

Minutes of the Planning Commission meeting held on Thursday, August 2, 2018, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair
Lisa Milkavich, Vice Chair
Phil Markham
Maren Patterson
Sue Wilson
Ned Hacker
Jared Hall, Community and Economic Development Supervisor
Zac Smallwood, Associate Planner
Jim McNulty, Development Services Manager
Briant Farnsworth, Deputy City Attorney
Citizens

Excused: Scot Woodbury

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

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

APPROVAL OF MINUTES

Mr. Hacker made a motion to approve the minutes from the July 19, 2018 Planning Commission meeting with the suggested changes. Seconded by Ms. Wilson.

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

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for Master Scraper. Ms. Milkavich seconded the motion.

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

ICE HAUS -- 7 EAST 4800 SOUTH - Project #18-68

The applicant was not present to represent this request. Jared Hall reviewed the location and request for a Certificate of Appropriateness to allow for the expansion of an outdoor patio dining area to be located at the property addressed 7 East 4800 South. The property is located within the MCCD zone. Mr. Hall stated that this application was previously approved by the Hearing Officer and the MCCD Design Review Committee and received a recommendation of approval to expand the existing patio. There will not be any changes to landscaping. The expansion eliminates the use of 3 parking stalls which will be replaced by bicycle racks for up to 12 bicycles. The parking requirements for the MCCD are low as compared to other zones. This business is overparked even with the reduction of the 3 stalls. Although it is not a requirement of approval, the applicant is currently trying to lease some

parking spaces from an adjacent fee lot that will accommodate employee parking. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of a Certificate of Appropriateness for a major alteration allowing the expansion of the outdoor patio and dining area subject to conditions.

Mr. Woodbury asked if any reports have been submitted by the Police Department for noise or unruliness. Mr. Hall answered no, we have not had any comments from the Police Department about Ice Haus.

The meeting was opened for public comment.

Frank Diana, 16 West 4800 South, stated he owns Club 48 which is located just to the west of the Ice Haus Bar. Mr. Diana explained that he is in support of this application and his property does not share parking with Ice Haus. He asked that the applicant make sure they do seek the additional parking. Mr. Diana added that the parking in this location has always been a problem. Mr. Nay asked if the Club 48 gets a lot of spillover parking from Ice Haus. Mr. Diana stated yes, he does, and he does not want conflict. Mr. Diana stated that Murray City has taken the property formerly known as Frankie and Johnnie's and cabled the parking lot off, now the patrons of Ice Haus are parking on 4800 South and the Club 48 lot.

The public comment portion for this agenda item was closed.

Based on analysis of the submitted materials, the MCCD Design Guidelines and Land Use Ordinance standards, Staff recommends that the proposed remodel and site redevelopment is consistent with the design guidelines and requirements of the MCCD zone and recommends that the Planning Commission approve a Certificate of Appropriateness for a Major Alteration allowing the expansion of the outdoor patio and dining area on the property addressed 7 E. 4800 South with the following conditions

Ms. Patterson made a motion to approve a Certificate of Appropriateness to allow a Major Alteration allowing the expansion of the outdoor patio and dining area located at 7 East 4800 South, subject to the following conditions:

1. The applicant shall obtain the appropriate Murray City Building Permits necessary for the construction of the pergola and outdoor dining area, including the existing area.
2. The applicant shall provide complete plans and calculations for the building permit review.
3. The proposed addition shall meet all requirements identified within the staff report.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

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

Motion passed 6-0.

SUZANNE HOGGAN – 17 East 6150 South – Project #18-91

Suzanne Hogan was the applicant present to represent this request. Zac Smallwood reviewed the request for a Conditional Use Permit to allow for an Detached Accessory Dwelling Unit to be located on the property addressed 17 East 6150 South located in the R-1-8 Zoning District. The applicant proposes to convert a 432 square foot detached garage behind the existing home on the subject property to accommodate a Detached Accessory Dwelling Unit. In addition to the proposed ADU, the applicant will also install a carport that will provide the parking needed for the ADU. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission grant approval of the conditional use permit application request for an Accessory Dwelling Unit at the property addressed 17 East 6150 South.

Mr. Markham stated the floor plan seemed to indicate that the bedrooms are very small and asked hypothetically, when the owner applies for a building permit will it be reviewed to insure the living space is inhabitable. Mr. Smallwood replied that the dwelling is subject to current building code and the possible issue would be addressed with the applicant during that process. Mr. Nay asked if this proposed ADU is below the 40% maximum allowance. Mr. Smallwood answered they are indeed below the allowance at only 472 sq. feet.

