

The Planning Commission met on Thursday, June 4, 2020, at 6:30 p.m. for a meeting held electronically in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Gary Herbert on March 18, 2020.

Present: Phil Markham, Chair  
Scot Woodbury, Vice Chair  
Travis Nay  
Maren Patterson  
Sue Wilson  
Ned Hacker  
Lisa Milkavich  
Jared Hall, Planning Division Manager  
Susan Nixon, Associate Planner  
Briant Farnsworth, Deputy City Attorney  
Citizens

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 Department Office.

Phil Markham opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

There were no minutes to approve.

#### CONFLICT OF INTEREST

There were no conflicts of interest.

#### APPROVAL OF FINDINGS OF FACT

There were no findings of fact.

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

Doug Marlowe was present to represent this request. Susan Nixon reviewed the location and request for a one year extension of the Marlowe Subdivision which is a Flag Lot Subdivision located at 1246 West Winchester Street. The Planning Commission approved this flag lot subdivision on June 6, 2019. Under Section 16.20.090 of the Murray City Code, an applicant may request a one-time extension of up to 12 months for special circumstances. The extension must be requested prior to the final plat expiration, which in this case is on June 6, 2020. The applicant has indicated he has an architect, contractor and a construction loan in place. He is waiting for the North Jordan Canal Company to complete their work. Staff is recommending that the Planning Commission grant a one-time extension of up to 12 months for Flag Lot Subdivision approval for the property located at 1246 West Winchester Street, subject to the original conditions of approval.

The meeting was open for public comment. No comments were given and the public comment was closed.

A motion was made by Maren Patterson to grant a one-time extension of up to 12 months for Marlow Subdivision for the property located at 1246 West Winchester Street subject to the nine original conditions of approval:

1. The applicant shall meet all requirements of the Murray City Engineer including the following:
  - Meet City subdivision and flag lot requirements.
  - Provide a formal Grading, Drainage and Utility Plan.
  - Provide sewer to lot 1 and connect existing home.
  - Meet City drainage standards, the 20' asphalt driveway should drain to landscaping and drainage should not be directed to adjacent lots.
  - Provide standard PUE's on lots.
  - Provide a site geotechnical study. The study should include an assessment of the canal embankment and should identify any deficiencies or maintenance issues. The study should also include recommendations to mitigate embankment deficiencies or stability issues.
  - Install/construct any recommended canal embankment improvements.
  - Obtain North Jordan Canal approval and permit for any embankment or canal work.
  - Obtain a SL County Flood Control Permit for any embankment or canal work.
  - Exclude the canal embankment slope from the proposed lots, identify this area as a North Jordan Canal Easement and as a no build, no encroachment area.
  - Recommendation – Eliminate basements and crawl spaces in proposed homes.
  - Replace any damaged curb and gutter and sidewalk along the Winchester Street property frontage.
  - Develop a site SWPPP and implement prior to beginning any site work.
  - Obtain a City Excavation Permit for work in the City right-of-way.
2. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
3. The Final Plat shall adhere to the requirements for Flag Lot Subdivisions contained in Section 17.76.140 of the Murray City Land Use Ordinance and as outlined in the Staff Report.
4. The applicant shall provide and maintain a minimum 28' access width including 4' wide landscaped areas on both sides of a minimum 20' of hard surface (asphalt or concrete) for emergency access prior to any combustible construction on Lot 2.
5. The applicant shall meet all applicable Building and Fire Codes.
6. The applicant shall submit an updated Utility Plan that shows water and sewer connection designs.

7. The existing accessory structures will be removed from the property.
8. The applicant shall provide complete plans, structural calculations and soils reports stamped and signed by the appropriate design professionals at the time of submittal for building permits.
9. The applicant shall meet all Murray City Power Department requirements.

Seconded by Lisa Milkavich.

Call vote recorded by Ms. Nixon.

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

Motion passed 7-0.

Bill Van Sickle, designer for the lots, asked if they would be allowed to submit for building permits prior to the subdivision being recorded since they are being held up by the Canal Company. Ms. Nixon responded that since this condition of approval is from the City Engineer, she would defer that decision to the City Engineer, but typically the improvements must be installed prior to any building permits being issued.

WILD ROSE ESTATES SUBDIVISION – 1057 West Aaron Park Circle & 5668 South Bullion Street – Project #20-055

Stanley Joseph, 1057 West Aaron Park Circle, was present to represent this request. Susan Nixon reviewed the location and request for a Lot Line Adjustment between Lots 1 and 4 at the Wild Rose Estates Subdivision. The Planning Commission approved this subdivision one year ago. The properties are located in the R-1-8 Zone and both exceed the 8,000 minimum square feet per lot requirement per lot. Utah State Code Section 10-9a-608(2)(a)(iii) allows the adjustment of lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision. This request is to allow an adjustment of lot lines by consenting property owners and does not result in the creation of a new lot – only in the modification of two existing lots. Because it does not result in the creation of a new lot, Utah State Code allows the adjustment without recording a plat but requires Planning Commission review and approval because the lots are contained within recorded subdivision(s). Lot 1 currently has a home on it. Lot 4 has footings for a new dwelling poured, however during the footing inspection, it was noticed that the dwelling did not meet the minimum 8-foot side yard setback. The owner of Lot 4 is requesting a boundary line adjustment of about 2 feet with the owner of Lot 1.

Lisa Milkavich asked if both owners have agreed to this process. Mr. Joseph replied they have and he has a signed purchase agreement from Tony Rezac, the owner of Lot 1.

