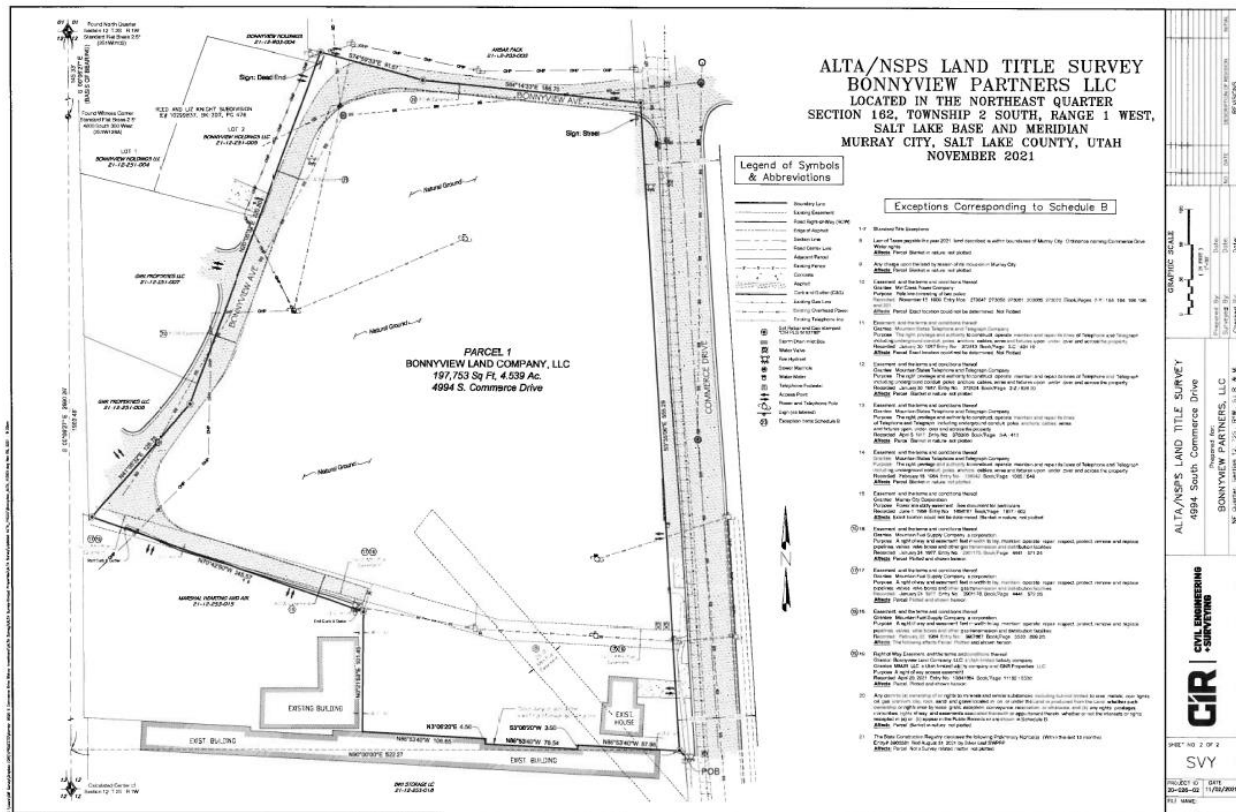


Citywide Multi-Family Residential

Three Fountains









MURRAY
CITY COUNCIL

Special Recognition



MURRAY
CITY COUNCIL

Special Recognition #1



MURRAY


Mayor's Office

Morgan Workman, Miss Murray 2022, Report and Recognition

Council Action Request

Council Meeting

Meeting Date: October 4, 2022

Department Director Mayor Brett Hales Phone # 801-264-2600 Presenters Morgan Workman Mayor Brett Hales Required Time for Presentation 15 Minutes Is This Time Sensitive Yes Mayor's Approval  Date September 20, 2022	Purpose of Proposal Recognize Morgan Workman, Miss Murray, for her service to the city Action Requested N/A Attachments N/A Budget Impact N/A Description of this Item Morgan Workman has completed her term as Miss Murray 2022. She will present a report on her experiences and accomplishments. Mayor Hales will recognize her for her service.
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Special Recognition #2



MURRAY


Murray City Fire Department

**Fire Prevention Week
October 9-15**

Council Action Request

Council Meeting

Meeting Date: October 4, 2022

Department Director Chief Joey Mittelman Phone # 801-264-2708 Presenters Steve Roberson Required Time for Presentation 10 Minutes Is This Time Sensitive No Mayor's Approval  Date	Purpose of Proposal Declare Fire Prevention Week from October 9th-15th Action Requested Have Mayor Hales read and declare October 9th-15th as Fire Prevention Week Attachments Declaration attached Budget Impact None Description of this Item Fire Prevention Week. Below is a list of items we are planning on for Murray City Fire Department to support. 2nd Grade Fire Safety Assemblies and coloring contest Social Media Releases Installing of Smoke Alarms in Partnership with Red Cross
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**A JOINT RESOLUTION OF THE MAYOR
AND MUNICIPAL COUNCIL OF MURRAY CITY, UTAH
TO DESIGNATE AND SUPPORT THE WEEK OF OCTOBER 9-15, 2022
AS
FIRE PREVENTION WEEK**

WHEREAS, the Murray City is committed to ensuring the safety and security of all those in the city, and acknowledge that fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, fire departments in the United States respond to an average of 354,000 home fires per year, resulting in 2,620 deaths. We encourage Murray residents to review cooking safety as 49% of home fires start in the kitchen, and to also identify all places in the home where fires can start and eliminate those hazards; and

WHEREAS, working smoke alarms cut the risk of dying in a home fire by 60%. Murray residents should install smoke alarms in every bedroom, outside each separate sleeping area, on every level of the home, and assure all batteries are functional; and

WHEREAS, the Murray City Fire Department is dedicated to reducing the occurrence of home fires and resulting injuries through prevention and education; and the 2022 Fire Prevention Week™ theme, “Fire Won’t Wait. Plan Your Escape.™” effectively serves to remind us to have an escape plan developed and practice at least twice a year.

THEREFORE, we do hereby proclaim October 9th-15th, 2022, as Fire Prevention Week throughout Murray City, and urge all residents to have and practice an escape plan in case of a fire in their home, and to support the many public safety activities of the Murray City Fire Department during Fire Prevention Week 2022.

PASSED, APPROVED AND ADOPTED by the Mayor and Municipal Council of
Murray City, Utah this 4th day of October 2022.

Murray City Corporation

Murray City Municipal Council

Brett Hales, Mayor

Rosalba Dominguez, Chair, District 3

Kat Martinez, District 1

Pam Cotter, District 2

Attest:

Diane Turner, District 4

Jennifer Kennedy, City Recorder

Garry Hrechkosy, District 5



MURRAY
CITY COUNCIL

Citizen Comments

Limited to three minutes, unless otherwise approved by Council



MURRAY
CITY COUNCIL

Public Hearings



MURRAY
CITY COUNCIL

Public Hearing #1



MURRAY

Community and Economic Development

General Plan Future Land Use Map & Zone Map Amendment

Council Action Request

Council Meeting

Meeting Date: October 4, 2022

Department Director Jared Hall	Purpose of Proposal Future Land Use from Office and Low Density Res to Medium Density Res & Zoning from R-1-8 and G-O to R-M-15
Phone # 801-270-2427	Action Requested Approval of the Future Land Use Map & Zone Map Amendments
Presenters Zachary Smallwood	Attachments Presentation Slides
	Budget Impact None Anticipated
Required Time for Presentation 30 Minutes	Description of this Item On July 7, 2022 the Planning Commission voted 5-0 to forward a recommendation of APPROVAL to the City Council for the request by Allie Platt with the Lotus Company to amend the Future Land Use Map from General Office and Low Density Residential to Medium Density Residential and the Zoning Map from G-O and R-1-8 to R-M-15 for the properties located at 787 and 825 East 4800 South.
Is This Time Sensitive No	The property owner is requesting a rezone for these properties to allow for redevelopment of the area to facilitate additional housing. The property owner has stated that the existing office complex is in a state of disrepair that it makes it infeasible to maintain.
Mayor's Approval	
Date January 31, 2018	

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 4th day of October, 2022, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to the consideration of amending the General Plan from Office and Low Density Residential to Residential Medium Density and amending the Zoning Map from the G-O (General Office) and R-1-8 (Residential Single Family) zoning district to the R-M-15 (Residential Multi-Family) zoning district for the properties located at 787 and 825-865 East 4800 South, Murray, Utah.

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

DATED this 31st day of August 2022.



MURRAY CITY CORPORATION

A handwritten signature in blue ink, appearing to read "Brooke Smith", written over a horizontal line.

Brooke Smith
City Recorder

DATE OF PUBLICATION: September 23, 2022
PH22-26

UCA §10-9a-205

- Mail to each affected entity
- Post on City's website
- Post on Utah Public Notice Website
- Mailed to each property owner within distance parameters (*City Code 17.04.140*)

24 hours prior to hearing:

- Post in 3 locations within city
- Post on City's website

ORDINANCE NO. _____

AN ORDINANCE RELATING TO LAND USE; AMENDS THE GENERAL PLAN FROM LOW DENSITY RESIDENTIAL AND OFFICE TO MEDIUM DENSITY RESIDENTIAL AND AMENDS THE ZONING MAP FROM G-O (GENERAL OFFICE) AND R-1-8 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL) TO R-M-15 (MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL) FOR THE PROPERTIES LOCATED AT 787 AND 825-865 EAST 4800 SOUTH, MURRAY, UTAH. (Lotus Company – Applicants)

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

WHEREAS, the owner of the real properties located at 787 and 825-865 East 4800 South, Murray, Utah, has requested a proposed amendment to the General Plan of Murray City to reflect a projected land use for the property as Residential Medium Density and to amend the zoning map to designate the property in an R-M-15 zone district; and

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

WHEREAS, it appearing to be in the best interest of Murray City and the inhabitants thereof that the proposed amendment of the General Plan and the Zoning Map be approved.

NOW, THEREFORE, BE IT ENACTED:

Section 1. That the Murray City General Plan be amended to show a Residential Medium Density projected use for the following described properties located at 787 and 825-865 East 4800 South, Murray, Murray, Salt Lake County, Utah:

BEGINNING AT A POINT AT THE CENTER OF A COUNTY ROAD AT THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF ALEXIS PARK P.U.D. AS RECORDED IN THE OFFICE, AS RECORDED IN BOOK 94-12P OF PLATS AT PAGE 377 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID POINT BEING NORTH 4°54'30" WEST ALONG THE MONUMENT LINE OF 900 EAST STREET 1110.14 FEET TO A BRASS CAP MONUMENT AT THE INTERSECTION WITH VAN WINKLE EXPRESS WAY AND NORTH 76°29'41" WEST ALONG THE MONUMENT LINE OF SAID EXPRESS WAY 97.76 FEET TO A FOUND BRASS CAP MONUMENT AND NORTH 75°56'31" WEST 357.54 FEET TO THE INTERSECTION WITH THE CENTERLINE OF 4800 SOUTH STREET AND ALONG THE CENTERLINE OF SAID 4800 SOUTH STREET THE FOLLOWING FOUR COURSES: 1) SOUTH 14°04'29" WEST 103.68 FEET TO A POINT OF CURVATURE, 2) SOUTHWESTERLY ALONG THE ARC OF A 476.83 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 82°41'47" A DISTANCE OF 688.32 FEET, CHORD BEARS SOUTH 55°25'23" WEST 630.02 FEET, 3) SOUTH 6°34'56" WEST 3.01 FEET, 4) NORTH 83°14'30" WEST 143.67 FEET FROM A FOUND BRASS CAP MONUMENT LOCATED AT 4905 SOUTH 900 EAST STREET, SAID POINT

BEING SOUTH 948.30 FEET (959.64 FEET OR 14.54 CHAINS BY DEED) AND SOUTH 83°14'30" EAST ALONG SAID CENTER 917.40 FEET (SOUTH 83°20'00" EAST BY DEED) FROM THE NORTHWEST CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH ALONG SAID EAST LINE AND ITS SOUTHERLY EXTENSION 483.91 FEET (478.50 FEET OR 7.25 CHAINS BY DEED), MORE OR LESS TO THE CENTER OF BIG COTTONWOOD CREEK; THENCE SOUTH 86°36'58" EAST ALONG SAID CENTER 99.44 FEET (NORTH 82°30'00" WEST 98.10 FEET BY DEED); THENCE SOUTH 0°50'45" WEST 29.69 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BIG COTTONWOOD CREEK; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING THREE COURSES: 1) SOUTH 82°29'15" EAST 139.50 FEET (SOUTH 82°30'00" EAST BY DEED), 2) SOUTH 48°59'15" EAST 66.00 FEET (SOUTH 49°00'00" EAST BY DEED), 3) SOUTH 72°11'45" EAST 318.96 FEET (SOUTH 72°11'45" EAST BY DEED) TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF 7800 SOUTH STREET, SAID POINT ALSO BEING ON THE ARC OF A 426.83 FOOT NON TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: 1) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42°05'18" A DISTANCE OF 313.54 FEET, CHORD BEARS SOUTH 44°33'40" WEST 306.54 FEET TO A POINT ON THE ARC OF A 340.00 FOOT NON TANGENT RADIUS CURVE TO THE RIGHT, 2) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°54'56" A DISTANCE OF 224.99 FEET, CHORD BEARS SOUTH 75°11'21" WEST 220.91 FEET; THENCE NORTH 0°50'45" EAST 133.80 FEET (NORTH 0°50'00" EAST BY DEED); THENCE NORTH 89°59'15" WEST 69.53 FEET (WEST BY DEED); THENCE SOUTH 0°50'45" WEST 169.73 FEET TO A POINT ON THE SAID CENTER OF THE COUNTY ROAD; THENCE NORTH 83°14'30" WEST FEET TO THE POINT OF BEGINNING

Section 2. That the Zoning Map and the zone district designation for the property described in Section 1 be amended from the G-O and R-1-8 zone district to the R-M-15 zone district.

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

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council
on this _____ day of _____, 2022.

MURRAY CITY MUNICIPAL COUNCIL

Kat Martinez, Chair

ATTEST:

Brooke Smith, City Recorder

Transmitted to the Office of the Mayor of Murray City on this ____ day of _____, 2022.

MAYOR'S ACTION:

DATED this ____ day of _____, 2022.

Brett A. Hales, Mayor

ATTEST:

Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the ____ day of _____, 2022.

Brooke Smith, City Recorder

- a. The developer will need to meet with Murray City Power to discuss planning the new power service(s) and equipment placement to the building(s) when the time comes, with additional line extension costs to provide electrical service.
 - b. Developer must meet all Murray City Power Department requirements and current NESC code and provide required easements for future equipment and Power lines.
5. The project shall meet all requirements of the Murray City Land Use Ordinance, the Master Site Plan, and the Memorandum of Understanding.
6. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
7. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.

Seconded by Mr. Nay. Roll Call Vote.

A Nay
A Hacker
A Milkavich
A Richards
A Patterson

Motion passed 5-0.

LOTUS COMPANY – 825-865 East & 787 East 4800 South – Projects #22-081 & 22-082

Mr. Smallwood presented this is a request by the Lotus Company for a General Plan and Zone Map amendment at 787 and 825 through 865 East 4800 South. The address 787 East is the single-family residence on the west side of the property, the 825-865 is the office complex adjacent to 4800 South. The 787 East address is in the R-1.8 zone, which allows for single family residences and that's typically all that's allowed. The G-O zone allows for a multitude of uses. The request is to change both properties to R-M-15 which would allow up to 12 units per acre. Largely, all the front setback areas are the same across the board. He believes the G-O zone allows for a 20-foot front yard setback, but the R-1-8 and R-M-15 have a 25-foot front setback. The G-O zone does not have a rear yard setback unless it abuts single family residences which then requires 20 feet. Regarding height requirements, for the existing G-O and R-1-8 zones, they are 30 feet and 35 feet respectively. The proposed R-M-15 would allow that to G-O to 40 feet with approval by the planning commission, otherwise it is 35 feet. This is 3.93 acres between the lots, the single-family residence lot is one acre, and the G-O zone is 2.93 acres. The base density is 12 units per acre that would allow for a maximum (without considering access roads or landscaping requirements) of 47 units. Regarding parking, the G-O zone varies but it typically requires about one space for every 250 square feet of net usable office space, or four spaces per 1,000 square feet. The R-1.8 zone has a minimum of two off-street parking spaces. The R-M-15 zone requires 2.5 spaces per unit. There are apartments to the southeast, located in the R-M-10 zone. Staff did some calculations throughout the city, and this was actually built out at about 25 units per acre, which is much higher than the seven units per acre that's allowed currently. Regarding the land use, currently the single-family residence is on the future land use map as low density residential, and the office space is for office uses. The General Plan allows recommendations for change. There are also a number of objectives in the general plan, specifically in the housing element, including Objective 3 which states they

should “encourage housing options for a variety of ages, sizes and financial levels” and “supporting different housing types including townhomes, row homes and duplexes.” Also, in the land use and urban design element, Objective 9 states they should “provide a mix of housing options and residential zones to meet a diverse range of needs.” The city always speaks to a mix of housing, integrated into neighborhoods, so there is a healthy mix of single and multi-family mixed together. Lastly, the moderate-income housing component states they should “provide a diversity of housing through a range of types and development patterns to expand the moderate-income housing options available to existing and future residents.” We all know there is a severe housing shortage here in the valley, in the state and nationwide, so they are encouraging additional housing in this area. He did receive a few phone calls from property owners who were concerned. There were more in support of the office building being converted and leaving the single-family residence as is. He did have a conversation with the resident that owns the property which would potentially be surrounded on three sides. She had concerns, said she reached out to Lotus; he relayed that information to Lotus to reach out to her and have a conversation. The city sent out 110 public notices, he received around four to five phone calls in response. Staff is recommending the commission forward a positive recommendation for both the general plan and zone map amendments for both properties.

Mr. Nay asked about the size of the residential piece. Mr. Smallwood responded it is one acre in size.

Mr. Smallwood stated a portion of the area is owned by Salt Lake City to the north of the proposal and there is a water pipe that runs through Murray City; in fact, some of the people living on 4800 S actually get their water from Salt Lake City rather than Murray City. He stated he does not anticipate Salt Lake City giving up that piece of property along Van Winkle Expressway they currently own.

Ms. Milkavich noted that she lives in this area and had many of the same immediate feelings as others. She asked why the request is not two separate requests since the two properties are differently zoned and should be reviewed as two separate applications. She stated that everyone is typically concerned about buffering impacts to adjacent residential properties.

Mr. Smallwood said one of the conversations he remembers was a resident being concerned about the trees along that property line, and if there was a way to maintain those. Mr. Smallwood told them that really isn't dealt with at this level, this is just looking specifically at the zoning.

Ms. Milkavich said she is grappling with the joint property application but that she wants to make sure they are fair to everyone. If the city decided to split up the application, the G-O could be rezoned, but not the R-1-8. The intent would be for buffering and she asked what existing buffering they have for the R-M-15 area. Would there be a built-in buffer that already exists.

Mr. Smallwood didn't believe there was a specific buffer from single family from an R-M-15 zone, and that was not corrected by any other staff.

Ms. Milkavich noted that it appears that they are then, as a community, throwing that one person who owns the R-1-8 property under the bus and potentially saying they are the buffer.

Mr. Nay noted that the property owners can't do anything with their one acre other than have one dwelling because of the narrowness of the parcel.

Ms. Milkavich said she drove that area when it was for sale to see what could be done with it.

Ms. Patterson noted that many of the written comments included in the packet were concerned about future traffic on the curve of 4800 South, and she asked if that impacts future zoning.

Mr. Smallwood said if the zones are changed, it would have to come before the commission as a conditional use because multi-family is a conditional use in the R-M-15 zone. It would be reviewed by the city engineer who looks at site obstacles and restrictions, as well as where the best points of access would be. Mr. Smallwood has seen preliminary plans, and he tries not to speak too broadly to them because they can change, but currently they have two points of access with one up at the north and then one further down the curve.

Mr. Nay lives on the S curve of Vine street, there are three separate streets that come into that S curve. He doesn't know what the difference in volume is on Vine Street and 4800 South here, but he would guess Vine Street has more traffic as it's pretty busy. That being said, they just don't see issues with it.

Ms. Milkavich agreed that Vine Street is busier, but soon won't be with 400 more people going in here on the east side, 400 going in on the west side, and then higher density in this location. She worries about traffic too, but being on this commission, every item that comes before them has traffic concerns, because with growth there is traffic. There are traffic studies done and they usually tell them the grade for the street and how to improve things, they don't just say no to the project.

Mr. Smallwood added that the existing zoning as it stands now for the G-O area would allow someone to turn this area into multiple office buildings.

Ms. Patterson said the G-O zone by the freeway has huge office buildings, and that could be done here.

Ms. Milkavich agreed, she was thinking that if there were 40 businesses here that were thriving they could easily have four customers per visit, per business, coming in and out every hour.

Ms. Milkavich said that technically 46 residents would have less traffic than the same amount of businesses, if all the businesses were occupied and thriving. Businesses have people coming in and out all day, whereas residents have morning and evening rush hour.

Ms. Patterson noted that it would be at the next level that the engineer would decide if a traffic study were needed.

Mr. Smallwood said this probably won't require a traffic impact study, that's usually only when the proposal is for over 100 units.

Ms. Milkavich asked why this is being proposed as R-M-15 instead of R-M-10.

Mr. Smallwood said that's what the applicant has asked for, and it was their choice. If this was R-M-10 they could probably get around 27 units out of the space.