Suzanne Hogan, 17 E 6150 South, stated she will be able to comply with conditions.

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

Mr. Hacker made a recommendation of approval for a Conditional Use Permit to allow an Accessory Dwelling Unit at the property addressed 17 East 6150 South, subject to the follow conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant is required to apply for a building permit allowing an appropriate inspection or inspections to occur prior to occupancy of the ADU.
3. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
4. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
5. The property owners shall complete and record with the Salt Lake County Recorder's Office, the Accessory Dwelling Unit – Owner Occupancy Affidavit (Provided by Community & Economic Development). A copy of the recorded document shall be provided to the Murray City Community and Economic Development Division prior to occupancy of the ADU.
6. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU.

Seconded by Ms. Wilson.

Call vote recorded by Mr. Hall.

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

Motion passed 6-0.

APPLEGATE H.O.A. GENERAL PLAN AMENDMENT & ZONE MAP AMENDMENT – 770
West Apple Gate Way – Project #18-93

George Cohen, representing the Applegate Home Owners Association (H.O.A.), was present to represent this request. Zac Smallwood reviewed the location and request for the Planning Commission to approve a General Plan Amendment to change the future land use designation for the property addressed 770 West Apple Gate Drive from Low Density Residential to Medium Density Residential. The property is 23.5 acres and zoned R-M-15. When the property was developed in the early 1970's, it was an R-2-A Zone and it allowed for this type of development. It was later rezoned to be an R-1-8 zone. The Applegate HOA has the desire to update the properties to the R-1-15. Staff has not received information about future plans for the properties. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the requested General Plan Amendment changing the land use designation of the property from Low Density Residential to Medium Density Residential, as well as Zone Map Amendment approval from the R-1-8 to the R-M-15 zone.

Mr. Nay asked if the surrounding areas have higher density zoning. Mr. Smallwood answered yes, as well as R-1-8 housing, and a Church and a School also surround the neighborhood.

Ms. Patterson asked hypothetically, if the area were to be developed as an R-1-8 zone would single-family homes be the approved density. Mr. Smallwood answered, yes. Ms. Patterson asked what the process would be if the applicant decided to develop the property. Mr. Smallwood explained that the process is lengthy, and the applicant would have to come before the Planning Commission and City Council because the property is currently legal non-conforming. This is a step in the right direction because it is bringing the property one step closer to what physically exists now. The City currently does not have an application for any future development for the property and can't speculate what may or may not happen in the future if it is rezoned. Ms. Wilson added that the rezone will allow for the land the current condos are on to be zoned correctly.

Mr. McNulty added that if a building were to burn down, the City would be in a difficult position to allow for a rebuild of the condos because the land is zoned for single-family homes. The current R-1-8 zone does not allow for condo development. Currently it is non-conforming to the zone as well as to the General Plan Land Use map. Mr. Nay added that the property owners in the vicinity would receive notice of any future developments.

George Cohen, 3356 El Segundo Drive, stated he has reviewed the recommended

conditions of approval and will comply. Mr. Cohen stated that the Applegate HOA took a vote and 85% of the people voted. Out of the 85% that voted 15% percent of the people did not want to move forward with the zone change. Mr. Nay asked how many needed to be present to have a quorum. Mr. Cohen answered it was 2/3 and they were all owners.

The meeting was opened for public comment.

Calvin Noyce 5219 South Gravenstein Park, states he is a condo owner who submitted a vote to the HOA. Mr. Noyce stated he is in support of the rezone and has attended several neighborhood meetings about what could happen if it is rezoned to be in compliance. It is thought that some new development might take place in the future, but nothing has been decided.

Bruce Craig, 5365 Baldwin Park, stated he is against the proposal and wants proof that 85 % of the HOA voters are in favor of the proposal. Mr. Nay stated the City is not in receipt of the information and it is just a part of Mr. Cohen's statement. Mr. Markham stated that even though the information was presented it is not a deciding factor on the land use approval tonight. Ms. Milkavich suggested that the HOA might have a policy or procedure for the voting process and they may have kept written records of the vote he could obtain a copy of. Mr. McNulty added that the City is not a party to the HOA and we have to take what they are telling us at face value, the issue is a civil matter.

Gerald Andersch, 5335 Majestic Village Circle, stated he is opposed to the rezoning effort because he feels it represents an adverse future development in his neighborhood.

