

Minutes of the Planning Commission meeting held on Thursday, December 1, 2016, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair
Maren Patterson, Vice Chair
Phil Markham
Sue Wilson
Scot Woodbury
Buck Swaney
Jared Hall, Community & Economic Development Manager
Brad McIlrath, Assistant Planner
G. L. Critchfield, Deputy City Attorney
Citizens

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

Travis Nay opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes from November 3, Planning Commission meeting. Seconded by Mr. Markham.

A voice vote was made, motion passes 6-0

CONFLICT OF INTEREST

There were no conflicts of interest.

BRIAN & KIM HILL – 4978 South Atwood Blvd – Project #16-154

Brian Hill and Kim Hill were the applicants present to represent this request. Brad McIlrath reviewed the request for a Conditional Use Permit to allow approval of an accessory dwelling unit for the property addressed 4978 South Atwood Blvd. The applicant is requesting approval to use a portion of the main level of the existing home as an Accessory Dwelling Unit (ADU) that would include one bedroom, one bathroom, laundry, kitchen and a living room. The total area for the main dwelling is 4,739 sq. ft. The area to be used for the ADU will be approximately 680 square feet, which complies with the 40% maximum allowable area for the accessory dwelling unit. There is one access door at the northwest side of the dwelling from the outside directly into the ADU. As required by the ordinance, the owner of the property must live in either the primary dwelling or the accessory dwelling, of which they plan to continue living in the primary dwelling. Evidence of that occupancy must be submitted and maintained with Murray City and is addressed in the conditions of approval. The Accessory Dwelling Unit – Owner Occupancy Affidavit will have to be recorded at Salt Lake County and placed on file with the Community Development Department in Murray, the purpose of this provision is to ensure that the subject property is maintained and that potential impacts to the neighborhood can be quickly addressed by the property owner. All future property owners are required to reauthorize the unit in order to continue to use the ADU.

According to Section 17.78.040 of the Murray Land Use Ordinance, "two (2) additional off street parking spaces shall be provided" in addition to the required spaces for the main dwelling. Based upon this standard, a total of four (4) off street parking spaces must be provided at this property and sufficient parking is provided for the primary and accessory dwelling units, with a paved area and driveway in front of a garage. All on street parking must be used only for visitors and sufficient off street parking must be provided for additional occupant vehicles that exceed the minimum of two (2) required by ordinance. If future owners, or the current owners choose to discontinue the use of the ADU, but wish to keep the second kitchen, the owners must record the Second Kitchen Covenant and return a copy of that covenant to Murray City Staff. Staff recommends that the Planning Commission forward a recommendation of preliminary and final subdivision approval to the mayor subject to conditions.

Mr. Swaney asked if an inspection would be conducted to verify that the applicants comply with the conditions. Mr. McIlrath replied that an inspection would be conducted and clarified that the conditional use permit will not change the zoning and this is not a mother-in-law apartment, rather an Accessory Dwelling Unit which is allowed in this zone and is subject to conditional use permit approval.

Mr. Nay asked if the home was sold what rights would the future owners be entitled to in regards to the conditional use permit approval. Mr. McIlrath stated that each successive owner would be entitled to the right to use the ADU as well and would need to get the same Owner Occupancy Affidavit signed and notarized.

Brian Hill and Kim Hill, 4978 South Atwood Blvd, stated they have reviewed the staff recommendations and will comply.

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

Mr. Swaney made a motion to approve a Conditional Use Permit for an Accessory Dwelling Unit for the property addressed 4978 South Atwood Blvd subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. All smoke alarms shall be hard wired and interconnected throughout the dwelling to meet the 2012 International Residential Code.
3. The project shall meet all current fire codes.
4. The project shall comply with all applicable development standards for accessory dwelling units as found in Chapter 17.78 of the Murray City Land Use Ordinance.
5. The installation of a separate utility meter for the Accessory Dwelling Unit is prohibited.
6. The applicant shall submit a copy of the recorded Accessory Dwelling Unit – Owner Occupancy Affidavit to Murray City Staff. The affidavit shall be recorded with the Salt Lake County Recorder's office with the copy submitted to the

Community Development Division.

7. The applicant shall obtain a Murray City Business License and pay applicable penalty fees for renting the unit prior to obtaining a business license.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. McIlrath.