Mr. Hacker said that as long as he has lived in Murray, he has never noticed this development being full of patrons; however, he has patronized a couple of the businesses within the center.

He doesn't know how many businesses are there anymore, but there could be at least a dozen. There are probably over 100 parking stalls. If and when all of those businesses were full, there was some significant traffic added to 4800 South, so if 47 units went into that area he isn't sure that traffic would be much different than if this office area was full. It would certainly be less than if it was developed with large commercial buildings.

Ms. Milkavich agreed that it will be similar visits per day, but the timing of the visits will be different and heaviest during rush hour. She, however, doesn't know if that trumps people living in that neighborhood and taking care of the area, versus businesses. Residential is definitely more appropriate for the area than business.

Ms. Patterson invited the applicant to come forward and asked the applicant if she had any additional information to share with the commission.

Allie Platt introduced herself. She stated that after having conversation with the community, the one-acre lot with the single-family residence will be left they have no intention of getting rid of it. They may, however; potentially use the back portion of the lot for other development. Site plans can change, but she spoke with Mr. Hall about the potential two- and three-story townhomes, and if it would be more appropriate to use that section as a buffer and that would be easily done. Another concern brought up was the entrance and exit, and she has heard multiple times that this is a dangerous corner. Not living in Murray, she is not sure and she would love suggestions for locations of the safest entrances and exits.

Ms. Milkavich suggested that the applicant meet with the residents as much as possible, talking to them about their concerns and doing things like putting the two-story buildings closer to the residence or offering fencing around the house. Ms. Platt said they prefer happy neighbors, not angry ones.

Ms. Patterson opened the hearing for public comments.

Joan Christensen – Holladay Resident

Joan Christensen stated they own the little parcel with the home surrounded 270 degrees by the property in question and it is obvious their property will be impacted. She expressed concern with the s-curve on the roadway and the elevation changes are of great concern and is a danger zone. That's her great concern for the city at large, she is not anti-development, she could maybe be persuaded to live between 270 degrees of development for two years, but the personal impact is significant and she doesn't really know why it's being covered that way. She stated that on June 20 she had an unauthorized worker come to her property and totally scrap the perimeter, weed whacking everything including all the perennials, and even up close to the property. She thought maybe Lotus sent someone to weed whack the newly acquired property because it's growing, so she reached out and Allie was very nice in responding, wanting to know what she could do. They verified that their landscape team had sent someone to the wrong address. She stated that the owner to the west, who was there for so many years, would also echo the concerns that she has about access points on the property.

Eric Schroeder – Resident

Mr. Schroeder stated he lives on Naylor Street. His main concern was that he chose to move to Murray eight years ago. The reason for that was because of the beautiful dead-end street,

Naylor Lane, and how quiet it appeared to be. In those eight years he has seen Murray City approving apartment complex after apartment complex after apartment complex after townhouses, and it's really concerning and he thinks it has really taken away from the quality of life that brought him into Murray. He is thinking of Lagoon on a Wednesday versus Lagoon on a Saturday, who enjoys what more. He is worried that Murray is becoming that way. He loves the small town feel of Murray City and this particular project concerns him, not just because of the extra traffic it will bring, but the crime and the safety concerns. It's on a steep curve and quite often when he's traveling down towards Miller Estates there is a lot of traffic that pulls in there. As you come over that hill you get cut off a lot. There are very large trees along the road that present visibility issues. She stated there is a brand-new massive apartment complex going into the old Kmart, across the street from there they have the Cottonwood Heights Apartments, next to them there is a giant condo complex. On the corner of 900 East and Van Winkle there is a brand-new townhouse subdivision. If they are looking for a good mix, he feels they already have it in this area. He is asking the commission to just stop and think about the quality of life of those who live in this area, ask themselves, taxes aside and the revenue this might bring into the city, would they want it next to their house.

Kirk Poulsen – Resident

Mr. Poulsen lives just two streets up from this impacted area. He stated with the Miller Estates subdivision and Three Fountains and everything going into the old Kmart site, the new Mash Farms which are single family, he thinks we have a lot right down in their area that is getting a lot more people coming through. He knows anecdotally the traffic is more, he has lived there since the early 60s and it is way more than at that point in time, and he understands now that it's not the commission's job to do traffic studies, but he knows the traffic has gotten worse on 4800 South. He doesn't know what impact the new city buildings being built on 4800 South would have. He is concerned with the overcrowding in this particular area and the traffic that it may add to the increased traffic they are getting from all other sources.

Rob Benedict – Resident

Mr. Benedict asked why there is only one application and not two applications since there are two differently zoned properties. The reason he says that is because the application doesn't support the request. The application says that the land is no longer useful, the land has reached the end of its useful life, but if you look at it, the Larsen land is undeveloped land. It is not logical to call this property at the end of its useful life. He thinks, on that basis alone, they would have to vote against it. A second reason, from the Murray City General Plan, it says "drawing a line around commercial precincts to protect adjacent residential areas." This is the definition of a buffer. You have apartment row over here, Miller Estates, Brittany Apartments on the other side; this is what you guys want as a buffer. This land has been single family homes since 1913, Murray was actually incorporated in 1902 and he looked that up before he came in. What hasn't worked for the last 100 years has now changed. He thinks also that there could be some possible sensitive land in here, there is springs in here. If you look at the land, it is an undeveloped acre for the most part, it is contiguous with the river so he thinks that increases the value of the land and he thinks that could be possibly sensitive. That is something that he would ask the commission to look in to before the vote. Finally, that it is consistent with other developments. Hidden Woods on the other side of their HOA is single family homes, Mash Estates are single family homes, he is not sure why there is a need to change something that has been single family homes for 100 years. He asked that there be separate votes on the one-acre property and the other property.

Douglas Jensen – Resident

Mr. Jensen stated his home is the first house on 4800 South. It is a very busy road and is dangerous. He understands there is a spring pond in this area. It would present an obvious obstacle in any type of development. He is not anti-development, but that the property can be rezoned responsibly. The land they are working with is very steep and expressed concern with drainage issues. We want to keep Murray beautiful and we have a one-acre lot with a lot of trees, it is just beautiful with all kinds of wildlife by the creek. He stated he wants the concern regarding the spring on the public record, and he wants to leave with a few words from Joni Mitchell, "they paved paradise and put up a parking lot, you don't know what you've got 'til it's gone." We have a wonderful property there that you can see from the expressway, from 4800 South, it would be nice to keep it that way.

Brad Carlson – Resident

Mr. Carlson stated he is the last house on the north of 4800 South in the circle. He pointed out traffic on 4800 South is pretty bad coming out of this street here, and there has been many times where he has had to slam on his brakes because cars are coming up 4800 S, because there is a hill there; it is pretty scary. Also, the terrain, as neighbors said, it is steep here. It is beautiful with the trees. It would be awful to see that go. If the trees go away it is going to be a lot noisier. He asked the commission if they have actually gone and looked at that terrain, have they actually walked it. Have they seen what they see from their backyards, he hopes they take that into consideration, plus traffic.

Ms. Patterson closed the hearing for public comments.

Mr. Smallwood the traffic will be addressed when/if a development proposal comes forward. The traffic engineer can ask, especially where it is a weird angle, for additional info, but it's dependent on where it is. The applicant did mention that she would be willing to work with city staff, so she would probably want to work with Engineering and the Streets department on what would be more appropriate.

Ms. Milkavich said that comment has been made often because the commission has been burned before, where they start talking about a project, and then it turns out not to be the case and they take these matters very serious.

Ms. Smallwood said it depends on what project gets proposed. Often in these things they require a concept review first, which allows for the applicant to submit some preliminary plans that get farmed out through all the different departments in the city who then provide comments to the applicant on what they should expect to see.

Mr. Hall stated that the staff keeps discussing how a traffic study might be required as they look at traffic. That is not to say that the city engineer has not seen this zone change as well, and he wanted to make that clear to everybody. The engineering department has seen this zone change proposal, and they didn't have enough concerns with the density allowed by the R-M-15 zone to tell staff to put the brakes on this until they are able to do a study beforehand. If they were proposing some kind of zoning that allowed 50 or 60 units to the acre they might have the brakes on already. If the city engineer had any concerns with 12 units per acre, that he didn't think could be addressed with a traffic study and design, he would have already put the brakes on this.

Mr. Smallwood reiterated that this has been seen by all departments in the city, such as engineering, police, fire, etc.

Ms. Patterson reiterated that city staff have seen the proposed changes and they all approved it.

Mr. Smallwood agreed and noted those approvals are in the staff report, with any comments. One public comment mentioned sensitive lands. Again, that would be evaluated at a project level, but the city engineer is well aware of that and where the sensitive lands are, they are working through that with other applicants right now on other properties where there are streams and impacts to those. City staff would anticipate those and will work those issues because it depends on building placement.

Ms. Patterson noted that we have developed things with a natural spring, and to redevelop once rezoned, there were a lot of regulations and requirements that were added once they were to that stage. That doesn't necessarily change the ability to rezone something.

Ms. Milkavich asked if we should know about those things at this point, and do they know about any. There is a pond back there with a creek that loops down to the other creek. She stated she walked through the area and saw it when it was for sale and she wasn't sure if that was a manmade or a natural spring.

Mr. Smallwood said they would know that at a site plan review, and the city engineer would have brought it up but will be researched.

Ms. Patterson said that a comment was made that the property is at the end of its economic life. She believes that comment was referring to the businesses, not necessarily, the single-family property as it obviously hasn't reached its economic life.

Ms. Milkavich said it makes her a little sick to her stomach that those three houses there didn't buy that one acre. When you own the land you then get to choose what you do with it legally.

Mr. Hacker stated regarding the traffic comments, that Van Winkle is owned by the state, so just up the road a little bit there are two roads that are both right in and right out. He is not sure if UDOT would allow a right in and right out on this particular property, just because it's a little too close to 4800 South. However, that may be something to look in to for helping traffic on 4800 S.

Mr. Hacker suggested that the project is very close to 4800 South, and an access like that would cause a lot of grief on the amount of traffic coming down Van Winkle, merging and weaving, etc. He added that there are two other access points into the business units there, one further west and one closer to the Millers access. He doesn't doubt at all that regardless of what goes in here, even if there was more business use and traffic, the times of access may be different. With the new developments it may require some of the drives to merge so that instead of individual driveways on to 4800 South there would be only one.

Mr. Smallwood noted that most public comments received were about traffic in the area and the lot being used as a buffer, which was already mentioned in the staff report.

Ms. Milkavich requested to have a discussion with the other commissioners about the pros and cons of separating the two. She understands why it was suggested, but she hasn't heard enough discussion to convince her of that.

Mr. Smallwood clarified that they were suggesting voting on 787 East property and then on the 825 East property.

Ms. Patterson said her feelings are that the property is all owned by the same person, and they are trying to redevelop it all as one project. If the property owner was going to parcel off part of the R-1-8 and only ask for the R-M-15 on the other part it might be a different conversation, but that's not what they brought forward.

Ms. Milkavich agrees that there is one owner. The issues with the water on the one-acre lot will persist, so if there is a reason they should not be building on it, those issues will not go away, regardless of zoning change.

Ms. Patterson added that if the zoning is changed by the city council, they will look into those issues and may have to make accommodations.

Ms. Milkavich wants more discussion on voting separately if it would make the public more comfortable; however, she doesn't think it would change the outcome. Mr. Hacker agrees that it's one property and one owner. Mr. Nay agreed and is on the same page.

Mr. Richards noted that safety will be addressed at some point regarding the creative buffer options, but regarding the acre lot he thinks that could be the compromise in terms of buffer options. He isn't sure that one of those buffer options would maintain the trees, but there might be a compromise somewhere.

Mr. Nay knows this will be an unpopular opinion, but the cul-de-sac neighborhood heading to the north was trees once upon a time; beautiful land that was taken away and made into the current homes. It has been long enough that those trees have reestablished themselves, and they have that buffer. There was, at a time, when those residents weren't there, a time when it was quieter and a time when something else was there with less traffic on 4800 South. As people have chosen to move into the city, these are some of those incremental compromises that we have to make. Initially, it is a very hard path to see these trees go down and see that go away, but over 20-30 years, over the long game, those trees are going to re-establish themselves and continue to provide buffers for residences in and around the area. Something was pristine before the current residents got there, and something is going to be pristine again after they are gone.

Ms. Milkavich concurred with Mr. Nay's comments but isn't necessarily comforting. The house next to her tore down all their trees and now she hears the traffic from 4800 South significantly more and that's sad but they will grow back some day. In some zones it allows 35-foot-tall home and in some zones it allows a 50-foot-tall structure. Mr. Smallwood clarified that there will not be any 50-foot homes in this area, the maximum height is 40 feet.

Ms. Milkavich noted that the significant drop off might help as well and that height might not be as dramatic.

Mr. Smallwood noted that he and Ms. Platt have had those conversations, that if she is going to propose three stories those should be more towards Van Winkle and 4800 South. That's also what was pushed for in the Ivory Development on 700 West, pushing the three stories away from the existing single family.

Ms. Patterson noted that they always try to encourage the developers to save as many trees as possible, as keeping those established trees is better than whatever could be planted now and grow in the future. It sounds like the owner is open and willing to be a good neighbor. There will also be another chance for residents to make comments at the city council meeting, so she encouraged them to go there and express those same comments and concerns.

Ms. Milkavich noted that the commission “calls strikes and balls”; they don’t develop the law, they have to follow it. They are here to say if things are legal or not legal. She is personally hoping there are some restrictions with the water, that they have to be gentle, and she would like R-M-10 better but it’s not her property.

Ms. Patterson said regarding the objectives in the general plan, she thinks this zoning does support some of those objectives, especially moderate-income housing and diversity of housing.

Ms. Milkavich added it also maintains the area as residential. Someone could have come in and bought that property, arguing it should be G-O and that could have been the outcome.

Mr. Hacker noted he heard a comment this evening about potential crime, and they have heard it in the past that there is crime down along the river between the property and Van Winkle. He asked if there were other public comments provided asking about crime, and asked Mr. Smallwood to speak to crime in that area. Mr. Smallwood said that there is a rise in people experiencing homelessness in this valley, a lot of that can be attributed to rising costs of housing. He read a statistic the other day that every \$100 in extra rent increases homelessness by 9%. Regarding crime, not everyone experiencing homelessness is committing crime; a vast majority just want to be left alone and able to sleep somewhere. There are of course those experiencing homelessness who do have problems that need to be addressed, but that is not the majority.

Ms. Patterson asked if he feels that this being a business area and closed nights and evenings makes a difference, versus residents living there all the time. Mr. Smallwood brought up the concept of “eyes on the street,” a planning term meaning residences with windows facing the street that are less likely to have people willing to commit crime because they could be watched. Vacant buildings that everyone knows are vacant and wide-open parking spaces encourage more of the people doing nefarious acts. He has not seen peer reviewed papers that equate higher density to crime. When there are more people, there will be more crime, but being closer together doesn’t cause more crime; that is just the nature of having more people.

Ms. Patterson reminded everyone that the commission is forwarding a recommendation to the city council; this will include two recommendations, one for the general plan and one for the zoning map.

Mr. Nay moved to forward a recommendation of approval to the city council for the requested amendments to the future land use map, re-designating the properties located at 787 and 825 East 4800 South for low density residential and office to medium density residential. Seconded by Mr. Hacker.

Roll Call Vote

<u>A</u>	Nay
<u>A</u>	Hacker

A Richards
A Milkavich
A Patterson

Motion passed 5-0.

Mr. Hacker moved to forward a recommendation of approval to the city council for requested amendment to the zoning map designation of the properties located at 787 and 825 East 4800 South, from R-1-8 and G-O to R-M-15. Seconded by Mr. Nay.

Roll Call Vote

A Hacker
A Nay
A Richards
A Milkavich
A Patterson

Motion passed 5-0.

DISCUSSION - Regarding HB 462 – Moderate Income Housing

Mr. Smallwood noted that in May and June there were discussions with both the planning commission and the city council in regard to this bill. Today he would like to discuss the staff's proposed "menu item" selections, which came from the commission and council's feedback. Based on the discussion here tonight, they will be moving forward to craft exact language and firm up the implementation plans. The public hearing will be at the August 4 meeting, and everything will be ready at that time to propose changing the general plan before being sent to the city council. He will then create the report to send to the state, due on October 1. They are not changing the goal of the 2017 General Plan Moderate Income Housing Element. The five options being recommended by staff are:

1. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing.
2. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
3. Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors.
4. Implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality.
5. Develop and adopt a station area plan in accordance with Section 10-9a-403.1 (State Code).

If the members of the commission are unhappy with the options given above, staff provided alternate menu items and asked the commissioners to look at those first before going back to the full menu of options. Those three alternate options are:



AGENDA ITEM # 8

ITEM TYPE:	General Plan & Zone Map Amendments		
ADDRESS:	787 & 825-865 East 4800 South	MEETING DATE:	July 7, 2022
APPLICANT:	Lotus Company	STAFF:	Zachary Smallwood, Senior Planner
PARCEL ID:	22-08-108-016 22-08-108-022	PROJECT NUMBER:	22-081 & 22-082
CURRENT ZONE:	R-1-8, Residential Single Family & G-O, General Office	PROPOSED ZONES:	R-M-15, Multi-Family Residential, Medium Density
Land Use Designation	Low Density Residential & Office	PROPOSED DESIGNATION	Medium Density Residential
SIZE:	3.93 acres		
REQUEST:	The applicant would like to amend the Future Land Use Map designation and Zoning Map for the subject properties to facilitate a residential development.		



I. BACKGROUND & REVIEW

The owner of the subject properties are requesting to amend the General Plan's Future Land Use Map and the Zone Map to allow for redevelopment of the properties. The applicant's state that the existing office uses are no longer viable and are in a state of disrepair that it is not economically viable for them to continue. They propose that changing the zoning to residential would allow for a more compatible and cohesive neighborhood.

Surrounding Land Uses & Zoning

The subject property is comprised of two parcels totaling 3.93 acres in the R-1-8, Single Family Residential (1 acre) & G-O, General Office (2.93 acres) Zones located on the north side of 4800 South as it bends to connect to the Van Winkle Expressway. There is a large apartment complex to the southeast and a mix of single-family residential to the southwest. The staff report will focus on review and comparison of the differences between the existing and proposed Future Land Use and Zoning Map designations of the 3.93-acre subject property.

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Right of Way	N/A
South	Multi & Single-Family Residential	R-M-10 & R-1-8
East	Multi-Family Residential	R-M-10
West	Single-Family Residential	R-1-8

Zoning Considerations

The subject properties are in the R-1-8, Single Family Residential and G-O, General Office Zones. The properties surrounding the subject properties, both immediately adjacent and in the larger area, are in a mix of zoning districts. There are a mix of apartments, townhouses, and single-family residential adjacent to the subject properties. Staff supports the proposed zone map amendments noting that the potential development into a multi-family project would help to stabilize the adjacent single-family neighborhood, and that there is precedent for a multi-family use in the immediate area. Comparisons of land uses and other zoning regulations in the existing and proposed zones follow.

Allowed Land Uses

The existing G-O Zone largely allows for commercial uses and is flexible on the types of uses. Properties that are built in this zone are of a smaller scale of office buildings. The existing zone does not allow for any residential other than retirement/assisted living establishments. The R-M-15 Zone allows for multi-family housing at a base density of twelve (12) units per

acre. This is a medium density, multi-family zone.

- **Existing G-O, General Office Zone**

Permitted Uses in the G-O Zone include various office uses, massage therapy and beauty services, financial, real estate businesses, banking, and other professional level businesses.

Conditional Uses in the G-O Zone include retirement homes, body art studios, commercial child care, dry cleaning, restaurants, and other service oriented businesses.

- **Existing R-1-8, Residential Single-Family Zone:**

Permitted Uses in the R-1-8 Zone include single family residential development and accessory uses associated with them and requires minimum lot sizes of 8,000 square feet. Maximum height for main dwellings is 35 feet.

Conditional Uses in the R-1-8 Zone include public and quasi-public uses such as schools, libraries, churches, and utilities.

- **Proposed R-M-15, Multi-Family Medium Density Residential Zone:**

Permitted uses in the proposed R-M-15 include single-family detached dwellings on 8,000 ft² lots, two-family dwellings on 10,000 ft² lots, utilities, charter schools, and residential childcare as permitted uses.

Conditional uses in the R-M-15 Zone include attached single-family dwellings, multi-family dwellings (12 units per acre), bed and breakfasts, retirement homes, cemeteries, radio and television transmitting stations, parks, schools and churches, utilities, cemeteries, libraries, and retirement homes.

Zoning Regulations

The more directly comparable regulations for setbacks, height, and parking between the existing G-O, R-1-8, and proposed R-M-15 zones are summarized in the table below.

	G-O(existing)	R-1-8 (existing)	R-M-15
Single-Family Lot Size and/or Multi-Family Density	Residential is not allowed except for assisted/retirement living facilities.	8,000 ft ² min per lot	8,000 ft ² min per lot 12 units per acre

Height	30' with additional height with additional setback.	35'	Up to 40' max as approved by the Planning Commission
Front yard setback	20'	25'	25'
Rear Yard setback	None (20' next to residential)	25'	25'
Side Yard setbacks	10' (20' next to residential)	8' (total of 20')	8' (total of 20')
Corner Yard setback	20'	20'	20'
Parking Required	Between 4 and 5 spaces for every 1000 square feet	2 spaces per lot	2.5 spaces per unit

Figure 1: Compared Regulations in existing and proposed zones

General Plan Considerations

In order to support the Zone Map amendment to R-M-15, the applicant has also made an application for a General Plan amendment, specifically to amend the Future Land Use designations of the subject properties from Office and Low Density Residential to Medium Density Residential. General Plans are not intended to be static documents. Significant evaluations and revisions are common every five to ten years, and in growing and complex communities like Murray it is reasonable to expect that additional adjustments may be appropriate and should be considered individually.