Ms. McFadden, 5329 Ben Davis Park, asked if the the purpose of the meeting is to rezone the entire complex to R-M-15 to help mitigate possible future issues with zoning and asked if there is any proposal for future development. Mr. Nay stated she is correct and the City is not aware of addressing any future development at this time.

Laurel Brown, 5311 Lucky Clover Lane, stated she is getting the impression from this meeting that the reason for the rezone is because of fire danger, but she believes the actual reason for the change is because the Applegate HOA wishes to pursue future development. Ms. Brown asked what date the Applegate private road off of Murray Blvd. was closed off and used for RV parking. Ms. Brown also asked if the zoning is changed to R-M-15 will the Applegate condos be required to have an additional egress.

Carolyn Burke, 5265 S Gravenstein Park, stated she is in support of the rezone and since learning about the possible issues that could arise if not rezoned she is even more resolute in her decision.

Larry Payne, 869 W Spring Clover Drive, asked what R-M-15 represents, how tall can the units be. Mr. Payne also stated that he knows for a fact that if one of the buildings were to burn down that a condo building could be rebuilt because the insurance company will pay for it and lenders will provide financing. Mr. Payne stated that he believes the actual problem is that Murray City will decide to not let them. Mr. Payne added if additional units are built they will have traffic issues and fire and police access problems.

Lantz Monson, 5325 Majestic Village Circle, stated he is against the rezone and agrees with Mr. Payne. Mr. Monson stated he believes that this is just the first step that would allow a possible development in the future and suggested that the Planning Commission disapprove

the rezone now because it would be easier if they could avoid more public meetings and to not have to do their jobs.

Mr. Nay asked that the public audience keep the clamor quiet to make it possible for the audio recording to be clearly heard.

Kyle Lind, address unknown, HOA President, stated he is in support of the rezone and stated his first objective is to correct the property rezoning. This may lead to future development because there is a lot of excess land in Applegate that could be used. Mr. Lind added he respects the opinions of the other Applegate residents and that the voting process was legitimate. The HOA fees are very expensive and it is difficult for them to take care of the land appropriately. This will be a way to raise approximate 3 million dollars needed to make the necessary improvements. Mr. Nay asked if the HOA has had to issue a special assessment for the general upkeep of the property in the last 5 years. Mr. Lind answered yes, in 2015 they had a special assessment to pay off a loan.

Dave Brown, 5311 Majestic Village Circle, asked why any possible redevelopment has to be a higher density and suggested it be zoned to a lower density like single family to avoid encroachment of apartments and condos on the abutting single-family zone. Mr. Brown suggested that the City grandfather the property.

Alex Higham, 5264 South Rome Beauty Park, stated she is in favor of the rezone as a way to possibly move forward with future development of open space and raise the revenue to update and improve the Applegate Condos.

Ron Barbano, 5363 South Lucky Clover Lane, stated he is against the rezone because the access road for Applegate is behind his house and he has traffic, noise, and trash concerns.

Kristine Dunn, 5320 South Majestic Village Circle, stated that Horizon Elementary is a Title One School and it brings a lot of children from low income families in. Ms. Dunn believes that when people buy homes in the neighborhood and find out the impact on the Elementary School, they sell their homes. It effects the home values of the neighborhood. Ms. Dunn stated that this area has enough high density and the City needs to look at other areas to spread out the load of high density living. Ms. Dunn stated that Applegate's mismanagement is not her problem.

Mary Ann Parker, 835 Lucky Clover Circle, stated she also owns an Applegate condo at 5275 Rome Beauty Park, and attended the HOA meeting. At that time she was undecided and never submitted an official vote, but is opposed to the rezone for many reasons. Ms. Parker suggested the property be grandfathered to the original and correct zone by the City. Ms. Parker added only the residents in the single-family zone are part of the original community and the nearby higher density neighborhoods are not and that the residents in the single-family zones are being burdened by the move-in people in the multi-family zones.

Ronald Dunn, 5320 Majestic Village Circle, stated he now feels that this is not an innocuous zone change that he was led to believe, instead he believes that Mr. Lind wants to redevelop the site because of the mismanagement and embezzlement of the HOA funds. Mr. Dunn stated that his calculations led him to believe that 173 new units could conceivably be built. Mr. Markham replied that his statement is misinformation. Mr. Nay added that is a gross exaggeration of what could be possible. Mr. Markham added that is not what is being discussed tonight on the agenda. Mr. Dunn further added that he believes this is a fund-

raising activity for the HOA at the expense of the neighborhood.