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

Motion passed, 6-0

IPTV-CW-R1, LC - 5502 & 5562 South Van Winkle Expressway – Project #16-151

Allison Behjani was present to represent the applicant for this request. Jared Hall stated that this request is for a lot line adjustment between two adjacent properties in a platted subdivision. The properties are addressed 5502 and 5562 South Van Winkle Expressway, and both are owned by the entity IPTV-CW-R1, LC. Utah State Code Section 10-9a-608 (5) (a) states that the owners of adjacent parcels that are described either by a metes and bounds description or by a recorded subdivision plat may exchange title or portions of those parcels if the exchange is approved by the local land use authority in accordance with Subsection (5) (b). The land use authority shall approve an exchange of title under Subsection (5) (a) if the exchange of title will not result in violation of any land use ordinance. The applicant is the owner of both lots in question, and the other lots which make up the shopping center. The large, multi-tenant building on the property is contained on the first parcel (addressed 5502 South) and shares a property line with the second parcel (addressed 5562) which is parking area. It appears that the shared line actually runs unintentionally through the building. This lot line adjustment is intended simply to address that issue, adjusting the property line to the immediate south of the building wall. Both lots listed in the application are a part of an existing subdivision. Because they are part of a subdivision, the lot line adjustment is considered an amendment of that subdivision. State Code standards allow the applicant to amend the subdivision without recording a plat, if the planning commission reviews and finds no violations of zoning would result from the adjustment of the lot lines. Instead of recording a plat, the applicant will record deeds which will affect the adjustment of the lot line as described. A survey has been performed which will be an exhibit attached to the deeds. Staff has reviewed the zoning implications of the adjustment and can advise the commission that in our opinion no violation of zoning codes will result from this adjustment. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the proposed subdivision amendment by way of lot line adjustment subject to conditions.

Allison Behjani, 1468 E Logan Ave Salt Lake City, stated she is representing the property owner for this request. She stated they have reviewed the staff recommendations and will comply.

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

Mr. Woodbury made a motion to approve the lot line adjustment for the properties addressed 5502 & 5562 South Van Winkle Expressway subject to the following condition:

1. The applicant shall meet the requirements of the Murray City Engineering Division and the Community and Economic Development Department for the recording of the deeds and the adjustment of the lot lines prior to the recording of those documents with the Salt Lake County Recorder's office.

Seconded by Mr. Swaney.

Call vote recorded by Mr. McIlrath.

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

Motion passed, 6-0

GARBETT HOMES - 6790 South 700 West – Project #16-156

Jacob Ballstaedt was the applicant present to represent this request. Brad McIlrath stated that the applicant requesting approval for a Zone Map Amendment to change the eastern one-half portion of the property addressed 6790 South 700 West from R-M-H to R-1-6. The property is part of a long strip of property used for utilities and service access for Winchester Estates and a Murray City water pump house. This property has been zoned R-M-H because the ownership is tied to the Winchester Estates development. This property is located along the south Murray City boundary and has access provided by 700 West. With a proposed lot line adjustment, this property will decrease in size and align with the east boundary line of the Winchester Estates development and subsequently change the ownership which allows this property to become part of a future development with the adjacent R-1-6 properties to the north. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use and Map 2-4 identifies the future land use of this area and the classification of residential single-family medium density which would coincide with the R-1-6 Zoning District. The land use concept Map 2-3 states that this area with a single family cluster development would provide a good transition from the Midvale Bingham Junction neighborhood to the south. A main goal of the General Plan is to preserve and protect the quality of life for viable residential neighborhoods, the proposed zone change to R-1-6 would support this goal. Based upon this review, Staff determines that the proposed zone is consistent with the goals and objectives of the General Plan.

Mr. Swaney asked for clarification about the similarities of the two zones R-M-H and R-1-6. Mr. McIlrath stated they are very similar as the R-M-H zone is for Mobile homes and the R-1-6 zone is for single family homes and the R-1-6 would have a lower density than an R-H-M zone.

Mrs. Wilson asks if there is any reason the city would not approve this area to be zoned an R-1-8. Mr. McIlrath responded that the current General Plan designates this area to be a middle ground buffer between high density Mobile homes, apartments or town homes to a low-density single family area as Murray City has a lot of low density and high density zoning and lacks in the medium density zoning. Mrs. Wilson stated that she had concerns that a low density zoning may be overwhelming to the Winchester Estates mobile home park and agrees with the R-1-6 zoning. Mr. McIlrath stated that the parcel as it is now, is not developable with such a narrow width and requires the lot line adjustment and would need to be combined with the properties to the north as part of a larger development.

Jacob Ballstaedt, 273 North East Capitol Street, Salt Lake City, stated he has reviewed the staff recommendations and will comply.

Mrs. Wilson asked what the projected price point for the future homes will be. Mr. Ballstaedt stated they will likely be in the \$300,000 to \$400,000 range. Mrs. Wilson commented, in her opinion, that this would not be priced for a young family and asked what size homes would be built here. Mr. Ballstaedt stated they anticipate having 3,000 square foot ramblers, 1600 to 2000 square foot two-story homes and possibly larger homes which would be determined by future market analysis. He stated they will be submitting an application for a subdivision soon and will address any concerns at that time.