Future Land Use Map Designations

Map 5.7 of the Murray City General Plan (the Future Land Use Map) identifies future land use designations for 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 designations of properties. The subject properties are currently designated Office and Low Density Residential. The applicant proposes to amend the Future Land Use designations described above to “Medium Density Residential”.

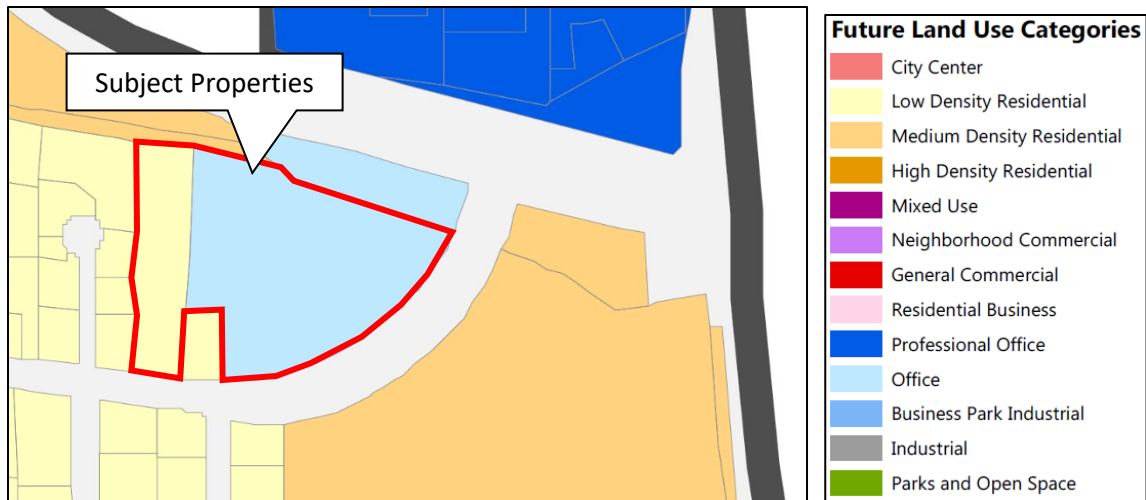


Figure 2: Future Land Use Map segment

- Existing: The existing properties are currently designated as “Office” and “Low Density Residential”. The office category is intended to be used for “a wide range of office uses in an environment that is compatible with adjacent residential neighborhoods” Figure 4 is an illustration below from page 5-15 of the General Plan. The Low Density Residential designation is intended for established and planned neighborhoods” and is the most common of the land use designations, see Figure 5 for a more detailed description.
- Proposed: The applicants propose to amend the Future Land Use Map designations of the subject property to “Medium Density Residential.” The Medium Density Residential designation allows a mix of housing types that are smaller multi-family structures. The designation is intended for areas near or along centers and corridors. Densities should range between 6 and 15 units per acre. Corresponding Zones are:
 - R-1-6, Low/Medium Density Single Family
 - R-2-10, Medium Density Multiple Family
 - R-M-10, Medium Density Multiple Family
 - R-M-15, Medium Density Multiple Family

The Medium Density Residential categories assume that areas within this designation “generally have few or very minor development constraints (such as infrastructure or sensitive lands).” Staff finds that the impacts of the change to Medium Density Residential can be adequately overcome through conditional use permit review combined with stabilizing the existing neighborhoods around the subject properties. Figure 6 below is from pg. 5-17 of the 2017 General Plan.

OFFICE

This designation allows for a wide range of office uses in an environment that is compatible with adjacent residential neighborhoods. Development patterns should enhance the livability of surrounding residential neighborhoods while contributing to the success of nearby business areas. Development will generally be individual buildings or small clusters that are scaled similar to adjacent residential areas.

Corresponding zone(s):

- G-O, General Office
- R-N-B, Residential Neighborhood Business



Figure 3: p. 5-17, Murray City General Plan 2017

LOW DENSITY RESIDENTIAL

This designation is intended for residential uses in established/planned neighborhoods, as well as low density residential on former agricultural lands. The designation is Murray's most common pattern of single-dwelling development. It is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally have few or very minor development constraints (such as infrastructure or sensitive lands). Primary lands/use types include single-dwelling (detached or attached) residential.

Density range is between 1 and 8 DU/AC.

Corresponding zone(s):

- A-1, Agricultural
- R-1-12, Low density single family
- R-1-10, Low density single family
- R-1-8, Low density single family
- R-1-6, Low/Medium density single family
- R-2-10, Low density two family

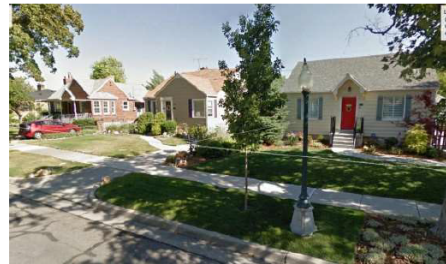


Figure 5: p. 5-12, Murray City General Plan 2017

MEDIUM DENSITY RESIDENTIAL

This designation allows a mix of housing types that are single-dwelling in character or smaller multi-family structures, primarily on individual parcels. This designation is intended for areas near, in, and along centers and corridors, near transit station areas, where urban public services, generally including complete local street networks and access frequent transit, are available or planned. Areas within this designation generally do not have development constraints (such as infrastructure or sensitive lands). This designation can serve as a transition between mixed-use or multi-dwelling designations and lower density single-dwelling designations.

Density range is between 6 and 15 DU/AC.

Corresponding zone(s):

- R-1-6, Low/Medium density single family
- R-M-10, Medium density multiple family
- R-M-15, Medium density multiple family



Figure 6: p. 5-13, Murray City General Plan 2017

General Plan Objectives

There are several goals and objectives taken from elements of the General Plan that would be supported by development of the subject property under the R-M-15 Zone. The primary goal of the Land Use & Urban Design element is to “provide and promote a mix of land uses and development patterns that support a healthy community comprised of livable neighborhoods, vibrant economic districts, and appealing open spaces”.

There are a number of strategies in this section of the General Plan that would support the change, including the first objective to “Preserve and protect the quality of life for a range of viable residential neighborhoods”. A strategy under this objective is to “prioritize infill and redevelopment for commercial development over expansion into residential neighborhoods”. Allowing medium-density residential development of the subject properties would allow for a redevelopment of the property and contributing to more cohesive mix of residential. The medium-density residential development may encourage re-investment by neighboring property owners.

Within the Neighborhoods & Housing element, objective 3 (below), states that the city should “support a range of housing types, including townhomes, row-homes, and duplexes, which appeal to younger and older individuals as well as a variety of population demographics.”

OBJECTIVE 3: ENCOURAGE HOUSING OPTIONS FOR A VARIETY OF AGE, FAMILY SIZE AND FINANCIAL LEVELS.

Strategy: Support a range of housing types, including townhomes, row-homes, and duplexes, which appeal to younger and older individuals as well as a variety of population demographics.

The strategy and objective above are one of many intended to support the overall goal of the element, which is to “Provide a diversity of housing through a range of types and development patterns to expand the options available to existing and future residents.”

Objective 9 of the Land Use & Urban Design element is shown below (from pg. 5-20 of the General Plan)

OBJECTIVE 9: PROVIDE A MIX OF HOUSING OPTIONS AND RESIDENTIAL ZONES TO MEET A DIVERSE RANGE OF NEEDS RELATED TO LIFESTYLE AND DEMOGRAPHICS, INCLUDING AGE, HOUSEHOLD SIZE, AND INCOME.

Strategy: Ensure residential zoning designations offer the opportunity for a spectrum of housing types.

Strategy: Simplify the residential zoning district designations.

The applicant’s proposed zone amendment, which is supported by the amended land use designation, will result in a development that helps to solidify the surrounding communities, including the apartments, and the single-family neighborhood with a mix of housing types and densities. The overall density will be consistent with the surrounding area and will not have unmanageable impacts, especially given the specific context of this subject property.

The proposed amendments best support objectives in Chapter 9 of the General Plan, the Moderate-Income Housing element.

9.3 MODERATE INCOME HOUSING GOAL, OBJECTIVES & STRATEGIES

MODERATE INCOME HOUSING OVERALL GOAL

Provide a diversity of housing through a range of types and development patterns to expand the moderate income housing options available to existing and future residents.

MODERATE INCOME HOUSING OBJECTIVES & STRATEGIES

OBJECTIVE 1: ENSURE HOUSING AFFORDABILITY TARGETS ARE ACHIEVABLE USING A RANGE OF STRATEGIES.

Strategy: Promote affordable housing options that address the needs of low to moderate income households and individuals and offer options for a range of demographics and lifestyles.

Strategy: Ensure zoning of residential areas does not prohibit compatible types of housing.

Strategy: Continue to support ADUs (Accessory Dwelling Units) in all residential zones.

Strategy: Continue to support the use of density bonuses for constructing affordable housing options.

OBJECTIVE 2: PROVIDE THE OPPORTUNITY FOR AFFORDABLE HOME OWNERSHIP BY OFFERING A RANGE OF HOUSING TYPES FOR PURCHASE, INCLUDING ATTACHED DWELLINGS.

Strategy: Support a range of housing types, including townhomes, row-homes, and duplexes, which appeal to younger and older individuals as well as a variety of population demographics.

Strategy: Review zoning ordinances and make modifications where necessary to allowable housing types, lot size, setbacks and other factors that limit types of housing in a zone.

II. CITY DEPARTMENT REVIEW

The applications have been made available for review and comment by City Staff from various departments including the Engineering Division, Fire Department, Power Department, Water Division, and Sewer Division. Staff has compiled their comments below:

- Murray City Power:
 - There are multiple existing underground/overhead power lines throughout the property. Proper clearances will need to be maintained throughout the building process/permanent structure placement, especially with the three phase overhead primary running through the middle of the property. The developer will need to meet with Murray City Power to discuss planning the new power service(s) and future equipment placement to the building(s) with additional line extension costs to provide electrical service. Developer must meet all Murray City Power Department requirements and current NESC code and provide required easements for equipment and Power lines.
- Murray City Sewer:
 - The sewer will tie into Cottonwood Improvement District. No Issues present at this time.
- Murray City Water:
 - This property is served by a 12" ductile on 4800 South. No issues present at this time.

- Murray City Fire:
 - When developing a proposed project please use the International Fire Code 2018 and applicable NFPA codes for reference.

These comments are provided for the benefit of the applicant; as this application is not for a specific project, they are provided to make the applicant aware of potential issues if/when they receive the General Plan and Zone Map Amendment.

III. PUBLIC COMMENTS

110 notices of the public hearing for the requested amendments to the Future Land Use Map and Zone Map were sent to all property owners within 400' of the subject property and to affected entities. One citizen came into the office and stated he thought townhouses would be a nice addition to the area. Staff has received three emails prior to the scheduled 6/16/22 Planning Commission Meeting that are included as attachments to this report.

IV. FINDINGS

1. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.
2. Amending the Future Land Use Map of the General Plan will allow for cohesion with neighboring residential uses.
3. The proposed Zone Map Amendment from R-1-8 and G-O to R-M-15 has been considered based on the characteristics of the site and surrounding area. The potential impacts of the change can be managed within the densities and uses allowed by the proposed R-M-15 Zone.
4. The proposed Zone Map Amendment from R-1-8 and G-O to R-M-15 conforms to important goals and objectives of the 2017 Murray City General Plan and will allow an appropriate development of the subject property.

V. STAFF RECOMMENDATION

The requests have been reviewed together in the Staff Report and the findings and conclusions apply to both recommendations from Staff, but the Planning Commission must take actions individually. The two separate recommendations of Staff are provided below:

REQUEST TO AMEND THE MURRAY CITY GENERAL PLAN

Based on the background, analysis, and findings within this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the requested amendment to the Future Land Use Map, re-designating the properties located at 787 and 825 East 4800 South from Low Density Residential and Office to Medium Density Residential.**

REQUEST TO AMEND THE MURRAY CITY ZONING MAP

Based on the background, analysis, and findings within 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 of the properties located at 787 and 825 East 4800 South from R-1-8, Low Density Single Family and G-O, General Office to R-M-15, Multi-Family Medium Density Residential as described in the Staff Report.**



NOTICE OF PUBLIC MEETING

July 7, 2022, 6:30 PM

The Murray City Planning Commission will hold a public hearing in the Murray City Municipal Council Chambers, located at 5025 S. State Street to receive public comment on the following application:

Representatives of Lotus Company are requesting a Future Land Use Map and Zoning Map amendment on the properties addressed 787 & 825 East 4800 South. The request is to change the Future Land Use Map from Office and Low Density Residential to Medium Density Residential and amend the Zoning Map from G-O and R-1-8 to R-M-15. Please the attached plan.

The meeting is open, and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.



Comments are limited to 3 minutes or less, written comments will be read into the meeting record.

This notice is being sent to you because you own property within 400 feet of the subject property. If you have questions or comments concerning this proposal, please contact Zachary Smallwood in the Murray City Planning Division at 801-270-2407, or e-mail zsmallwood@murray.utah.gov.

Public Notice Dated | June 24th, 2022

GENERAL PLAN AMENDMENT APPLICATION

Type of Application (check all that apply):

☐ Text Amendment

☒ Map Amendment

Project # PZ-22-081

Subject Property Address: 825-865 E 4800 S and 787 E 4800 S

Parcel Identification (Sidwell) Number: 22081080220000 & 22081080160000

Parcel Area: 3.95 acres Current Use: G-O & R1-8 (office and single family)

Land Use Designation: Office and Single Family Proposed Designation: Multi-family (medium)

Applicant Name: Allie Platt

Mailing Address: 338 E South Temple STE B

City, State, ZIP: Salt Lake City, UT 84111

Daytime Phone #: 801-718-7867 Fax #: _____

Email Address: allie@lotuscompany.com

Business Name (If applicable): Lotus Company

Property Owner=s Name (If different): Lotus PG, LLC; Lotus SP Partners, LLC; Lotus 787 E, LLC

Property Owner=s Mailing Address: 338 E South Temple STE B

City, State, Zip: Salt Lake City, UT 84111

Daytime Phone #: 801-834-0456 Fax #: _____ Email: bryan@lotuscompany.com

Describe your request in detail (use additional page if necessary): _____

Lotus is seeking to find a solution to redevelop a property we own in Murray that is at the end of its economic life. We would like to pursue an application for a general plan amendment and subsequent rezone in order to do so. This office complex is a spot zone, the product is functionally obsolete, the site has no visibility from 700 E, and the market does not support new construction. We would like to approach redeveloping this site in a spirit of partnership with the city to identify an appropriate zoning framework that reflects current and future market and economic realities while meeting the goals and objectives of the community.

Authorized Signature:  |  LOTUS _____ Date: 5/18/2022

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

Project # PZ-22-082

☒ Zoning Map Amendment

☐ Text Amendment

☐ Complies with General Plan

☐ Yes

☒ No

Subject Property Address: 825-865 E 4800 S and 787 E 4800 S

Parcel Identification (Sidwell) Number: 22081080220000 & 22081080160000

Parcel Area: 3.95 acres Current Use: Office and Single Family

Existing Zone: G-O & R1-8 Proposed Zone: Multi-family R-M-15

Applicant

Name: Allie Platt

Mailing Address: 338 E South Temple STE B

City, State, ZIP: Salt Lake City, UT 84111

Daytime Phone #: 801-718-7867 Fax #: _____

Email address: allie@lotuscompany.com

Business or Project Name : Lotus Company / Spring Pines

Property Owner's Name (If different): Lotus PG, LLC; Lotus SP Partners, LLC; Lotus 787 E, LLC

Property Owner's Mailing Address: 338 E South Temple STE B

City, State, Zip: Salt Lake City, UT 84111

Daytime Phone #: 801-834-0456 Fax #: _____ Email: bryan@lotuscompany.com

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

Lotus is seeking to find a solution to redevelop a property we own in Murray that is at the end of its economic life. We would like to pursue an application for a general plan amendment and subsequent rezone in order to do so. This office complex is a spot zone, the product is functionally obsolete, the site has no visibility from 700 E, and the market does not support new construction. We would like to approach redeveloping this site in a spirit of partnership with the city to identify an appropriate zoning framework that reflects current and future market and economic realities while meeting the goals and objectives of the community.

Authorized Signature: _____



LOTUS — Date: 5/18/2022

Property Owners Affidavit

Project # _____

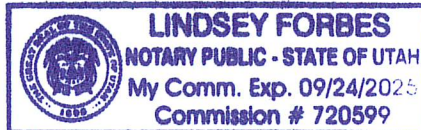
I (we) Lotus PG, LLC; Lotus SP Partners, LLC; Lotus 787 E, LLC, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Owner's Signature _____

Owner's Signature (co-owner if any) _____

State of Utah

County of Salt Lake §



Subscribed and sworn to before me this 19 day of May, 20 22.

Notary Public _____

Residing in Salt Lake
My commission expires: 9/24/2025

Agent Authorization

I (we), Lotus PG, LLC; Lotus SP Partners, LLC; Lotus 787 E, LLC, the owner(s) of the real property located at 825-865 E 4800 S and 787 E 4800 S, in Murray City, Utah, do hereby appoint

Allie Platt, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

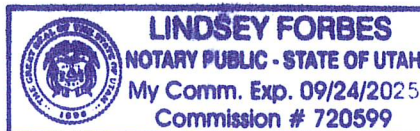
Allie Platt to appear on my (our) behalf before any City board or commission considering this application.

Owner's Signature _____

Owner's Signature (co-owner if any) _____

State of Utah

County of Salt Lake §



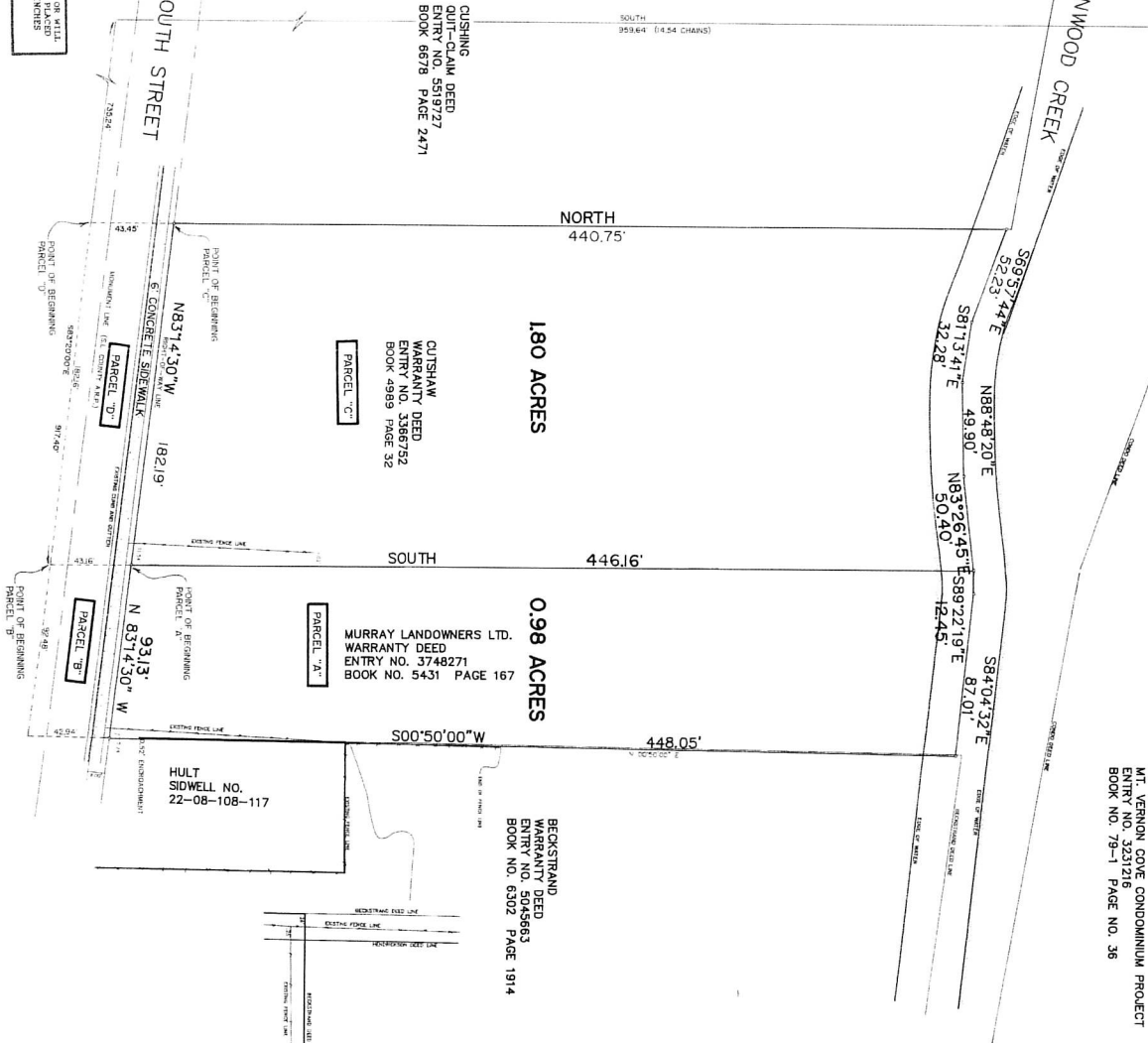
On the 19 day of May, 20 22, personally appeared before me Bryan Wrigley the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Notary public _____

Residing in: Salt Lake
My commission expires: 9/24/2025

TOWNSHIP 2 SOUTH, RANGE 1 EAST
SALINE BASIN AND MERRIAM

ALL PROPERTY CORNERS ARE OR WILL BE MARKED WITH A CAP AND PLACED ON A 5/8 INCH REBAR, 24 INCHES IN LENGTH.