Dave Dodds, 5123 South Lucky Clover Lane, stated that he has learned this is the first step for a possible redevelopment and believes this is clearly the intent for a rezone. Mr. Dodds suggested that the Planning Commission stop the rezoning now in an attempt to save the Planning Commission Committee time and to spare the residents from having more public meetings.

Kathleen Keith, 5307 Ben Davis Park, stated she was offended by the previous statement that referred to the multi-family residents as "those people". Ms. Keith stated that if more units were developed in the future, that they would help the Applegate condo area look much more pleasant and the surrounding neighbors should be pleased. Ms. Keith added that she is a new resident to Applegate and that she likes her home and that she doesn't like it when people talk down to her. She is in support of the rezone.

Nicki Ewell, 5358 South Baldwin Park, stated she did not vote for the rezone because she felt there was a lot of mis-information from the HOA and the voting process was conducted in an inappropriate manner. Ms. Ewell asked, since there has been so much misinformation from the HOA can they rescind their vote now. Mr. Nay stated that the City cannot give any advice on the matter and it has already been addressed by Mr. McNulty that it is a private matter. Ms. Ewell suggested that the votes were falsified by the HOA. Ms. Ewell stated that the Applegate property has only about 21 acres due to the expansion of 700 West, not 23 acres. Ms. Ewell asked why the city won't grandfather the property in to be compliant with the zoning.

Richard Hansen, 5269 Lucky Clover Lane, stated he believes that the HOA is using the guise of a zone correction to actually pursue development. Mr. Hansen feels that if the rezone to R-M-15 is allowed, that the neighborhood in his opinion will turn into the ghetto of tomorrow, similar to what was allowed on Vine Street and that whoever was involved in allowing such a decision should be strung up. Mr. Nay clarified that they are two different zoning districts. Mr. McNulty notified Mr. Hansen that his comments were out of line and to cease. Mr. Hansen replied that he does not believe whoever was in charge of that decision at the time did the job correctly. Mr. McNulty stated that he understood Mr. Hansen's concerns and reminded him again that his comments are still out of line.

Kathy Bridge, 825 Lucky Clover Circle, stated she believes that it is obvious from the comments in the meeting that this will be developed as soon as the application is approved. Ms. Bridge stated that she has learned through her sons experience that development can happen on adjacent property and this rezone could mean that new condo units could be built in the backyards of the Lucky Clover Lane residents.

Alma Haskell, 5287 Clover Meadow Drive, asked if the current legal non-conforming condo units could have improvements made to them based on the fact they were previously legal at one time in the 1970's. Mr. Haskell asked if the rezone could allow up to 270 additional condo units to be built depending on the acreage. Mr. Haskell added that he is aware the City Council is responsible for making a decision based on input at tonight's meeting. He understands the need for affordable housing, the need for accommodating the growing population and believes high density developments next to the TRAX station are a good idea but not a good idea next to a single-family neighborhood. Mr. Haskell stated he generally approves of more street connectivity and if this rezone allows more units, he hopes a traffic study will be conducted. Mr. Haskell stated that he does not believe the additional units can

be built because the PUD most likely requires a certain amount of open space to remain and asked if the HOA bylaws were not followed correctly could this decision be postponed tonight until the HOA figures out the discrepancies.

Jerry Patterson, 5341 Majestic Village Circle, stated his backyard abuts the Applegate Condominium Complex and their egress road is also near his home and continued to explain that the reason he purchased his home in this neighborhood was because of the low density of the neighborhood.

Deborah Rossie, 877 West Spring Clover Drive, stated she is opposed to the rezone and that she feels sorry for the financial problems that Applegate has endured, but feels this should not be a problem that the rest of the neighborhood should have to swallow. Ms. Rossie fears for the safety of children who play in the streets when the traffic increases in the future. Ms. Rossie believes the City is using the analogies about a unit burning down as a scare tactic to counsel people into voting for the rezone.

Lois Huebner, 774 West Lucky Clover Lane, stated she has privacy concerns because her backyard faces the Applegate community and there is a change in grade in the property behind her house. She believes if new units are built they will be able to see directly into her windows and backyard even if she encloses her chain link fence in the future. Ms. Huebner added that she has traffic concerns, issues with headlights shining into her home and the access that people have to the neighborhood using 700 West and surrounding streets.

Chris Reed, 5265 Rome Beauty Park, asked if it is rezoned to multi-family is there an ordinance that would prohibit a developer from building a six-story high apartment building.