The meeting was opened for public comment.

Diane Fullerton, 854 West Cider Ct, Midvale, stated that her backyard is the now empty lot and feels she and her neighbors are entitled to the buffer lot to remain vacant as she has paid a premium price for her lot and has concerns for her privacy and would like some green space buffer.

Meeka Brown, 6798 Crutoin Lane Midvale, asked if the boarding Winchester Estates property is an easement and would not allow development and homes. Mrs. Brown stated the Winchester Estates property as it is now could allow emergency access to her neighborhood as she lives on a private road where the streets are very narrow for cars and emergency vehicles and would prefer the property to remain undeveloped.

Jeff Hubbard, 6653 South 700 West, stated he has concerns that 700 West is a busy street and would like to see the street widened. He stated that the west side of 700 West does not have curb and gutter and wondered where the property would come from for any right-of-way improvements.

Drew Lambert, 6661 south 700 west, stated that 700 West is a very busy street and asked what can be done to ease the street traffic. He also asked if an apartment complex would be allowed. Mr. Nay replied that the zoning of the area would not allow apartments.

The public comment portion was closed. Mr. Nay closed the public hearing.

Mr. McIlrath addressed the buffer issue and dirt road and easement stating that Murray City has a pump house on the property as well as access to the pump house, but it is not

an easement, instead it is part of the Winchester Estates property.

Mrs. Patterson asked if the property lines are also the city boundary lines. Mr. McIlrath responded that the south property line coincides with the city boundary line and in the future, the developer would choose if they leave an open buffer or not which would require approval from the appropriate city departments on the proposed future subdivision plan and would require a traffic study to be conducted to find out what impact a future development might have on the area.

Mr. Woodbury that he would like to remind the public that this is only a zone map amendment and that a subdivision application is not in existence yet to make any judgment on, but that Murray City does not allow private roads which alleviates a lot of issues with emergency access.

Mr. Swaney thanked the Midvale citizens for the input they have provided and that at the time a subdivision application is proposed the commission will carefully review all of the impacts on the area, but until that time these concerns are not able to be addressed properly. He commented that land use rights grant property owners the ability to develop property when they so choose as in this case. Mr. Swaney added that he is in favor of creating pre-zone developments like this to avoid inconsistent zoning as has happened on Vine Street.

Mr. Woodbury made a motion to forward a recommendation of approval for a zone map amendment from R-M-H to R-1-6 for the property addressed 6790 South 700 West to City Council. Seconded by Mr. Swaney.

Call vote recorded by Mr. McIlrath.

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

Motion passed, 6-0

MURRAY CITY GENERAL PLAN UPDATE – Project #15-29

Mr. Nay reopened the public hearing for the Murray City General Plan update. This public hearing was continued from the November 17, 2016, Planning Commission meeting.

Jared Hall commented that this hearing was continued to allow all Commission members to be present. He also stated that he has not had any further input for changes since the last meeting and that the consultants, CRSA, are continuing to finalize the changes that were requested from the previous work meetings as well as adding finalization as a condition for final approval. The map is in the final state of completion with graphic additions required.

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

Mr. Swaney asked for clarification about what specific things the General Plan does to protect the stability of residential neighborhoods as well as what information is outlined in the General Plan to help city planners to make such decisions. Mr. Hall replied that he agrees the General plan must address how to protect the stable and potentially unstable neighborhoods by defining language, policies or small area planning. One topic to analyze further is what uses are currently allowed in our city ordinances that may be unintentionally destabilizing neighborhoods, such as flag lots and how we should handle them in the future.

Mr. Swaney asked that such wording be added to the General Plan before it is finalized and asked that this wording be added to a future General Plan presentation for the council. Mr. Markham added that part of the reason we have seen destabilization of the Vine Street area may have been due to the fact that the area is part of the unincorporated area which was not effectively planned by the prior jurisdiction and we have inherited the issue. Mr. Hall stated that he will definitely define this language in the General Plan.

Mr. Swaney made a motion to forward a recommendation of approval of the Murray General Plan update subject to the final completion of the items addressed in tonight's meeting and previous work sessions for final recommendation to City Council. Seconded by Mr. Woodbury.

Call vote recorded by Mr. McIlrath.

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

Motion passed, 6-0

OTHER BUSINESS

Mr. Hall informed the commission members about upcoming agenda items and reminded them of the next meeting on December 15th during the holiday and if any members are taking time off to please inform the planning staff. Mr. Hall also announced the retirement date and party for Senior Planner, Ray Christensen.

The study session was adjourned at 7:37 p.m.


Jared Hall, Manager
Community and Economic Development