MT. VERNON COVE CONDOMINIUM PROJECT
ENTRY NO. 3231216
BOOK NO. 79-1 PAGE NO. 36

**HENDRICKSON PARCELS
"AS-SURVEYED DESCRIPTIONS"
PARCEL "A"**

I, J. Michael De Mass, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 8526, as prescribed by the Laws of the State of Utah, and that I have made a Survey of the following described properties:

PARCEL "A"

Beginning at a point which is South, 979.66 feet (14.54 chains), and S85.20°W, 97.40 feet (1.39 chains) and North, 43.16 feet to the Northernly Right of Bigg's Lane of 3800 South Street, from the Northwest corner of Section 8, Township 3 North, Range 1 East, said line West and then North, 44.16 feet to the center of the center of Bigg's Controvered Creek, thence, Southwesterly along the centerline of Bigg's Controvered Creek, the following two courses: 1st, S82.22°W, 72.45 feet; thence S84.92°W, 87.20 feet; thence S90.50°W, 48.85 feet to the Northernly Right of Bigg's Lane, of 3800 South Street, said Right-of-Way; then East, 300.00 North of the existing curb and gutter running along the centerline of 3800 South Street, thence S85.91°W, 97.90 feet and then North Right-of-Way to the point of Beginning.

CONTAINS 131 ACRES OR MORE SQUARE FEET

PARCEL, "B"

LAND LYING WITHIN THE EXISTING RIGHT-OF-WAY OF 4800 SOUTH STREET
 HEREIN BEING OFFERED TO AWARD BY PUBLIC AUCTION

Beginning at a point which is South, 959.60 feet (14.54 chains), and S88°20'00" E, 917.40 feet (13.99 chains) from the Northwest Corner of Section 8, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence: S88°20'00" E, 92.48 feet (thence: M00°50'00" E, 42.94 feet to the Northerly Right-Of-Way Line of 4800 South Street, thence: N88°14'30" W along said Right-Of-Way line, 913.12 feet, thence: South, 43.16 feet to the point of Beginning.

CONTAINS 6099 ACRES OR 3971 SQUARE FEET

CHISHAW PARCELS
"AS-SURVEYED DESCRIPTIONS"
PARCEL "C"

[illegible]

PARCEL "D"

Beginning at a point which is South 95/60 feet (14.54 chains) and S87°20'00"E 755.26 feet (11.14 chains) from the Northeast Corner of Section 8, Township 2 South, Range 1 East, Salt Lake Base and corner line; and running thence North, 43.45 feet to the Northeast Right-of-Way Line of 4800 South Street; thence S87°14'30"E 182.19 feet along said Right-of-Way Line; thence South, 43.16 feet; thence N83°22'00"E 182.16 feet to the point of beginning.

CONTAINS 0.18 ACRES OR 7,835 SQ. AC. FEET

J. Michael W. News
R1.S. No. 8376



Dec 13, 23
Date

BASIS OF BEARING



S94-02-0056

BOUNDARY SURVEY



4991 South 300 West
Murray, Utah 84107
(801) 268-4445

HENDRICKSON / CUTSHAW PROPERTY
787 / 763 EAST 4800 SOUTH
MURRAY, UTAH

REVISIONS	DATE	DATE DEC. 93'
LEGAL DESC S	12-2-93	SUB E 1" x 30'
PARCELS A,B,C,D	12-24-93	CENO 931102 EIGHT
		ONE
		EIGHT

Zachary Smallwood

From: Janet Ball <janethball@gmail.com>
Sent: Tuesday, June 14, 2022 3:29 PM
To: Planning Commission Comments
Subject: 787 & 825 East 4800 South rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Commission Members:

We are opposed to the proposed rezoning on 4800 South. Having medium density housing at that location would severely impact traffic safety on 4800 South. There is a lot of traffic in and out of Miller Estates, and adding another apartment community on that corner would be a potential hazard. That location gets a lot of cars coming from VanWinkle traveling at high speeds as they round the corner. It would be a safety issue for all concerned if medium density housing were to be built at that location.

Stan and Janet Ball

Zachary Smallwood

From: jmcsicut@aol.com
Sent: Tuesday, June 14, 2022 9:32 AM
To: Planning Commission Comments; Zachary Smallwood
Subject: Public Meeting/ June 16, 2022, 6:30 p.m.

Follow Up Flag: Follow up
Flag Status: Flagged

To: Murray City Planning Commission,

We are the homeowners of the property located at 813/ 815 East 4800 South. Please consider our position and location as you review the zoning issues on the proposed Lotus development.

As a homeowner, we are strongly opposed to the planned 270 degree development surrounding our property. The negative impact of said development is as follows:

1. Environmental impact of lengthy construction itself
 - a. Heavy equipment on already unsafe street
 - b. Interference w/ quiet enjoyment of our property on all 3 sides
 - c. Noise, dust, displaced wildlife
 - d. Reduced property value
2. Safety / traffic implications

Additionally, the 4800 South traffic pattern & safety issues should be of great concern. Aerial views inadequately expose acute curvature of the street. A change in zoning would only

intensify traffic on an already hazardous acute roadway. The safety implications of this are obvious & must be a priority.

We ask for your consideration on this issue with the analysis of the Lotus request.

Respectfully,

Bradd & Joan Christensen

From: [Frederick Kuhnnow](#)
To: [Planning Commission Comments](#)
Subject: Planning commission meeting- RE Lotus Company Project #22-081 & 22-082-825-865 East & 787 East 4800 South Low Density Residential to Medium Density Residential and a Zone Change from G-O (General Office and R-1-8) to R-M-15 (Residential Multi-Family)
Date: Thursday, June 16, 2022 12:40:54 PM

Hello,

We live in the PUD just west of this proposed project. We were wondering if this project will entail keeping some of the existing trees in the property. We do not have any objections and we truly like the project as we feel it will positively contribute to the overall well being of the neighborhood. We also feel this project will help keep homeless people and drug activities away from the neighborhood since this area will not be longer be as isolated and unmaintained as it currently is.

Thanks,
FBK

PS: No need to give my name out.

Zachary Smallwood

From: Janet Ball <janethball@gmail.com>
Sent: Tuesday, June 14, 2022 3:29 PM
To: Planning Commission Comments
Subject: 787 & 825 East 4800 South rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Commission Members:

We are opposed to the proposed rezoning on 4800 South. Having medium density housing at that location would severely impact traffic safety on 4800 South. There is a lot of traffic in and out of Miller Estates, and adding another apartment community on that corner would be a potential hazard. That location gets a lot of cars coming from VanWinkle traveling at high speeds as they round the corner. It would be a safety issue for all concerned if medium density housing were to be built at that location.

Stan and Janet Ball

From: [Frederick Kuhnnow](#)
To: [Planning Commission Comments](#)
Subject: Planning commission meeting- RE Lotus Company Project #22-081 & 22-082-825-865 East & 787 East 4800 South Low Density Residential to Medium Density Residential and a Zone Change from G-O (General Office and R-1-8) to R-M-15 (Residential Multi-Family)
Date: Thursday, June 16, 2022 12:40:54 PM

Hello,

We live in the PUD just west of this proposed project. We were wondering if this project will entail keeping some of the existing trees in the property. We do not have any objections and we truly like the project as we feel it will positively contribute to the overall well being of the neighborhood. We also feel this project will help keep homeless people and drug activities away from the neighborhood since this area will not be longer be as isolated and unmaintained as it currently is.

Thanks,
FBK

PS: No need to give my name out.

Zachary Smallwood

From: jmcsicut@aol.com
Sent: Tuesday, June 14, 2022 9:32 AM
To: Planning Commission Comments; Zachary Smallwood
Subject: Public Meeting/ June 16, 2022, 6:30 p.m.

Follow Up Flag: Follow up
Flag Status: Flagged

To: Murray City Planning Commission,

We are the homeowners of the property located at 813/ 815 East 4800 South. Please consider our position and location as you review the zoning issues on the proposed Lotus development.

As a homeowner, we are strongly opposed to the planned 270 degree development surrounding our property. The negative impact of said development is as follows:

1. Environmental impact of lengthy construction itself
 - a. Heavy equipment on already unsafe street
 - b. Interference w/ quiet enjoyment of our property on all 3 sides
 - c. Noise, dust, displaced wildlife
 - d. Reduced property value
2. Safety / traffic implications

Additionally, the 4800 South traffic pattern & safety issues should be of great concern. Aerial views inadequately expose acute curvature of the street. A change in zoning would only

intensify traffic on an already hazardous acute roadway. The safety implications of this are obvious & must be a priority.

We ask for your consideration on this issue with the analysis of the Lotus request.

Respectfully,

Bradd & Joan Christensen

Murray City Committee of the Whole

September 20, 2022



Applicant: Allie Platt, Lotus Company

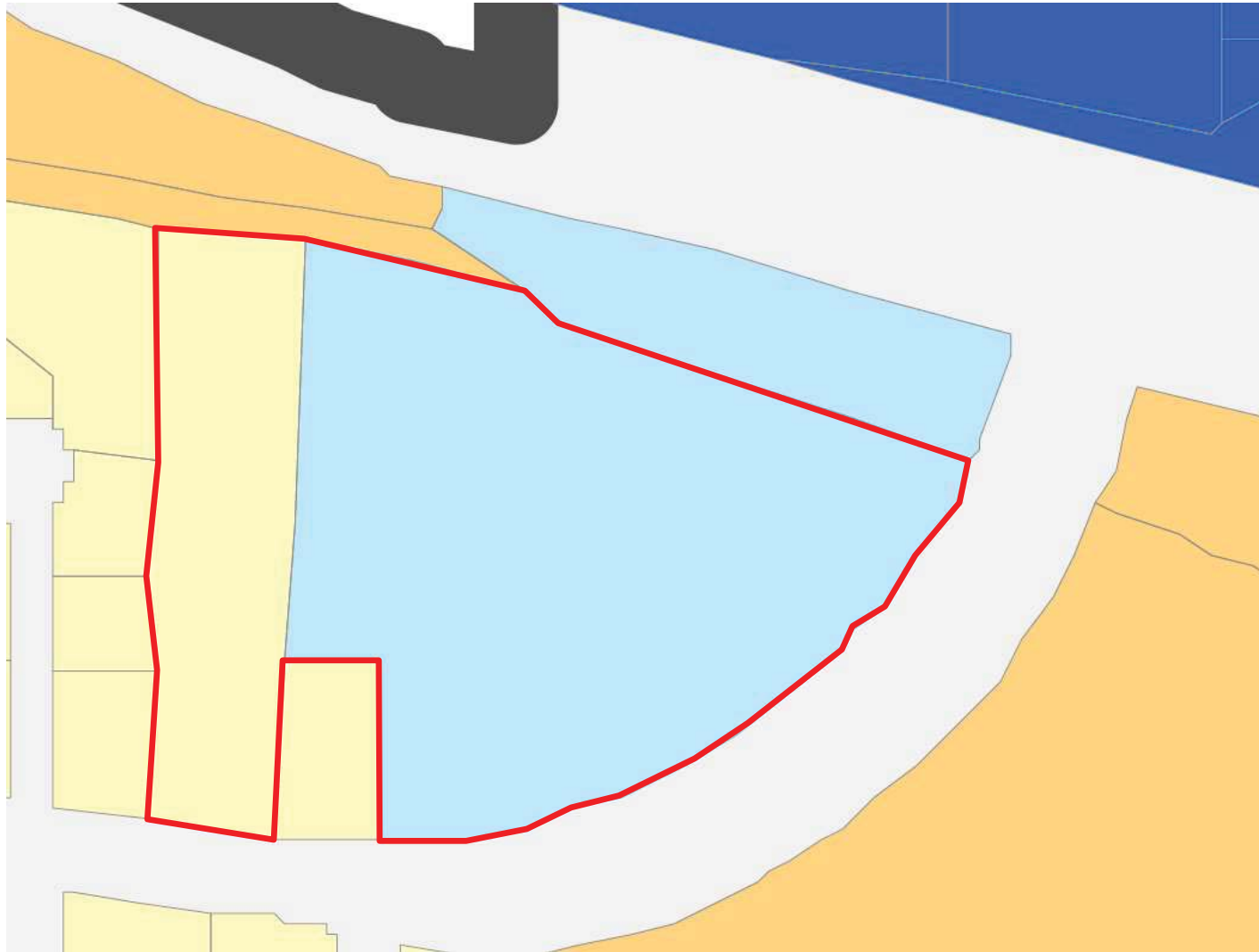
Request: General Plan Amendment Future Land Use Map

Amendment from General Office and Low Density Residential to
Medium Density Residential and a Zone Map Amendment from R-1-
8 and G-O to R-M-15

Address: 787 and 825-865 East 4800 South







Future Land Use Categories

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

OFFICE

This designation allows for a wide range of office uses in an environment that is compatible with adjacent residential neighborhoods. Development patterns should enhance the livability of surrounding residential neighborhoods while contributing to the success of nearby business areas. Development will generally be individual buildings or small clusters that are scaled similar to adjacent residential areas.

Corresponding zone(s):

- G-O, General Office
- R-N-B, Residential Neighborhood Business



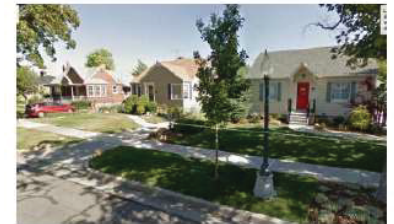
LOW DENSITY RESIDENTIAL

This designation is intended for residential uses in established/planned neighborhoods, as well as low density residential on former agricultural lands. The designation is Murray's most common pattern of single-dwelling development. It is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally have few or very minor development constraints (such as infrastructure or sensitive lands). Primary lands/use types include single-dwelling (detached or attached) residential.

Density range is between 1 and 8 DU/AC.

Corresponding zone(s):

- A-1, Agricultural
- R-1-12, Low density single family
- R-1-10, Low density single family
- R-1-8, Low density single family
- R-1-6, Low/Medium density single family
- R-2-10, Low density two family



MEDIUM DENSITY RESIDENTIAL

This designation allows a mix of housing types that are single-dwelling in character or smaller multi-family structures, primarily on individual parcels. This designation is intended for areas near, in, and along centers and corridors, near transit station areas, where urban public services, generally including complete local street networks and access frequent transit, are available or planned. Areas within this designation generally do not have development constraints (such as infrastructure or sensitive lands). This designation can serve as a transition between mixed-use or multi-dwelling designations and lower density single-dwelling designations.

Density range is between 6 and 15 DU/AC.

Corresponding zone(s):

- R-1-6, Low/Medium density single family
- R-M-10, Medium density multiple family
- R-M-15, Medium density multiple family



Zoning District Comparison

	G-O(existing)	R-1-8 (existing)	R-M-15
Single-Family Lot Size and/or Multi-Family Density	Residential is not allowed except for assisted/retirement living facilities.	8,000 ft ² min per lot	8,000 ft ² min per lot 12 units per acre
Height	30' with additional height with additional setback.	35'	Up to 40' max as approved by the Planning Commission
Front yard setback	20'	25'	25'
Rear Yard setback	None (20' next to residential)	25'	25'
Side Yard setbacks	10' (20' next to residential)	8' (total of 20')	8' (total of 20')
Corner Yard setback	20'	20'	20'
Parking Required	Between 4 and 5 spaces for every 1000 square feet	2 spaces per lot	2.5 spaces per unit

Planning Commission

- A public hearing was held by the Planning Commission on July 7, 2022.
- 110 notices were sent to all property owners within 400' of the subject property and to affected entities.
- The Planning Commission voted 5-0 to forward a recommendation of approval to the City Council.

Findings

1. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.
2. Amending the Future Land Use Map of the General Plan will allow for cohesion with neighboring residential uses.
3. The proposed Zone Map Amendment from R-1-8 and G-O to R-M-15 has been considered based on the characteristics of the site and surrounding area. The potential impacts of the change can be managed within the densities and uses allowed by the proposed R-M-15 Zone.
4. The proposed Zone Map Amendment from R-1-8 and G-O to R-M-15 conforms to important goals and objectives of the 2017 Murray City General Plan and will allow an appropriate development of the subject property.
5. The Planning Commission voted 5-0 to forward a recommendation of approval to the City Council on 7/7/2022.

Recommendations

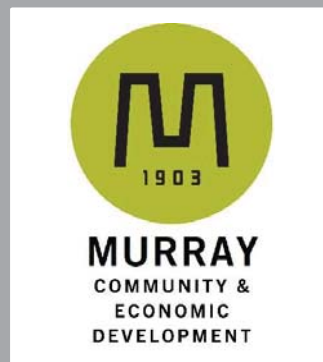
REQUEST TO AMEND THE MURRAY CITY GENERAL PLAN

The Planning Commission and staff recommends that the City Council APPROVE the requested amendment to the Future Land Use Map, redesignating the properties located at 787 and 825 East 4800 South from Low Density Residential and Office to Medium Density Residential.

REQUEST TO AMEND THE MURRAY CITY ZONING MAP

The Planning Commission and staff recommends that the City Council APPROVE the requested amendment to the Zoning Map designation of the properties located at 787 and 825 East 4800 South from G-O, General Office and R-1-8, Single Family Residential to R-M-15, Multi-Family Medium Density.

THANK YOU





MURRAY
CITY COUNCIL

Public Hearing #2



MURRAY

Community and Economic Development

Zone Map Amendment

Council Action Request

Council Meeting

Meeting Date: October 4, 2022

Department Director Jared Hall Phone # 801-270-2427 Presenters Seth Rios Jared Hall Required Time for Presentation 30 Minutes Is This Time Sensitive No Mayor's Approval Date January 31, 2018	Purpose of Proposal Amend the Zoning Map from R-1-8 to R-N-B for the property located at approximately 98 West Winchester Street. Action Requested Approval of the Zone Map Amendment Attachments Presentation Slides Budget Impact None Anticipated Description of this Item On July 21, 2022 the Planning Commission voted 4-0 to forward a recommendation of APPROVAL to the City Council for the request by Brandon Labrum to amend the Zoning Map from R-1-8 to R-N-B for the property located at 98 West Winchester Street. Mr. Labrum would like to add additional parking next to the existing office condo complex that is located just east and adjacent to this property.
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Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 4th day of October, 2022, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to amending the Zoning Map from the R-1-8 (Residential Low Density) zoning district to the R-N-B (Residential Neighborhood Business) for the property located at approximately 98 West Winchester Street, Murray, Utah.

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

DATED this 31st day of August 2022.



MURRAY CITY CORPORATION

A handwritten signature in blue ink, appearing to read "Brooke Smith", written over a horizontal line.

Brooke Smith
City Recorder

DATE OF PUBLICATION: September 23, 2022
PH22-33

UCA §10-9a-205(2)

- Posted on City's Website
- Posted on Utah Public Notice Website
- Mailed to each affected entity
- Mailed to each property owner within distance parameters (*City Code 17.04.140*)

ORDINANCE NO. _____

AN ORDINANCE RELATING TO LAND USE; AMENDS THE ZONING MAP FOR THE PROPERTY LOCATED AT 98 WEST WINCHESTER STREET, MURRAY CITY, UTAH FROM R-1-8 (RESIDENTIAL LOW DENSITY) TO R-N-B (RESIDENTIAL NEIGHBORHOOD BUSINESS) (Applicant: Brendon Cassity)

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

WHEREAS, the owner of the real property located at 98 West Winchester Street, Murray, Utah, has requested a proposed amendment to the zoning map to designate the property in an R-N-B (Residential Neighborhood Business) zone district; and

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

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

NOW, THEREFORE, BE IT ENACTED:

Section 1. That the Zoning Map and the zone district designation be amended for the following described property located at 98 West Winchester Street, Murray, Salt Lake County, Utah from the R-1-8 (Low Density Single Family) zone district to the R-N-B (Residential Neighborhood Business) zone district:

Legal Description

A PARCEL OF LAND SITUATED IN THE SOUTHEAST $\frac{1}{4}$ NORTHEAST $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE MERIDIAN, THE BOUNDARIES OF WHICH ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE GRANTORS LAND WHICH POINT IS 731.3 FEET SOUTH 85° WEST AND APPROXIMATELY 635 FEET SOUTH FROM THE NORTHEAST CORNER OF SAID SOUTHEAST $\frac{1}{4}$ NORTHEAST $\frac{1}{4}$; THENCE WEST 62.0 FEET; THENCE NORTH 90 FEET, MORE OR LESS, ALONG THE WEST BOUNDARY LINE OF SAID GRANTORS LAND TO THE SOUTHWESTERLY NO ACCESS LINE OF A HIGHWAY KNOWN AS PROJECT NO 415-9; THENCE SOUTHEASTERLY 85 FEET MORE OR LESS, ALONG SAID NO ACCESS LINE TO THE EAST BOUNDARY LINE OF SAID GRANTORS LAND; THENCE SOUTH 30 FEET, MORE OR LESS, TO THE POINT OF THE BEGINNING.
LESS STREET.

PARCEL NO. 21-24-276-006

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

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on
this day of , 2022.

MURRAY CITY MUNICIPAL COUNCIL

Kat Martinez, Chair

ATTEST:

Brooke Smith, City Recorder

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2022.