Colleen Brown, 5311 Majestic Village Circle, stated she was undecided until now and feels that the compromise is for Murray City to grandfather the condo units and leave the zoning as it is. Ms. Brown added she is interested to know how many of the people who are residents of Applegate are actually property owners. Ms. Brown suggested that if the land is developed that it should be developed at the same density as the existing condo units and that she is opposed to the rezone.

Deborah Ng, 5330 Majestic Village Circle, stated she believes that the Planning Commission has the ability to rezone the property and not increase the density.

The public comment portion for this agenda item was closed.

Mr. Nay asked what the maximum height allowance is allowed in the R-M-15 zone. Mr. Smallwood answered it is 40 feet and the maximum height for a single-family home is 35 feet, only a 5-foot difference.

Mr. Nay asked if the units can be grandfathered. Mr. Hall explained that grandfathering is a common term for legal non-conforming uses, and Murray City code states that if established as legal non-conforming uses, they can be rebuilt to their existing standards. He would have to research the code to know if they can be improved or changed at this point. Generally speaking, if they are established as legal non-conforming they can be rebuilt to their existing standards, same height, etc. Financing is easier to get if you are established as conforming. Even with the zoning changing from R-1-8 to R-M-15, this is a very challenging piece of property to redevelop because it is not a blank slate. It is an established community with many individual property owners that would need to vote on every process along the way.

Some of the issues that would have to be mitigated to develop that land are building height limits of 40 feet, density limits, secondary access, and public streets. At this point, none of the issues surrounding a possible development have been researched or considered by Staff because that is not before us tonight. The only thing that has been considered to date is the validity and appropriateness of Applegate establishing they are an existing multi-family development in a single-family zone and would it be more appropriate to rezone the community as a multi-family development. Regardless of what comes after, this is a very complicated question. In terms of what immediately happens as a result of the rezone, the answer is nothing. When property appraisers inquire if the properties are conforming or non-conforming, we are able to answer that they are conforming. Staff is not able to answer some of the questions asked tonight because there has not been enough information provided to us about the possible redevelopment of the property. We have to research back to the 1970's to give accurate information. The only answer we can give about the appropriateness of the zoning is that Staff feels the rezoning is still appropriate, regardless of other applications for redevelopment that may or may not happen. Mr. Nay asked if the original use was multi-family and when did it change to single-family. Mr. Hall answered yes, and it changed sometime in the 1970's.

Mr. Markham commented that the concerns about density, egress, ingress and all of the other concerns in tonight's meeting would have to be addressed and cleared up before any change to the property would be allowed. There are no easy answers to all the concerns and that just illustrates how complicated and lengthy the process would be to do to anything with property in the future. This application is a result of simply trying to clean up the zoning and get it in line with the General Plan Land Use map.

Ms. Patterson asked what the legal parameters are that the City and Planning Commission are held to that would address the suggestions by the residents to keep the zoning as it is. Mr. Hall stated after the application is received we are obligated to look at it on its merits. They are simple: the property is multi-family condominium property and the density is allowed. What we should not do is look at the application for a rezone as consideration for a possible future project. That current application is the only thing that has been presented and that is all we are looking at tonight. We view it as something should be done, and we recommend it to the Planning Commission to forward to the City Council.

Mr. McNulty asked for the density in the R-M-15 to be addressed. Mr. Hall stated that the R-M-15 is the name of the zone but the base density is 12 units to the acre. Many requirements and logistical concerns would have to be resolved to get up to 12 units per acre. Those logistical concerns have not been looked at this point, because it's not the application before us, so it's hard to say if the property would meet all of the requirements to be granted maximum 12 units.

Mr. Hacker stated that there have been a lot of question about the legality of the dealings of the HOA and asked if there is anything the City can do about holding off on a decision based on the desire of the citizens wanting time to possibly look into the HOA further. Mr. Hall stated that he does not believe it would be the place of the Planning Commission. We received an application signed by the HOA president, it was notarized, and we have to take that at face value. If the HOA feels that is not representative of the truth then they would have to deal with that by what the bylaws and their CC&R's allow. Their application could be continued with direction to do a specific task, but that doesn't seem appropriate on our behalf. If the HOA wants to pursue some course of action that would have to be left up to them.

Briant Farnsworth, Murray City Deputy City Attorney, stated that the City does not have any way to mandate the Applegate HOA to follow any specific course of action and the City is not a party to the HOA. We have received a notarized application and have to take it at face value. If there is a challenge to a HOA vote that is a separate civil matter.