The meeting was open for public comment. No comments were given and the public comment was closed.

A motion was made by Sue Wilson to approve the proposed Lot Line Adjustment for Lot 1 and Lot 4 of the Wild Rose Estate Subdivision at the property addressed 5668 South Bullion Street and 1057 West Aaron Park Circle, subject to the following conditions:

1. The project shall meet all requirements of the City Engineer, and City requirements for Lot Line Adjustments.
2. Public Utility Easements must still be provided on existing lots.
3. Proof of recordation and Notice of Approval of Lot Line Adjustment documents must be submitted to the Community & Economic Development Department.

Seconded by Scot Woodbury.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

DAWNDI D. REICHMAN – 388 & 398 East 4800 South – Project #20-056 & 20-057

Hunter Curtis was present to represent this request. Jared Hall reviewed the location and request to amend the General Plan from Low Density Residential to Medium Density Residential. The subject property is located behind 388 and 398 East 4800 South and has been used as a part of those two parcels for years. The address given to the parcel is 388 East 4800 South, just like the lot in front of it and it is 3,049 sq. ft. The subject property is in the R-1-8 Zone. However, the properties located at 388 and 398 East 4800 South, which just in front of it, are in the R-M-10 Zone. The applicant is trying to combine the subject property to the two other lots so she can sell her home. Staff would like to see all of the property in the same zone before the properties are combined and advised the applicant to apply for this application. The zone change and General Plan amendment would not increase the land enough to put additional units on the properties.

Mr. Hacker asked if the property owners already owned the property behind their homes. Mr. Hall replied, yes they do.

Mr. Nay asked how this happened. Mr. Hall said he thinks the previous owner's intent was to combine all the properties, but it was never done.

Hunter Curtis, 1307 South 1800 East, said nothing will change with these properties.

The meeting was open for public comment.

Susan Nixon read the following comments:

*Carol and Harry Niehus, 4864 Cross Creek Lane, "As a concerned resident living within 300 feet of the subject property, I am very upset that this parcel of land is being concerned to change from low density single-family to medium density multi-family.*

*My biggest concerns are crime, noise, street parking and more traffic on 4800 South.*

*When we moved here over 20 years ago 4800 South was busier than we expected. Now with the main municipalities being moved to lower 4800 South traffic has increased even more. Changing zoning doesn't help with the problem.*

*Street parking has always been a problem. Turning left off of Stone Crest Dr. is now dangerous because of parked cars and poor view of approaching cars because of the multi-family building's fence. Between the noise on State Street and the increased traffic on 4800 South the noise level has increased.*

*I am afraid that 4800 South in the future will become another 4500 South, high in crime caused by the number of apartments and movement of residents. In conclusion I am dead set against rezoning."*

*Dr. Frances Dolloph and Dr. Sharon Teabo, 4873 South Crest Drive, "I strongly oppose rezoning two parcels of land on 4800 from single family property to multi-family residence. These two properties are in the heart of the single family zone and rezoning would substantially change the neighborhood. While you are asking for two small parcels to be changed, in essence, since those two strips are part of two large plots, you would be allowing multi-family building in a dense zone with high traffic.*

*The Cross Creek area is one of the few well-kept single family neighborhoods in Murray. It is adjacent to the historical area as well. Do not spoil the Cross Creek neighborhood area by allowing multi-families use, most likely to eventually be high rise with high traffic and parking in the area, and little or no green space.*

*Consideration needs to be made of the water running through the property as well. Substantial new building could cause flooding to existing properties. Please do not change zoning for these properties as it will lead to multiple changes and rezoning on 4800 to the detriment of current single family property owners. The Cross Creek area properties are a credit to the City of Murray; do not do anything to change that status."*

The public comment portion was closed.

Mr. Curtis said that adding this small pieces of land to these two parcels would not allow enough space for additional units to be added. All the owner is trying to do is sell her home. Mr. Hall said the lots at 388 and 398 East 4800 South are already in the R-M-10 Zone and are not the lots that are being rezoned. Neither lot is big enough, individually, for even a duplex. Mr. Woodbury asked if someone were to buy all six of the lots, how big could a project be. Mr. Hall said the height limit

would be 35 feet. Mr. Hacker added that someone could build something that is 35 feet high today. Mr. Woodbury said this rezone is more of a clean-up of the lots in the area. Ms. Milkavich agreed with Mr. Woodbury. Mr. Woodbury said he understands why what is happening can seem scary to the residents. However, what is being considered today, doesn't change what could have been done for the past fifteen years. He added the City Council would be making the final decision on this, the Planning Commission is just making a recommendation.

A motion was made by Ned Hacker forward a recommendation of approval to the City Council for the requested amendment to the General Plan Future Land Use Map, re-designating the property located immediately adjacent to the south of the properties addressed 388 East and 398 East 4800 South from Low Density Residential to Medium Density Residential.

Seconded by Travis Nay.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

A motion was made by Scot Woodbury forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation of the property located to the south of the properties addressed 388 East and 398 East 4800 South from R-1-8, Single Family Low Density Residential to R-M-10, Multi-Family Low Density Residential.

Seconded by Travis Nay.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

**OTHER BUSINESS**

Sue Wilson made a motion to adjourn. Seconded by Travis Nay.

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A voice vote was made, motion passed 7-0.

The meeting was adjourned at 7:16 p.m.

  
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Jared Hall, Planning Division Manager