Brett A. Hales, Mayor

ATTEST:

Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the ____
day of _____, 2022.

Brooke Smith, City Recorder

Motion passed 4-0, unanimous in favor.

BRENDON CASSITY – 98 West Winchester Street – Project #22-108

Ms. Nixon presented on this application. The request is for property at 98 West Winchester Street, on the north side of Winchester Street and adjacent to I-215 and an existing office condo complex on the west. This is a small piece of property, just over 1700 square feet. The property is currently zoned R-1.8, the adjacent property to the west is all R-N-B. The general plan calls for all the properties along Winchester Street on the north side to be R-N-B, so this is meeting the general plan and future land use. The intent for this rezone is that the owner of half the condos next door would like to expand this property for additional office parking. Based on the application, staff is recommending forwarding a positive recommendation to the city council for this zone change from R-1.8 to R-N-B.

Mr. Lowry opened the hearing for public comment. No were comments received prior to or during the meeting and he closed public comment on this issue.

Ms. Milkavich moved to forward recommendation of approval to the city council for the requested amendment to the zoning map designation of the property located at 98 West Winchester Street, from R-1.8 to R-N-B. Seconded by Mr. Pehrson.

Roll call vote.

<u>A</u>	Milkavich
<u>A</u>	Pehrson
<u>A</u>	Nay
<u>A</u>	Lowry

Motion passed 4-0, unanimous in favor.

MURRAY SCHOOL DISTRICT GENERAL PLAN AMENDMENT AND ZONE CHANGE – 64 & 72 West Woodrow Street – Projects #22-102 & 22-103

Ms. Nixon presented this request, which is on behalf of the Murray School District. Both properties are on the north side of Woodrow Street, as highlighted on the map in the meeting packet. Adjacent to this property to the west is an existing medical office building. Zoning for this property is currently G-O and R-1.8. She shared current photos of the property from the meeting packet and noted that any kind of new redevelopment would be welcome. In March 2017 the city council adopted the updated general plan, which called for the properties along Woodrow Street to go to General Office; subsequently, the office building on the left was developed shortly thereafter. These two properties that were zoned G-O have sat basically undeveloped and left dilapidated over the last five years. Murray School District has a homebuilding program for high school students that has been going for a couple decades. This proposal does meet the general plan objectives to provide or promote a mix of land uses and development patterns that support a healthy community comprised of livable neighborhoods, vibrant economic districts and appealing open spaces. This will also preserve and protect the quality of life for a range of viable residential neighborhoods, prioritize infill and redevelopment of commercial development over expansion into residential neighborhoods, and stimulate reinvestment in deteriorating



AGENDA ITEM #8

ITEM TYPE:	Zone Map Amendment		
ADDRESS:	98 West Winchester Road	MEETING DATE:	July 21, 2022
APPLICANT:	Brian Labrum	STAFF:	Seth Rios, Planner 1
PARCEL ID:	21-24-276-006	PROJECT NUMBER:	22-108
CURRENT ZONE:	R-1-8, Single Family Residential	PROPOSED ZONE:	R-N-B, Residential Neighborhood Business
SIZE:	0.04 acre 1,742.4 ft ²		
REQUEST:	The applicant would like to amend the Zoning Map and change the property from the R-1-8, Low Density Single Family to R-N-B, Residential Neighborhood Business District. The request is supported by the 2017 General Plan.		



Figure 1: Aerial view of the parcel.

I. BACKGROUND & REVIEW

Background

The applicant owns half of the office condominiums to the west of the vacant lot. They are seeking to change the zoning so that they can use the vacant lot for more parking. If the zone change is approved, the applicant will need to consolidate the two lots to use it for parking. The vacant lot is currently zoned R-1-8 for single-family housing but is too small to support any type of housing. The 2017 General Plan calls for the parcel to eventually transition to Residential Business Land Use Class.



Figure 2: The lot is currently fenced off and vacant.

Surrounding Land Uses & Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Interstate 215	N/A
South	Single-Family Residential	R-1-8
East	Interstate 215	N/A
West	Office Condominiums	R-N-B

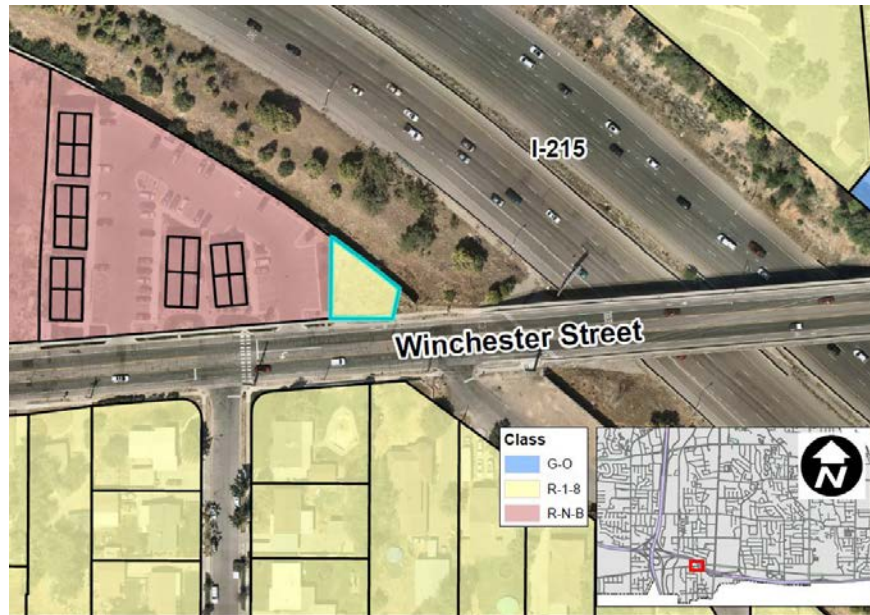


Figure 3: Zoning of the parcel and surrounding area

Zoning Districts & Allowed Land Uses

- Existing: The existing R-1-8 Zone allows for single-family dwellings on a minimum 8,000 ft² lots. Attached dwellings, Churches, Schools, and telecommunications facilities are allowed subject to Conditional Use approval.
- Proposed: The proposed R-N-B Zone allows for a variety of mixed use, low scale, low intensity residential, commercial, office and business operations as appropriate transition between high traffic arterial streets to adjacent residential neighborhoods

Zoning Regulations

The more directly comparable regulations for setbacks, height, and parking between the existing R-1-8 and proposed R-N-B zones are summarized in the table below.

	R-1-8 (existing)	R-N-B (proposed)
Planning Commission Review Required	Conditional Uses, PUDs, and Subdivisions	Conditional Uses, PUDs, and Subdivisions
Lot Size Requirement	8,000 ft ²	None; (except for single family detached and duplexes, which must comply with the requirements of the R-M-10 zone. Single-family attached must have 10,000 square foot lots)

Structure Height	35' maximum	20' maximum, Planning Commission may allow a height of up to 30'.
Front Yard Setbacks	25' minimum	20' minimum
Rear Yard Setbacks	25' minimum	20' minimum
Side Yard Setbacks	8' minimum, the two must total no less than 20'	8' minimum
Corner Side Yard Setbacks	20' minimum	20' minimum
Parking Requirements	2 off-street spaces	1 stall per 200 square feet of net office area

General Plan & Future Land Use Designations

The purpose of the General Plan is to provide broad goals and policies related to growth and planning in the community. The General Plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. 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.

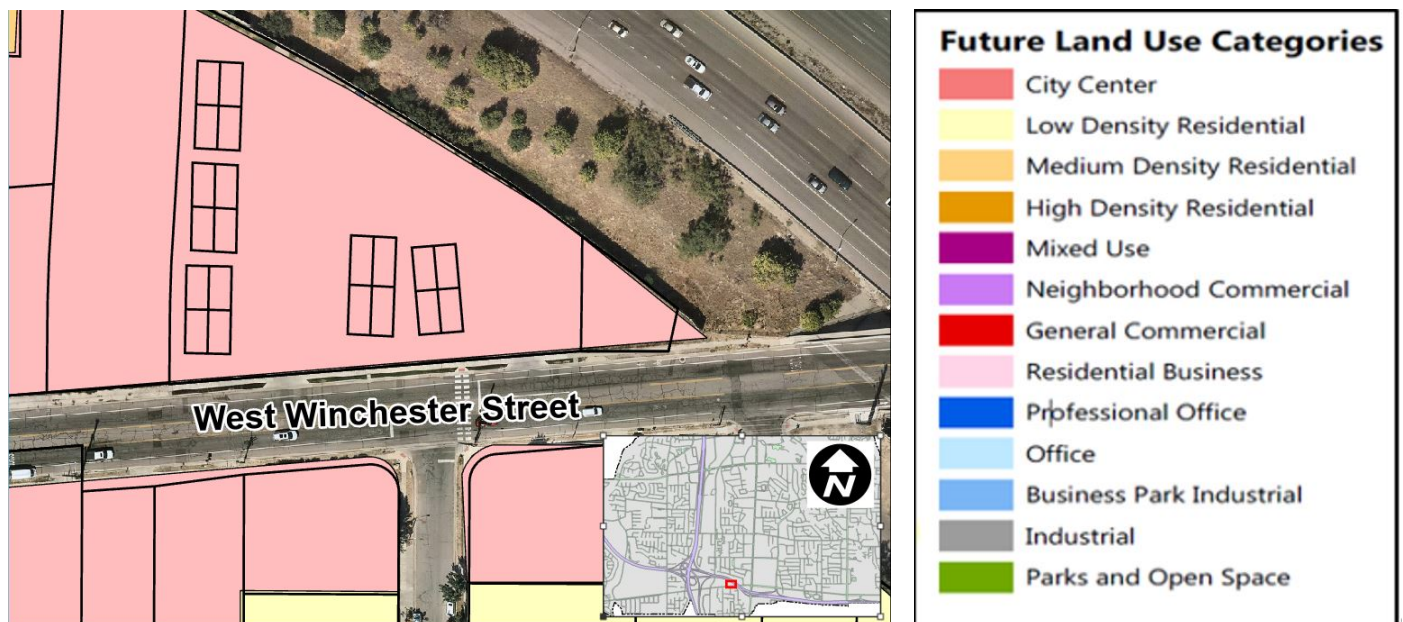


Figure 4: Future Land Use Map and Legend

The parcel is currently designated as Residential Business, allowing for a mix of light commercial and residential uses along high traffic arterial streets. Rezoning the property to R-N-B will help the current zoning to come into compliance with the Future Land Use map. The applicant is not proposing to change the future land use designation. Their proposal is in line with the current plans reflected in the 2017 General Plan for the area.

LOW DENSITY RESIDENTIAL

This designation is intended for residential uses in established/planned neighborhoods, as well as low density residential on former agricultural lands. The designation is Murray's most common pattern of single-dwelling development. It is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally have few or very minor development constraints (such as infrastructure or sensitive lands). Primary lands/use types include single-dwelling (detached or attached) residential.

Density range is between 1 and 8 DU/AC.

Corresponding zone(s):

- A-1, Agricultural
- R-1-12, Low density single family
- R-1-10, Low density single family
- R-1-8, Low density single family
- R-1-6, Low/Medium density single family
- R-2-10, Low density two family

RESIDENTIAL BUSINESS

This designation allows for mixed-use, attached dwellings, or commercial development within primarily residential neighborhoods that is small in scale, has little impact, and provides services for the nearby residential and/or recreational areas (e.g. Jordan River Parkway node at Winchester; adjacent to Wheeler Farm). Development will be similar in scale to nearby residential development to promote compatibility with the surrounding area. This designation is intended for areas where urban public services are available or planned. Areas within this designation are generally small nodes or individual buildings along corridors rather than large centers or complexes. Non-residential or multi-dwelling development will follow a similar development pattern of front setback/yard/landscaping as the surrounding residential context.

Corresponding zone(s):

- RNB, Residential Neighborhood Business

Figure 5: Land Use Descriptions from the 2017 Murray City General Plan

II. CITY DEPARTMENT REVIEW

Planning Division Staff circulated the proposed zone map amendment to Murray City Departments for review on July 5, 2022. All departments recommended approval without conditions or concerns.

III. PUBLIC INPUT

Thirty-nine (39) notices of the public meeting were sent to all property owners for parcels located within 300 feet of the subject property. As of the date of this report, Staff has received no comments about the process of rezoning and no specific comment regarding this application.

IV. ANALYSIS & CONCLUSIONS

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

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 properties and with goals of the General Plan.

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

The uses allowed in the R-N-B zone will match the uses of the surrounding land. After it is consolidated with the lot to the west, it will be used for parking for the office condominium.

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

Utilities and services are available at this location for development of the property. As part of the application process, Murray City Departments review the application. This includes representatives from Murray City Power, Water/Sewer, Fire, and Engineering. The representatives did not object to the zone change or provide any information that would indicate that those departments could not provide adequate services to any future development at the subject properties.

V. FINDINGS

1. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.
2. The requested zone change has been carefully considered based on the characteristics of the site and surrounding area, and on the policies and objectives of the 2017 Murray City General Plan.
3. The proposed Zone Map Amendment from R-1-8 to R-N-B is supported by the General Plan and Future Land Use Map designation of the subject property.

VI. STAFF RECOMMENDATION

Based on the background, analysis, and the findings within 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 of the property located at 98 West Winchester Street from R-1-8, Low Density Residential to R-N-B, Residential Neighborhood Business.**

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

Project # 22-108

☒ Zoning Map Amendment

☐ Text Amendment

☐ Complies with General Plan

☐ Yes

☐ No

Subject Property Address: 98 W Winchester st

Parcel Identification (Sidwell) Number: 276-006

Parcel Area: .04 Current Use: Not in use.

Existing Zone: R18 Proposed Zone: RNB

Applicant
Name: Brian Labrum

Mailing Address: 106 W Winchest st

City, State, ZIP: Murray, UT 84107

Daytime Phone #: 801-870-8455 Fax #: N/A

Email address: Blabrum@displanner.com

Business or Project Name : Parking lot DP

Property Owner's Name (If different): Brendon Cassity

Property Owner's Mailing Address: 6069 Lucay way

City, State, Zip: Naples, FL 34113

Daytime Phone #: 801-752-0622 Fax #: _____ Email: _____

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

I own 50% of the buildings next to the lot and would like additional parking for them.

Authorized Signature: 

Date: 6-28-22

Property Owners Affidavit

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

Owner's Signature _____

Co- Owner's Signature (if any) _____

State of Utah

§

County of Salt Lake

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public _____

Residing in _____ My commission expires: _____

Agent Authorization

I (we), Brendon Cassity, the owner(s) of the real property located at
98 W Winchester st, in Murray City, Utah, do hereby appoint

Brian Labrum, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Brian Labrum to appear on my (our) behalf before any City board or commission considering this application.

Brian Cassity

Owner's Signature _____

Co-Owner's Signature (if any) _____

State of Utah

§

County of Salt Lake

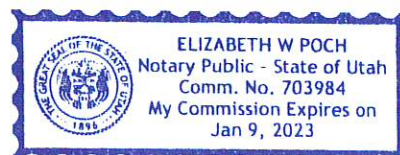
On the 28 day of June, 20 22, personally appeared before me

Brian Labrum the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Elizabeth W Poch

Notary Public

Residing in 924 e ft Union Blvd UT My commission expires: Jan 9, 2023





NOTICE OF PUBLIC MEETING

July 21, 2022, 6:30 PM

The Murray City Planning Commission will hold a public hearing in the Murray City Municipal Council Chambers, located at 5025 S. State Street to receive public comment on the following application:

Brian Labrum, representing Brendon Cassity, is requesting a Zoning Map amendment on the property addressed 98 West Winchester Street. The request is to change the Zoning Map from R-1-8 (Low Density Residential) to R-N-B (Residential Neighborhood Business). See the map below. The intent is to develop the property for additional parking for the existing office condos to the west. Additional information on the R-N-B Zone (Murray City Municipal Code Section 17.140), can be found at murray.utah.gov.

The meeting is open, and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

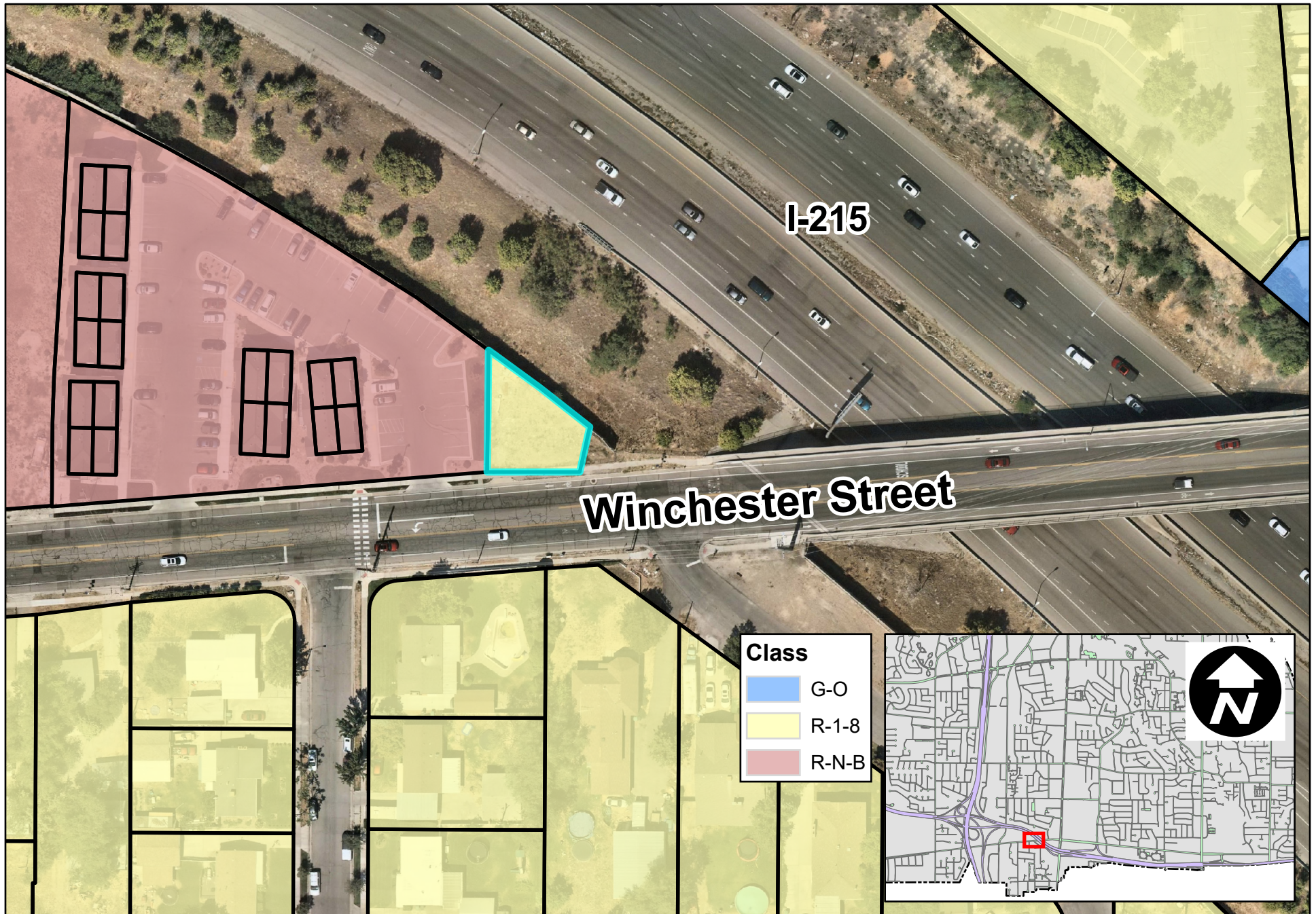
Comments are limited to 3 minutes or less, written comments will be read into the meeting record.



This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please contact Susan Nixon in the Murray City Planning Division at 801-270-2423, or e-mail snixon@murray.utah.gov.

Public Notice Dated | July 8th, 2022

98 West Winchester Street



The Land referred to herein below is situated in the County of Salt Lake, State of Utah, and is described as follows:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST 1/4 NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE MERIDIAN, THE BOUNDARIES OF WHICH ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE GRANTORS LAND WHICH POINT IS 731.3 FEET. SOUTH 85° WEST AND APPROXIMATELY 635 FEET SOUTH FROM THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4 NORTHEAST 1/4; THENCE WEST 62.0 FEET.; THENCE NORTH 90 FEET., MORE OR LESS, ALONG THE WEST BOUNDARY LINE OF SAID GRANTORS LAND TO THE SOUTHWESTERLY NO ACCESS LINE OF A HIGHWAY KNOWN AS PROJECT NO. 415-9; THENCE SOUTHEASTERLY 85 FEET. MORE OR LESS, ALONG SAID NO ACCESS LINE TO THE EAST BOUNDARY LINE OF SAID GRANTORS LAND; THENCE SOUTH 30 FEET., MORE OR LESS, TO THE POINT OF BEGINNING.

LESS STREET.