Ms. Patterson stated there was a comparison in density to the density at Vine Street and Commerce Drive and asked why that zoning and density is different than that at Applegate. Mr. Smallwood stated that the intention of the Mixed-Use zone is to allow higher density housing near transit. The density for Vine Street would not be allowed at Applegate. Ms. Patterson stated that there were resident concerns about low income housing and asked if the Mixed-Use zone and low-income housing have any correlation in this area. Ms. Patterson explained that zoning at Vine Street and the possible rezone would not affect the Applegate Community or the surrounding neighborhood in the way they believe it might. Mr. McNulty stated the development at Vine Street is known as Murray Crossing and it approaches a density of 60 units per acre because it is close to TRAX. The City would not consider similar zoning for the Applegate Condos. The purpose of this meeting is for the PC to entertain a motion and make a recommendation to the City Council. In about a month this item will be reviewed by the City Council, and the public is encouraged to attend and submit comments. The City Council is the approval or denial authority for the City for this type of application. Notices will be sent for the City Council meeting. If grandfathering of the property was perused, every single property owner in Applegate would have to ask for that determination. The fact is that the properties are non-conforming, and the zone no longer exists in the City. Mr. Smallwood added that if an application were received for any future development that the residents would be noticed again and there would be welcomed to come back and speak again.

Mr. Markham stated he is very grateful for the turn out tonight and has listened to all the public and stated that he refuses to give up Murray City's democratic process or eliminate meetings just because difficult decisions need to be made. No resident would be happy if we did not continue this process to save ourselves some grief. That would be a huge mistake in any area in this country or community. We need to hear people, different opinions, and make decisions. Mr. Markham stated he has concerns for Applegate. If this community continues to go down then the surrounding neighborhoods will be severely impacted slowly over time because the value of the condos will continue to deteriorate, and they won't have the money to improve the property. The survival of the Applegate condos is a potential asset to Murray and this is an opportunity to allow them to try to make the necessary improvements. The challenges will be huge, all of the concerns voiced tonight are accurate in regard to density, traffic, proximity to neighborhoods, ingress, and egress. It may not even be a developable project in terms of what will be required by the City codes.

Mr. Hacker reminded those present that the City does not have any legal recourse for the Applegate HOA but, wanted to personally recommend that the HOA spend some quality time with all of the surrounding residents and come to a resolution for other possible solutions that would still be a benefit to the community.

Ms. Patterson stated hypothetically, that if the Applegate properties were to be grandfathered, they technically were there before anything else and that the zoning was originally a multi-family property. This is already a multi-family property. Whether it is grandfathered as a multi-family property or rezoned as a multi-family property in the end it will still be a multi-family property. Mr. Nay agreed and stated that it was originally built as a

multifamily property.

Ms. Milkavich stated that she strongly agrees with the statements of Mr. Markham and Mr. Hacker and encouraged the HOA and surrounding neighbors to come to an agreement and that the democratic process should always be followed.

Mr. Hacker made a motion that the Planning Commission forward a recommendation of APPROVAL to the City Council for the requested General Plan Amendment changing the land use designation of the property addressed 770 West Apple Gate Drive from Low Density Residential to Medium Density Residential.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

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

Motion passed 6-0.

APPLEGATE H.O.A. ZONE MAP AMENDMENT – 770 West Apple Gate Way – Project #18-94

Mr. Markham made a motion that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment for the property located at 770 West Apple Gate Drive from R-1-8 to R-M-15.

Seconded by Ms. Wilson.

Call vote recorded by Mr. Hall.

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

Motion passed 6-0.

OTHER BUSINESS

Mr. McNulty stated that the APA Conference is on October 4th and 5th at Jordan Commons in Sandy. It is known that Mr. Nay will join Staff at the conference. If there is any interest among other PC members, the last opportunity to register is August 3, 2018.

The Planning Commission training will be held on Wednesday, August 22nd 6 p.m. to 7:30

p.m. at the Community and Development Services Building. It will be catered.

The next Planning Commission meeting will be held on Thursday, August 16, 2018 at 6:00 p.m.

Mr. McNulty stated he has been working with Briant Farnsworth, Deputy City Attorney on the sign code and would like to discuss it with the PC in September. Zac has been working on graphics to replace the outdated graphics. Briant and G.L. submitted their findings on Reed versus the Town of Gilbert, and the changes are being made based on that information.

Mr. Markham commented on how proud he is to be part of the Planning Commission. The other Commissioners concur.

The meeting was adjourned at 8:17 p.m.


Jared Hall, Supervisor
Community and Economic Development