Parcel Number: 21-24-276-006



98 W Winchester St,
Murray, UT 84107

Murray City Committee of the Whole

September 20, 2022



Applicant: Brendon Cassity

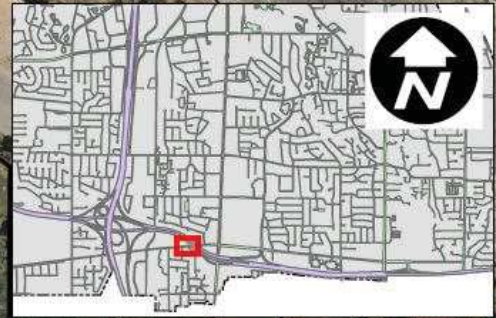
Request: Zone Map Amendment from R-1-8 to R-N-B

Address: 98 West Winchester Street

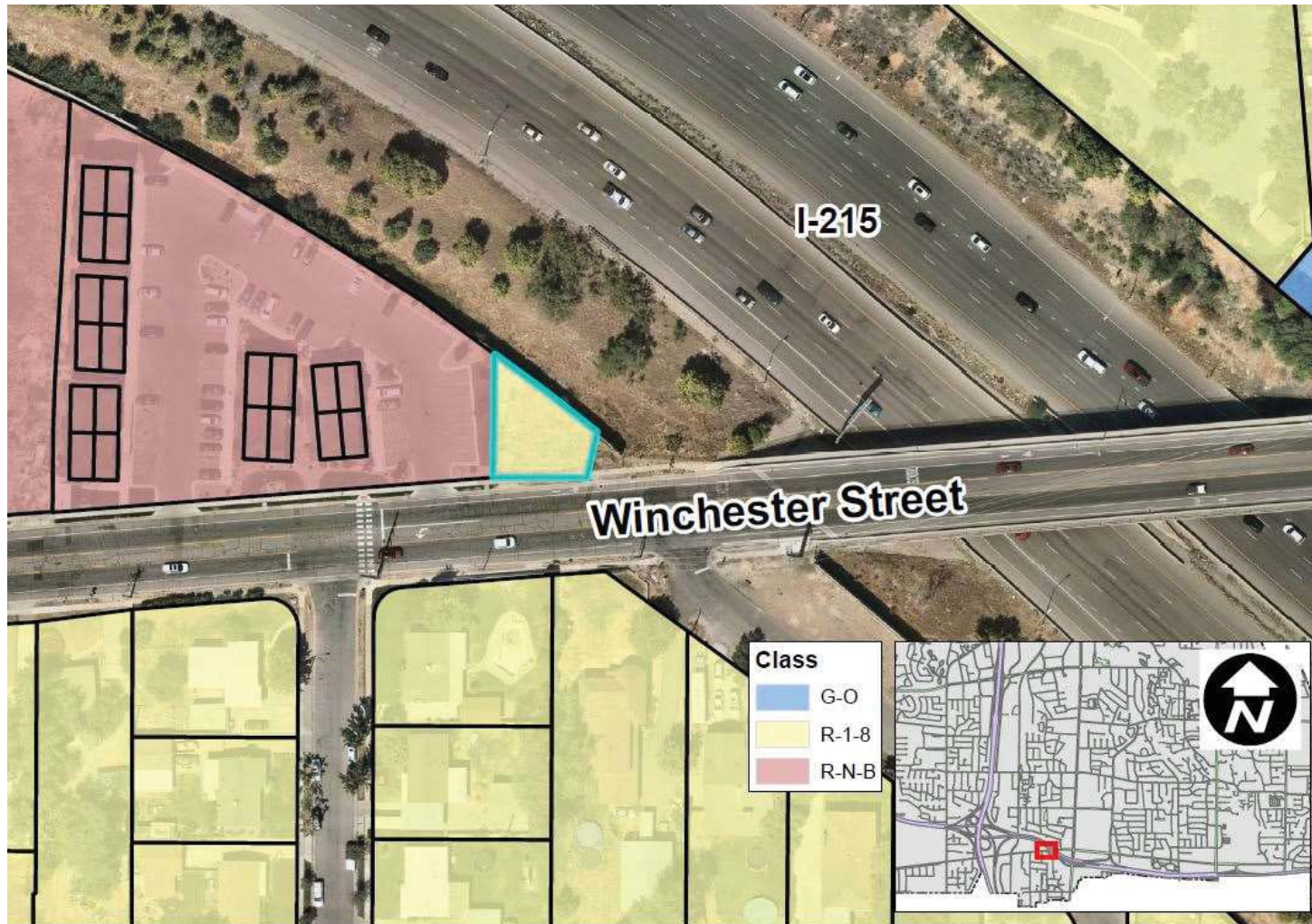


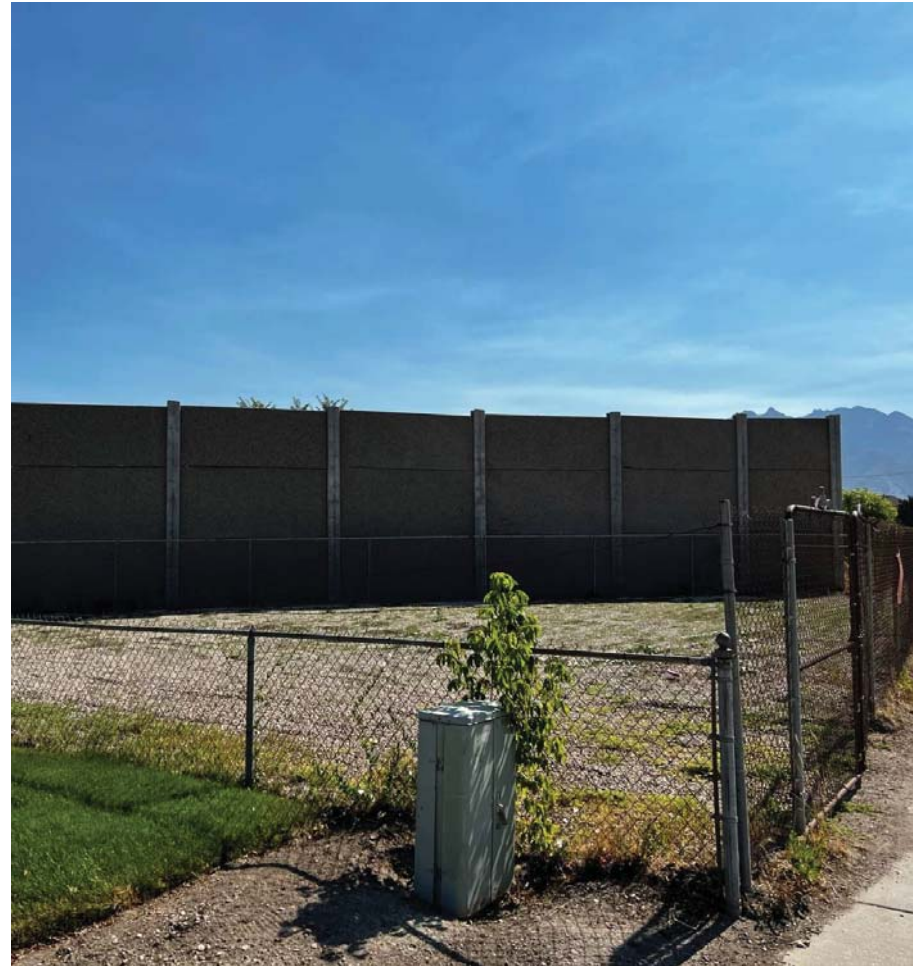
I-215

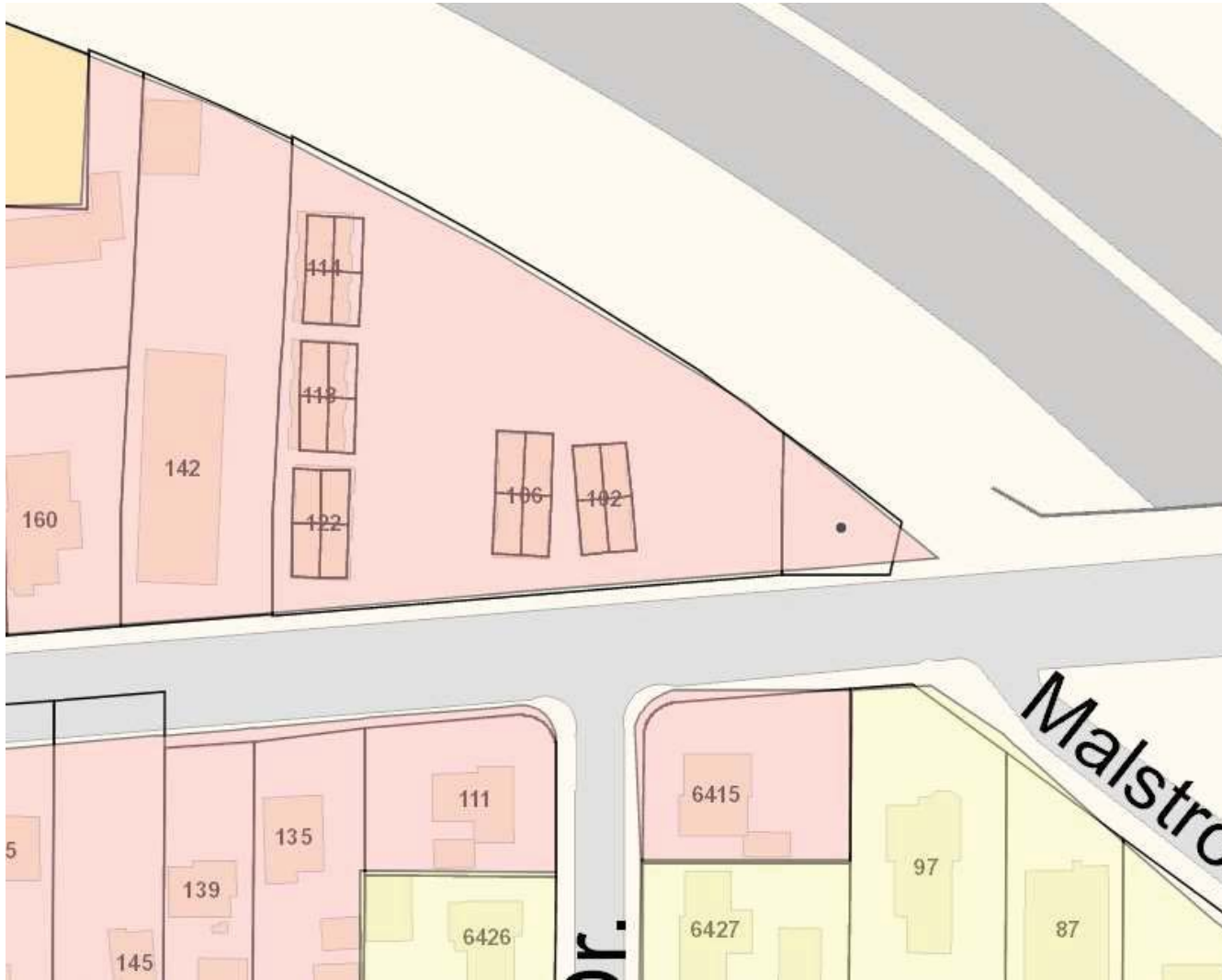
Winchester Street



Zoning







Future Land Use Map

Future Land Use Categories

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

Zoning Regulations

	R-1-8 (existing)	R-N-B (proposed)
Planning Commission Review Required	Conditional Uses, PUDs, and Subdivisions	Conditional Uses, PUDs, and Subdivisions
Lot Size Requirement	8,000 ft ²	None; (except for single family detached and duplexes, which must comply with the requirements of the R-M-10 zone. Single-family attached must have 10,000 square foot lots)
Structure Height	35' maximum	20' maximum, Planning Commission may allow a height of up to 30'.
Front Yard Setbacks	25' minimum	20' minimum
Rear Yard Setbacks	25' minimum	20' minimum
Side Yard Setbacks	8' minimum, the two must total no less than 20'	8' minimum
Corner Side Yard Setbacks	20' minimum	20' minimum
Parking Requirements	2 off-street spaces	1 stall per 200 square feet of net office area

Planning Commission

- A public hearing was held by the Planning Commission on July 21, 2022.
- 39 notices were sent to all property owners within 300' of the subject property and to affected entities.
- The Planning Commission voted 4-0 to forward a recommendation of approval to the City Council.

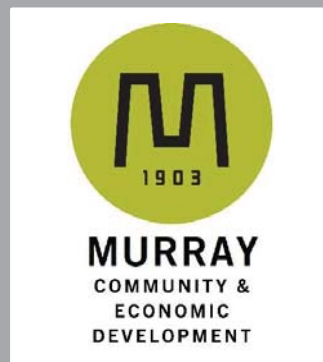
Findings

1. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.
2. The requested zone change has been carefully considered based on the characteristics of the site and surrounding area, and on the policies and objectives of the 2017 Murray City General Plan.
3. The proposed Zone Map Amendment from R-1-8 to R-N-B is supported by the General Plan and Future Land Use Map designation of the subject property.
4. The Planning Commission voted 4-0 to forward a recommendation of approval to the City Council on 7/21/2022.

Recommendation

The Planning Commission and staff recommends that the City Council APPROVE the requested amendment to the Zoning Map designation of the property located at 98 West Winchester Street from and R-1-8, Single Family Residential to R-N-B, Residential Neighborhood Business.

THANK YOU





MURRAY
CITY COUNCIL

Public Hearing #3



MURRAY

Community and Economic Development

General Plan Future Land Use Map & Zone Map Amendment

Council Action Request

Council Meeting

Meeting Date: October 4, 2022

Department Director Jared Hall Phone # 801-270-2427 Presenters Seth Rios Jared Hall	Purpose of Proposal Amend the General Plan & Zoning Map from G-O to R-1-8 for property located at approximately 64 & 72 W Woodrow St. Action Requested Approval of the Future Land Use Map & Zone Map Amendments Attachments Presentation Slides Budget Impact None Anticipated Description of this Item On July 21, 2022 the Planning Commission voted 4-0 to forward a recommendation of APPROVAL to the City Council for the request by Richard Reese with the Murray School District to amend the Future Land Use Map from General Office to Low Density Residential and the Zoning Map from G-O to R-1-8 for the properties located at 64 & 72 West Woodrow Street. Murray City School District has a homebuilding program that helps teach high school students practical building skills. It is the intention of the School District to develop three properties in single-family homes built by the students.
Required Time for Presentation 30 Minutes Is This Time Sensitive No Mayor's Approval Date January 31, 2018	

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 4th day of October, 2022, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to amending the Zoning Map from the G-O (General Office) zoning district to the R-1-8 (Residential Low Density) zoning district for the property located at approximately 64 and 72 West Woodrow Street, Murray, Utah.

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

DATED this 31st day of August 2022.



MURRAY CITY CORPORATION

A handwritten signature in blue ink, appearing to read "Brooke Smith", written over a horizontal line.

Brooke Smith
City Recorder

DATE OF PUBLICATION: September 23, 2022
PH22-32

UCA §10-9a-205(2)

- Posted on City's Website
- Posted on Utah Public Notice Website
- Mailed to each affected entity
- Mailed to each property owner within distance parameters (*City Code 17.04.140*)

ORDINANCE NO. _____

AN ORDINANCE RELATING TO LAND USE; AMENDS THE ZONING MAP FOR THE PROPERTY LOCATED AT 64 AND 72 WEST WOODROW STREET, MURRAY CITY, UTAH FROM G-O (GENERAL OFFICE) TO R-1-8 (RESIDENTIAL LOW DENSITY) (Applicant: Murray School District)

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

WHEREAS, the owner of the real property located at 64 and 72 West Woodrow Street, Murray, Utah, has requested a proposed amendment to the zoning map to designate the property in an R-1-8 (Residential Low Density) zone district; and

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

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

NOW, THEREFORE, BE IT ENACTED:

Section 1. That the Zoning Map and the zone district designation be amended for the following described property located at 64 and 72 West Woodrow Street, Murray, Salt Lake County, Utah from the G-O (General Office) zone district to the R-1-8 (Low Density Single Family) zone district:

Parcel 1

The land hereinafter referred to is situated in the City of Murray, County of Salt Lake, State of UT, and is described as follows:

Commencing 43.6 rods West and 28.8 rods North and North 82° East 166.9 feet from the Southeast corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 8° East 8.8 rods, thence South 82° West 67.4 feet; thence North 8° West 8.8 rods; thence North 82° East 67.4 feet to the point of beginning. Less and Excepting a portion of Salt Lake County Parcel Number 21-12-480-020, which lies within the Southeast quarter of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows: Beginning at the Northwestern corner of said parcel, which point is described as 43.6 rods (719.40 feet) West and 28.8 rods (475.20 feet) North and 99.5 feet North 82°00'00" East from the Southeast corner of said Section 12; and running thence North 82°00'00" East 31.98 feet, more or less, along the Northerly line of said parcel to the Easterly line of that parcel described in Book 8626 at Page 7406 in the Office of the Salt Lake County Recorder; thence South 08°45'45" West 2.82 feet along said line to a line which runs 10.00 feet South of and parallel with an existing back of curb; thence South 82°24'00" West 32.02 feet, more or less, along

said line to the Westerly line of said Parcel No. 21.12.480.020; thence North 08°00'00" West 2.60 feet along said line to the point of beginning.

APN: 21-12-480-040-0000

Parcel 2:

The land hereinafter referred to is situated in the City of Murray, County of Salt Lake, State of UT, and is described as follows:

Commencing at a point 29.6 rods West and 30.7 rods North from the Southeast corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian, the point of beginning; and running thence South 82° West 67.4 feet; thence South 8° East 8.8 rods; thence North 82° East 67.4 feet; thence North 8° West 8.8 rods to the place of beginning.

APN: 21-12-480-021-0000

The Land described herein also known by the street address of:
72 West Woodrow Street, Murray, UT 84107
64 West Woodrow Street, Murray, UT 84107

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

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on
this day of , 2022.

MURRAY CITY MUNICIPAL COUNCIL

Kat Martinez, Chair

ATTEST:

Brooke Smith, City Recorder

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2022.

Brett A. Hales, Mayor

ATTEST:

Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the ____
day of _____, 2022.

Brooke Smith, City Recorder

Motion passed 4-0, unanimous in favor.

BRENDON CASSITY – 98 West Winchester Street – Project #22-108

Ms. Nixon presented on this application. The request is for property at 98 West Winchester Street, on the north side of Winchester Street and adjacent to I-215 and an existing office condo complex on the west. This is a small piece of property, just over 1700 square feet. The property is currently zoned R-1.8, the adjacent property to the west is all R-N-B. The general plan calls for all the properties along Winchester Street on the north side to be R-N-B, so this is meeting the general plan and future land use. The intent for this rezone is that the owner of half the condos next door would like to expand this property for additional office parking. Based on the application, staff is recommending forwarding a positive recommendation to the city council for this zone change from R-1.8 to R-N-B.

Mr. Lowry opened the hearing for public comment. No were comments received prior to or during the meeting and he closed public comment on this issue.

Ms. Milkavich moved to forward recommendation of approval to the city council for the requested amendment to the zoning map designation of the property located at 98 West Winchester Street, from R-1.8 to R-N-B. Seconded by Mr. Pehrson.

Roll call vote.

<u>A</u>	Milkavich
<u>A</u>	Pehrson
<u>A</u>	Nay
<u>A</u>	Lowry

Motion passed 4-0, unanimous in favor.

MURRAY SCHOOL DISTRICT GENERAL PLAN AMENDMENT AND ZONE CHANGE – 64 & 72 West Woodrow Street – Projects #22-102 & 22-103

Ms. Nixon presented this request, which is on behalf of the Murray School District. Both properties are on the north side of Woodrow Street, as highlighted on the map in the meeting packet. Adjacent to this property to the west is an existing medical office building. Zoning for this property is currently G-O and R-1.8. She shared current photos of the property from the meeting packet and noted that any kind of new redevelopment would be welcome. In March 2017 the city council adopted the updated general plan, which called for the properties along Woodrow Street to go to General Office; subsequently, the office building on the left was developed shortly thereafter. These two properties that were zoned G-O have sat basically undeveloped and left dilapidated over the last five years. Murray School District has a homebuilding program for high school students that has been going for a couple decades. This proposal does meet the general plan objectives to provide or promote a mix of land uses and development patterns that support a healthy community comprised of livable neighborhoods, vibrant economic districts and appealing open spaces. This will also preserve and protect the quality of life for a range of viable residential neighborhoods, prioritize infill and redevelopment of commercial development over expansion into residential neighborhoods, and stimulate reinvestment in deteriorating

areas of the city to support growth and enhance the image of the community. The property is about 0.43 acres, and the idea is for the school district to ultimately buy all three lots shown. Staff is comfortable with this based on the general plan objectives. They mailed 47 notices to surrounding neighbors, they received no responses. Staff is recommending that the planning commission send a recommendation of approval to the city council to amend the future land use map, re-designating the properties listed above from office to low density residential, and for a zone map amendment for the properties listed above from G-O to R-1.8 as described previously.

Richard Reese is the business administrator for the school district and said their intent has been explained well, it is to build three different single-family homes on these properties. There is a lot of interest from the high school students with this homebuilding program, but because of the last few locations participation has dropped due to transportation issues. These properties are ideal, being adjacent to the high school, and they would anticipate a much higher interest from students with more being able to participate.

Mr. Lowry opened the public comment. There were no emails or other comments received before or during the meeting and public comment was closed.

Mr. Pehrson moved to forward a recommendation of approval to the city council for the requested amendment to the future land use map, re-designating the properties located at 64 and 72 West Woodrow Street from office to low density residential. Seconded by Mr. Nay.

Roll call vote

A Pehrson
A Nay
A Milkavich
A Lowry

Motion passed 4-0, unanimous in favor.

Mr. Pehrson moved to forward a recommendation of approval to the city council for the requested amendment to the zoning map designation of the properties located at 64 and 72 West Woodrow Street from GO to R-1.8, as described in the staff report. Seconded by Mr. Nay.

Roll call vote

A Pehrson
A Nay
A Milkavich
A Lowry

Motion passed 4-0, unanimous in favor.

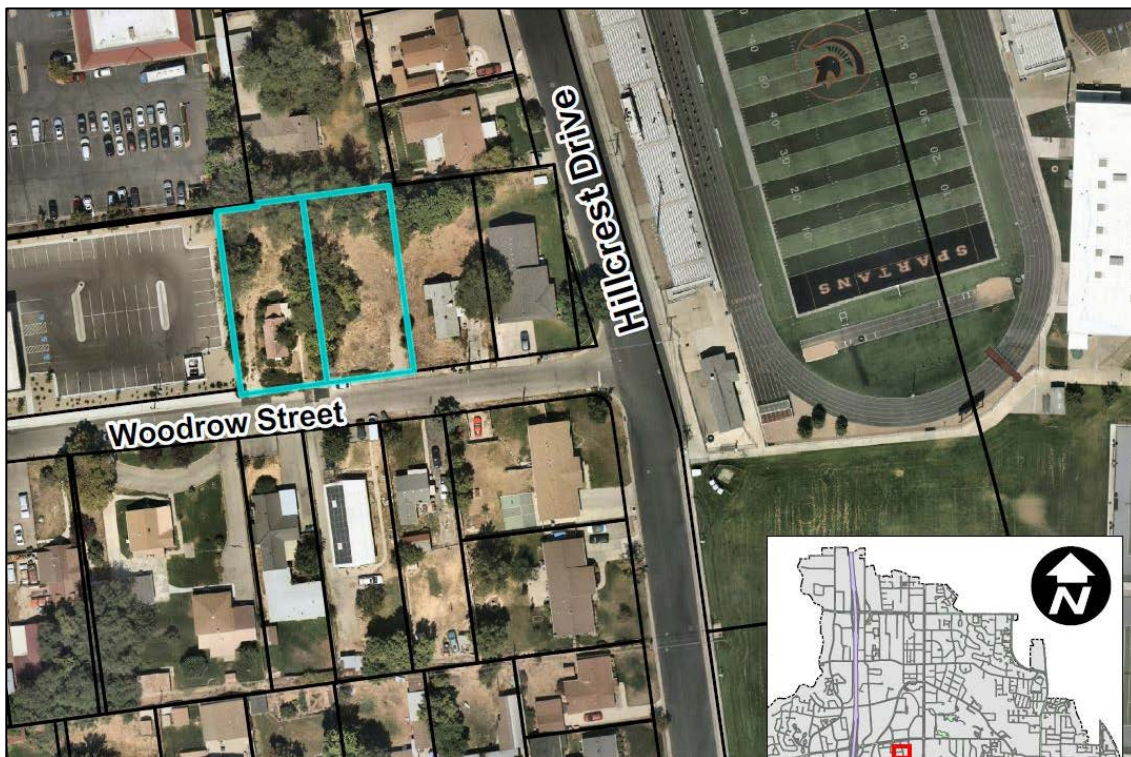
BOYER COMPANY GENERAL PLAN AMENDMENT AND ZONE CHANGE – 861 West Winchester Street and 6520, 6560, & 6580 South 900 East – Projects #22-084 & 22-085

Mr. Hall presented this request for the old RC Willey space and parking. This is currently zoned C-D and the RC Willey building ceased operations early in 2021. The Boyer Company purchased it and intended to do mixed-use projects, which did not work out as the zoning wasn't



AGENDA ITEM #7

ITEM TYPE:	General Plan & Zone Map Amendments		
ADDRESS:	64 & 72 West Woodrow Street	MEETING DATE:	July 21, 2022
APPLICANT:	Murray School District	STAFF:	Seth Rios, Planner 1
PARCEL ID:	21-12-480-021 21-12-480-040	PROJECT NUMBER:	22-102 & 22-103
CURRENT ZONE:	G-O General Office	PROPOSED ZONES:	R-1-8, Single-Family Residential, Low Density
Land Use Designation	Office	PROPOSED DESIGNATION	Low Density Residential
SIZE:	0.43 acres		
REQUEST:	The applicant would like to amend the Future Land Use Map designation and Zoning Map for the subject properties to allow Murray High School's home building program to construct single-family homes.		



I. BACKGROUND & REVIEW

The owner of the subject properties is requesting to amend the General Plan's Future Land Use Map and the Zoning Map to allow Murray High School's home building program to build single-family homes on the two lots. Currently, one parcel is an empty lot and the other is an unoccupied single-family home.



Figure 1: 64 West Woodrow Street is currently vacant.



Figure 2: 72 West Woodrow Street has an unoccupied single- family home.

Surrounding Land Uses & Zoning

The subject property is comprised of two parcels totaling 0.43 acres in the G-O, General Office Zone located on the south side of 5300 South and just west of Murray High School. The two parcels are directly adjacent to two medical office buildings. Directly to the north, east, and south of the parcels are single-family homes in the R-1-8 zone.

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Single-Family Residential	R-1-8
South	Single-Family Residential	R-1-8
East	Single-Family Residential	R-1-8
West	Medical Office Buildings	G-O



Figure 3: Zoning of the subject property.

Zoning Considerations

The subject properties are in the G-O General Office Zone. The properties surrounding the subject properties, both immediately adjacent and in the larger area, are in a mix of zoning districts. There are a mix of medical office buildings, land used by the school district, and single-family homes adjacent to the subject properties. Staff supports the proposed zone map amendments noting that the property was originally rezoned for G-O in the hopes that it would promote new development and investment in the area. Allowing the school to build

new single-family residences would fulfill this purpose, while matching the uses of the surrounding area.

Allowed Land Uses

The existing G-O Zone largely allows for commercial uses and is flexible on the types of uses. Properties that are built in this zone are of a smaller scale of office buildings. The existing zone does not allow for any residential other than retirement/assisted living establishments. The R-1-8 Zone allows for single-family housing on parcels that have a minimum size of eight thousand (8,000) square feet. This is a low density, single-family zone.

- **Existing G-O, General Office Zone**

Permitted Uses in the G-O Zone include various office uses, massage therapy and beauty services, financial, real estate businesses, banking, and other professional level businesses.

Conditional Uses in the G-O Zone include retirement homes, body art studios, commercial childcare, dry cleaning, restaurants, and other service-oriented businesses.

- **Proposed R-1-8, Residential Single-Family Zone:**

Permitted Uses in the R-1-8 Zone include single family residential development and accessory uses associated with them and requires minimum lot sizes of 8,000 square feet.

Conditional Uses in the R-1-8 Zone include public and quasi-public uses such as schools, libraries, churches, and utilities.

General Plan Considerations

In order to support the Zone Map amendment to R-1-8, the applicant has also made an application for a General Plan amendment, specifically to amend the Future Land Use designations of the subject properties from Office to Low Density Residential. General Plans are not intended to be static documents. Significant evaluations and revisions are common every five to ten years, and in growing and complex communities like Murray it is reasonable to expect that additional adjustments may be appropriate and should be considered individually.

Future Land Use Map Designations

Map 5.7 of the Murray City General Plan (the Future Land Use Map) identifies future land use designations for 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 designations of properties. The subject properties are currently designated Office. The applicant proposes to amend the Future Land Use designations described above to “Low Density Residential”.

- Existing: The existing properties are currently designated as “Office”. The office category is intended to be used for “a wide range of office uses in an environment that is compatible with adjacent residential neighborhoods.” Figure 4 is an illustration below from page 5-15 of the General Plan.
- Proposed: The applicants propose to amend the Future Land Use Map designations of the subject property to “Low Density Residential.” The Low-Density Residential designation is intended for established and planned neighborhoods” and is the most common of the land use designations, see Figure 5 for a more detailed description.

Staff supports the proposed change of the future land use map designation. The properties were originally redesignated for a proposed office development. This office development has not made progress in recent years and not much interest has been shown in the area until now. Designating the land for future office use instead of rezoning the entire neighborhood in 2017 reflects the City’s intention for the area; to allow redevelopment to happen, whether it’s office buildings or single-family homes. The owner of the property is now expressing interest in the construction of new single-family homes. The area has traditionally been zoned for single-family and redesignating it in the Future Land Use Map will allow the area to be revitalized in a way that is currently not happening on these properties.

OFFICE

This designation allows for a wide range of office uses in an environment that is compatible with adjacent residential neighborhoods. Development patterns should enhance the livability of surrounding residential neighborhoods while contributing to the success of nearby business areas. Development will generally be individual buildings or small clusters that are scaled similar to adjacent residential areas.

Corresponding zone(s):

- G-O, General Office
- R-N-B, Residential Neighborhood Business



Figure 4: p. 5-17, Murray City General Plan 2017

LOW DENSITY RESIDENTIAL

This designation is intended for residential uses in established/planned neighborhoods, as well as low density residential on former agricultural lands. The designation is Murray's most common pattern of single-dwelling development. It is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally have few or very minor development constraints (such as infrastructure or sensitive lands). Primary lands/use types include single-dwelling (detached or attached) residential.

Density range is between 1 and 8 DU/AC.

Corresponding zone(s):

- A-1, Agricultural
- R-1-12, Low density single family
- R-1-10, Low density single family
- R-1-8, Low density single family
- R-1-6, Low/Medium density single family
- R-2-10, Low density two family



Figure 5: p. 5-12, Murray City General Plan 2017

General Plan Objectives

There are several goals and objectives taken from elements of the General Plan that would be supported by development of the subject property under the R-1-8 Zone. The primary goal of the Land Use & Urban Design element is to “provide and promote a mix of land uses and development patterns that support a healthy community comprised of livable neighborhoods, vibrant economic districts, and appealing open spaces”.

There are several strategies in this section of the General Plan that would support the change, including the first objective to “Preserve and protect the quality of life for a range of viable residential neighborhoods”. A strategy under this objective is to “prioritize infill and redevelopment for commercial development over expansion into residential neighborhoods”. Allowing low-density residential development of the subject properties would allow for a redevelopment of the property and would contribute to more cohesive type of residential property. The low-density residential development may encourage re-investment by neighboring property owners.

Objective 11 of the land use and urban design goal reads, “Stimulate reinvestment in deteriorating areas of the city to support growth and enhance the image of the community.” Allowing the school district to rezone this property will allow them to build two brand new

single-family homes, which will improve the overall image of the street and neighborhood. The new homes would replace a deteriorating home and a vacant lot.

II. CITY DEPARTMENT REVIEW

The applications have been made available for review and comment by City Staff from various departments including the Engineering Division, Fire Department, Power Department, Water Division, and Sewer Division. Staff has compiled their comments below:

- Murray City Power:
 - The developer will need to meet with Murray City Power when the time comes, to discuss planning the new power service(s) and future equipment placement to the building(s), with additional line extension costs to provide electrical service. Developer must meet all Murray City Power Department requirements and current NESC code and provide required easements for equipment and Power lines.

These comments are provided for the benefit of the applicant; as this application is not for a specific project, they are provided to make the applicant aware of potential issues if/when they receive the General Plan and Zone Map Amendment.

III. PUBLIC COMMENTS

Forty-seven (47) notices of the public hearing for the requested amendments to the Future Land Use Map and Zone Map were sent to all property owners within 300' of the subject property and to affected entities. As of the date of this report, staff has not received any comments.

IV. FINDINGS

1. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.
2. Amending the Future Land Use Map of the General Plan will allow for cohesion with neighboring residential uses.
3. The proposed Zone Map Amendment from G-O to R-1-8 has been considered based on the characteristics of the site and surrounding area. The potential impacts of the change will be minimal and will promote the goals of the General Plan.
4. The proposed Zone Map Amendment from G-O to R-1-8 conforms to important goals and objectives of the 2017 Murray City General Plan and will allow an appropriate development of the subject property.

V. STAFF RECOMMENDATION

The requests have been reviewed together in the Staff Report and the findings and conclusions apply to both recommendations from Staff, but the Planning Commission must take actions individually. The two separate recommendations of Staff are provided below:

REQUEST TO AMEND THE MURRAY CITY GENERAL PLAN

Based on the background, analysis, and findings within this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the requested amendment to the Future Land Use Map, re-designating the properties located at 64 & 72 West Woodrow Street from Office to Low Density Residential.**

REQUEST TO AMEND THE MURRAY CITY ZONING MAP

Based on the background, analysis, and findings within 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 of the properties located at 64 & 72 West Woodrow Street from G-O, General Office to R-1-8, Single-Family Low Density Residential, as described in the Staff Report.**

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

Project # _____

☒ Zoning Map Amendment

☐ Text Amendment

☐ Complies with General Plan

☐ Yes

☒ No

Subject Property Address: 72 & 64 W WOODROW STREET, SLC, UT 84107

Parcel Identification (Sidwell) Number: 2112480040 & 2112480021

Parcel Area: .21 + .22 = .43 Current Use: RESIDENTIAL

Existing Zone: G-O Proposed Zone: R1-8

Applicant Name: BRANDON WIXOM

Mailing Address: 1042 E FORT UNION BLVD #501

City, State, ZIP: MIDVALE, UT 84047

Daytime Phone #: 801-864-2626 Fax #: _____

Email address: bwixom@gmail.com

Business or Project Name: MURRAY SCHOOL BUILDING PROGRAM

Property Owner's Name (If different): MURRAY SCHOOL DISTRICT

Property Owner's Mailing Address: 5102 COMMERCE DRIVE

City, State, Zip: MURRAY, UT 84107

Daytime Phone #: 801-264-7415 Fax #: _____ Email: _____

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

MURRAY SCHOOL DISTRICT NEEDS LOCATION NEAR SCHOOL
FOR HOME BUILDING PROGRAM AND DESIRES TO BUILD
SINGLE FAMILY HOMES.

Authorized Signature: [Signature] Date: 5/6/22

[Signature]

6/9/22

Property Owners Affidavit

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

(Y)

Richard E. Reese
Owner's Signature

Co- Owner's Signature (if any)

State of Utah

§

County of Salt Lake

Subscribed and sworn to before me this 9th day of June, 2022.

Denise D. McDougal
Notary Public
Residing in SL County



My commission expires: 2-14-2026

Agent Authorization

I (we), MURRAY SCHOOL DISTRICT, the owner(s) of the real property located at 72 & 64 W WOODROW STREET, in Murray City, Utah, do hereby appoint BRANDON WIXOM, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize BRANDON WIXOM to appear on my (our) behalf before any City board or commission considering this application.

(X)

Richard E. Reese
Owner's Signature

Co-Owner's Signature (if any)

State of Utah

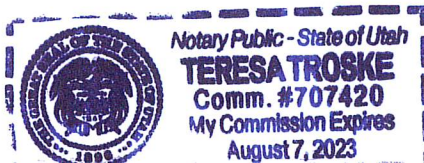
§

County of Salt Lake

On the 10th day of May, 2022, personally appeared before me Richard E. Reese, Business Administrator for Murray City School District the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

C. Geller
Notary Public
Residing in SLC, UT

My commission expires: 8/7/23



Parcel 1:

The land hereinafter referred to is situated in the City of Murray, County of Salt Lake, State of UT, and is described as follows:

Commencing 43.6 rods West and 28.8 rods North and North 82° East 166.9 feet from the Southeast corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 8° East 8.8 rods; thence South 82° West 67.4 feet; thence North 8° West 8.8 rods; thence North 82° East 67.4 feet to the point of beginning. Less and Excepting a portion of Salt Lake County Parcel Number 21-12-480-020, which lies within the Southeast quarter of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows: Beginning at the Northwestern corner of said parcel, which point is described as 43.6 rods (719.40 feet) West and 28.8 rods (475.20 feet) North and 99.5 feet North 82°00'00" East from the Southeast corner of said Section 12; and running thence North 82°00'00" East 31.98 feet, more or less, along the Northerly line of said parcel to the Easterly line of that parcel described in Book 8626 at Page 7406 in the Office of the Salt Lake County Recorder; thence South 08°45'45" West 2.82 feet along said line to a line which runs 10.00 feet South of and parallel with an existing back of curb; thence South 82°24'00" West 32.02 feet, more or less, along said line to the Westerly line of said Parcel No. 21-12-480-020; thence North 08°00'00" West 2.60 feet along said line to the point of beginning.

APN: 21-12-480-040-0000

Parcel 2:

The land hereinafter referred to is situated in the City of Murray, County of Salt Lake, State of UT, and is described

as follows:

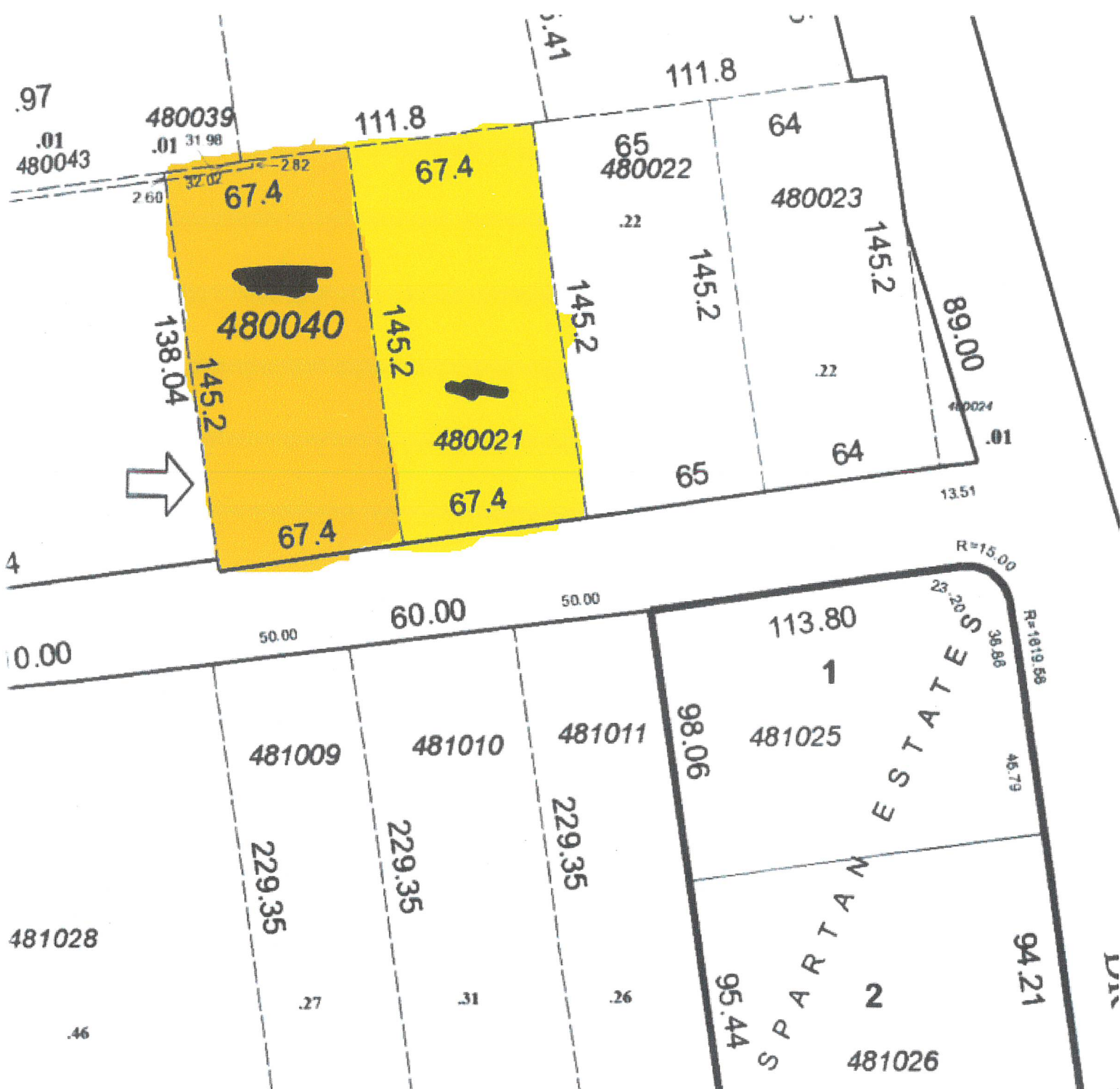
Commencing at a point 29.6 rods West and 30.7 rods North from the Southeast corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian, the point of beginning; and running thence South 82° West 67.4 feet; thence South 8° East 8.8 rods; thence North 82° East 67.4 feet; thence North 8° West 8.8 rods to the place of beginning.

APN: 21-12-480-021-0000

The Land described herein also known by the street address of:

72 West Woodrow Street, Murray, UT 84107

64 West Woodrow Street, Murray, UT 84107



PLAT OF THE
SOUTHERN RAILROAD AND THE
SOUTHERN RAILROAD COMPANY



NOTICE OF PUBLIC HEARING

July 21, 2022, 6:30 PM

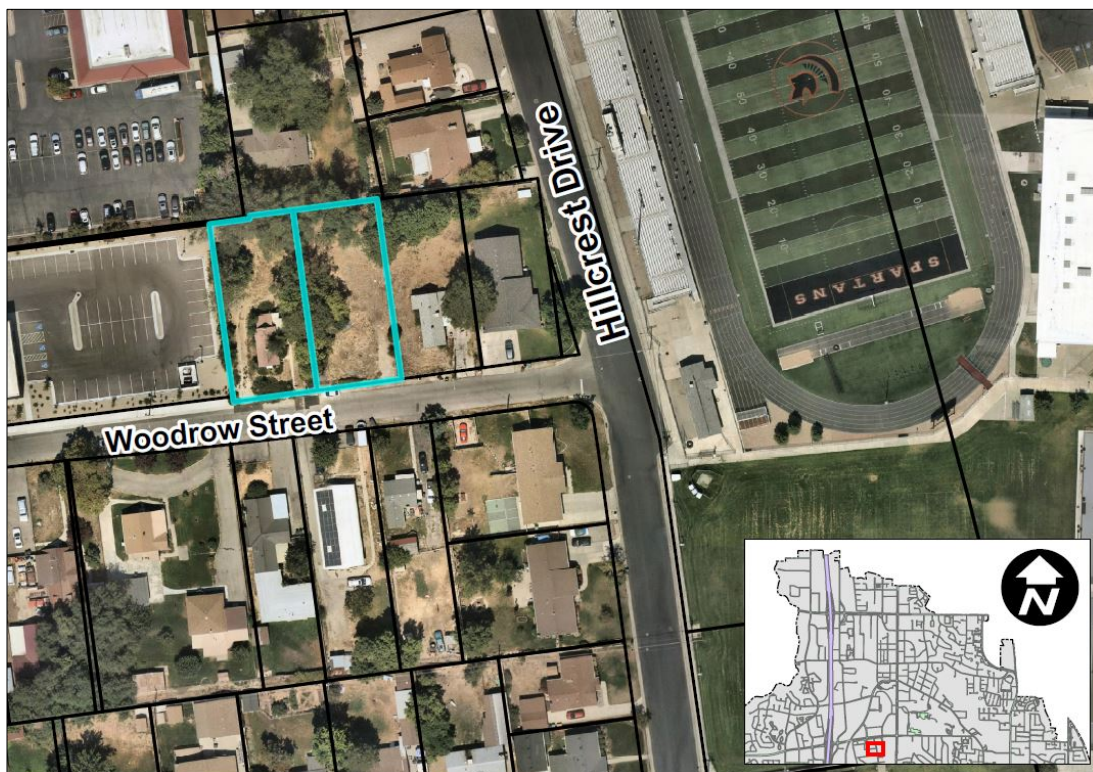
The Murray City Planning Commission will hold a public hearing in the Murray City Municipal Council Chambers, located at 5025 S. State Street to receive public comment on the following application made by representatives of Murray City School District regarding the properties addressed 72 & 64 West Woodrow Street:

Amend the Future Land Use Map designation of the properties from Office to Low Density Residential.

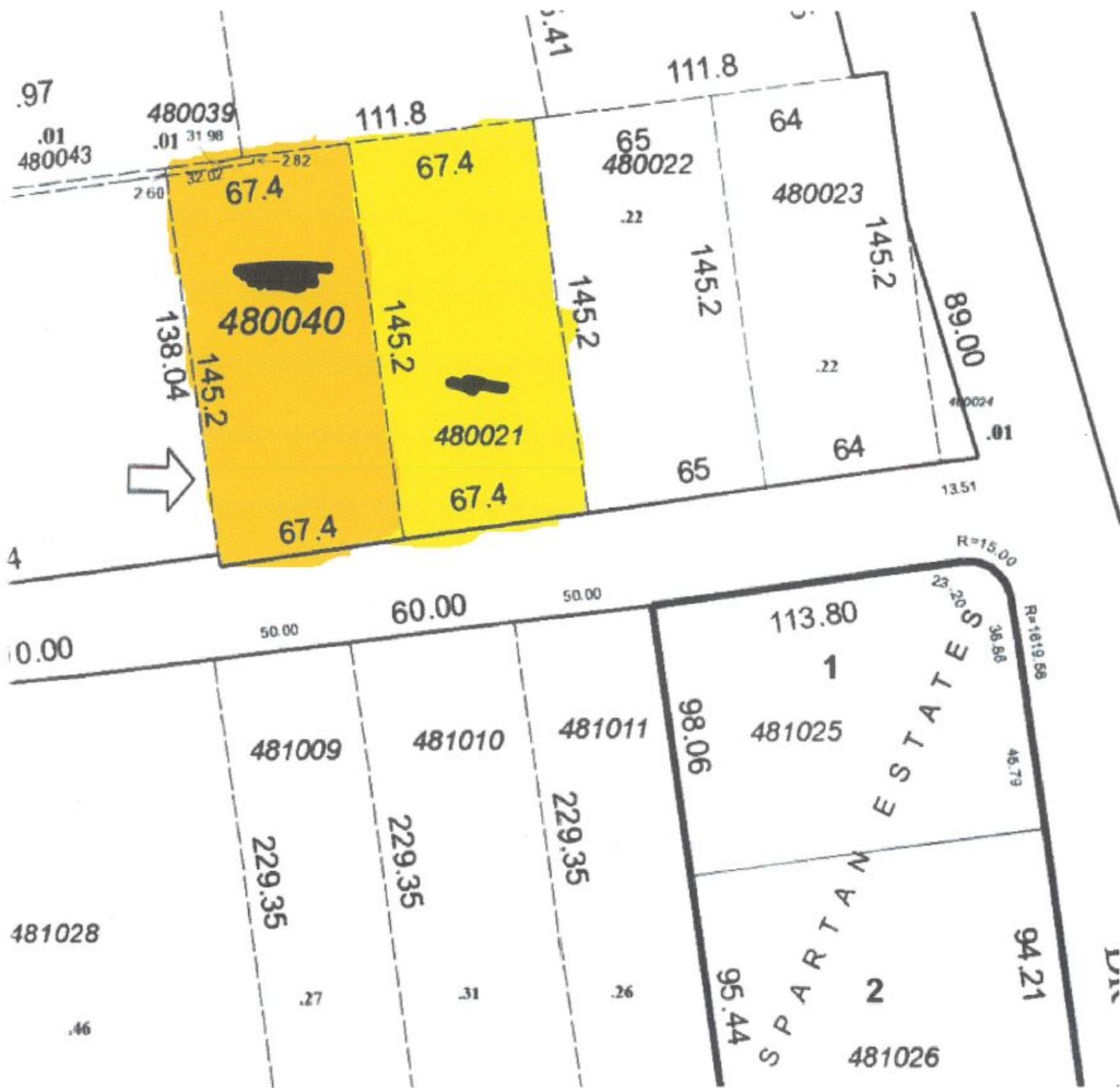
Amend the Zoning Map designation of the properties from G-O, General Office to R-1-8, Residential Single-Family Low Density.

The meeting is open, and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

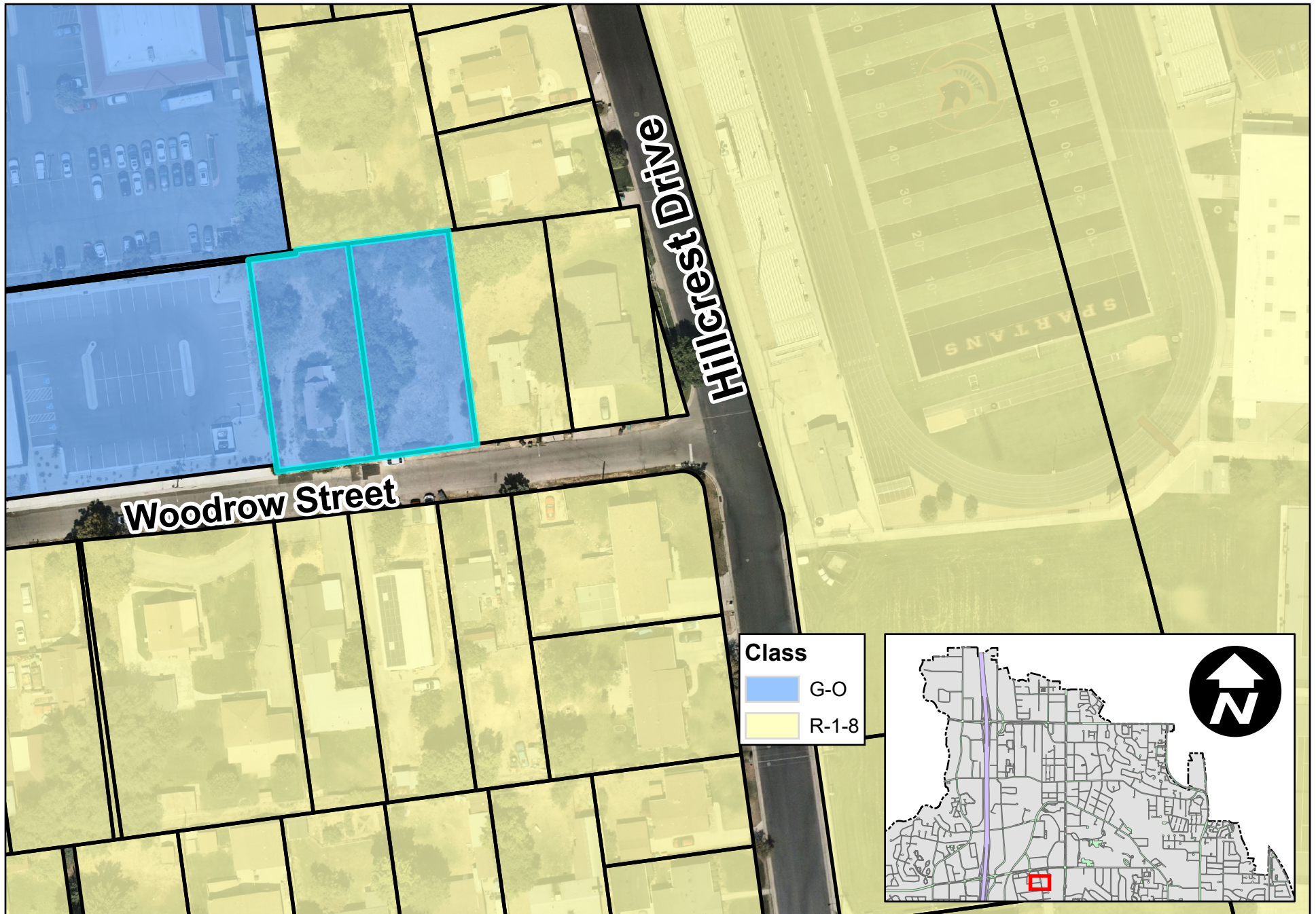
Comments are limited to 3 minutes or less, written comments will be read into the meeting record.



This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please contact Seth Rios in the Murray City Planning Division at 801-270-2429, or e-mail srios@murray.utah.gov.



64 & 72 West Woodrow Street



Murray City Committee of the Whole

September 20, 2022



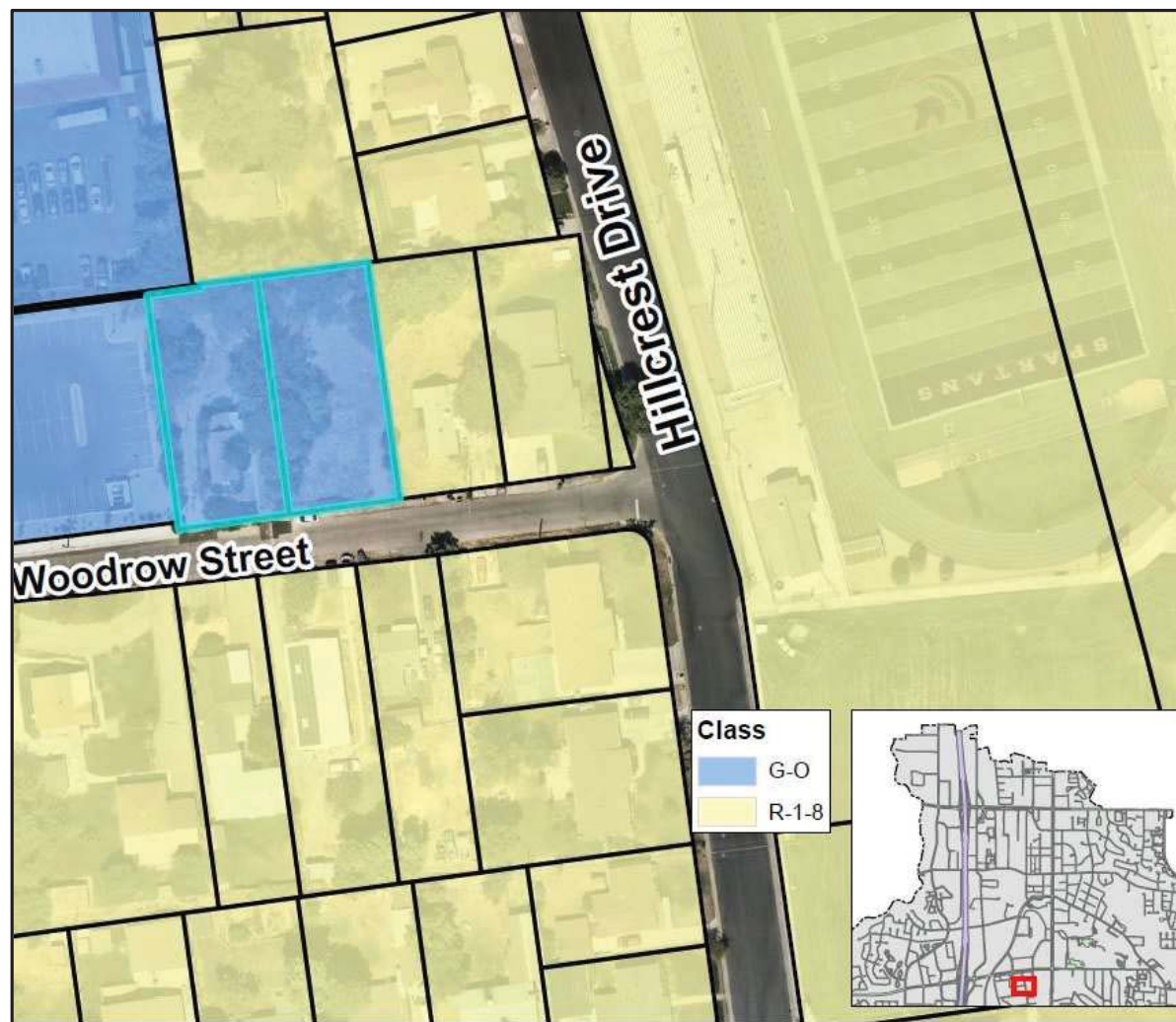
Applicant: Murray City School District

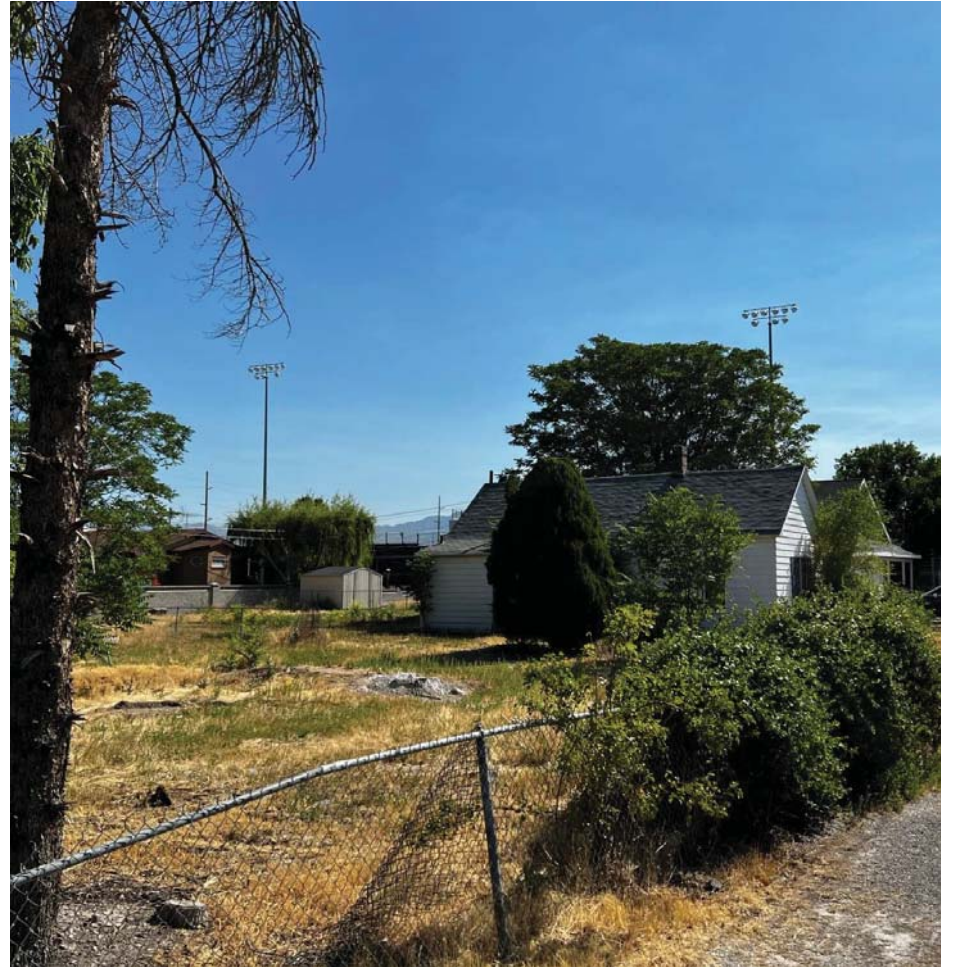
Request: Future Land Use Map Amendment from Office to Low Density Residential and a Zone Map Amendment from G-O, General Office to R-1-8, Low Density Single Family

Address: 64 & 72 West Woodrow Street



Zoning





General Plan Land Use Categories

LOW DENSITY RESIDENTIAL

This designation is intended for residential uses in established/planned neighborhoods, as well as low density residential on former agricultural lands. The designation is Murray's most common pattern of single-dwelling development. It is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally have few or very minor development constraints (such as infrastructure or sensitive lands). Primary lands/use types include single-dwelling (detached or attached) residential.

Density range is between 1 and 8 DU/AC.

Corresponding zone(s):

- A-1, Agricultural
- R-1-12, Low density single family
- R-1-10, Low density single family
- R-1-8, Low density single family
- R-1-6, Low/Medium density single family
- R-2-10, Low density two family



OFFICE

This designation allows for a wide range of office uses in an environment that is compatible with adjacent residential neighborhoods. Development patterns should enhance the livability of surrounding residential neighborhoods while contributing to the success of nearby business areas. Development will generally be individual buildings or small clusters that are scaled similar to adjacent residential areas.

Corresponding zone(s):

- G-O, General Office
- R-N-B, Residential Neighborhood Business






Home built by Murray High students sells for almost \$1 million

Aug 23, 2021 10:06AM • By Julie Slama



Murray High students built this 4,900-square-foot house near Wheeler Farm over a three-year period, which sold this spring. (Quin Drury/Murray High School)

General Plan Objectives

- Provide and promote a mix of land uses and development patterns that support a healthy community comprised of livable neighborhoods, vibrant economic districts, and appealing open spaces. 
- Preserve and protect the quality of life for a range of viable residential neighborhoods
 - Prioritize infill and redevelopment for commercial development over expansion into residential neighborhoods 
- Stimulate reinvestment in deteriorating areas of the city to support growth and enhance the image of the community 

Staff Recommendations

REQUEST TO AMEND THE MURRAY CITY GENERAL PLAN

Based on the background, analysis, and findings within this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the requested amendment to the Future Land Use Map, re-designating the properties located at 64 & 72 West Woodrow Street from Office to Low Density Residential.**

REQUEST TO AMEND THE MURRAY CITY ZONING MAP

Based on the background, analysis, and findings within 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 of the properties located at 64 & 72 West Woodrow Street from G-O, General Office to R-1-8, Single-Family Low Density Residential, as described in the Staff Report.**

Planning Commission

- A public hearing was held by the Planning Commission on July 21, 2022.
- 47 notices were sent to all property owners within 300' of the subject property and to affected entities.
- The Planning Commission voted 4-0 to forward a recommendation of approval to the City Council.

Findings

1. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.
2. Amending the Future Land Use Map of the General Plan will allow for cohesion with neighboring residential uses.
3. The proposed Zone Map Amendment from G-O to R-1-8 has been considered based on the characteristics of the site and surrounding area. The potential impacts of the change will be minimal and will promote the goals of the General Plan.
4. The proposed Zone Map Amendment from G-O to R-1-8 conforms to important goals and objectives of the 2017 Murray City General Plan and will allow an appropriate development of the subject property.
5. The Planning Commission voted 4-0 to forward a recommendation of approval to the City Council on 7/21/2022.

Recommendations

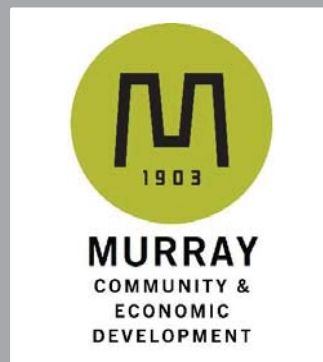
REQUEST TO AMEND THE MURRAY CITY GENERAL PLAN

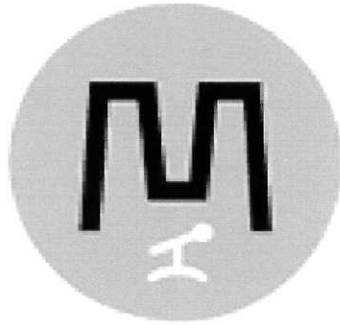
The Planning Commission and staff recommends that the City Council APPROVE the requested amendment to the Future Land Use Map, redesignating the properties located at 64 and 72 West Woodrow Street from Office to Low Density Residential.

REQUEST TO AMEND THE MURRAY CITY ZONING MAP

The Planning Commission and staff recommends that the City Council APPROVE the requested amendment to the Zoning Map designation of the properties located at 64 and 72 West Woodrow Street from G-O, General Office to R-1-8, Single Family Residential.

THANK YOU





MURRAY
CITY COUNCIL

Mayor's Report And Questions



MURRAY
CITY COUNCIL

Adjournment