

The Planning Commission met on Thursday, December 3, 2020, at 6:30 p.m. for a meeting held electronically in accordance with Utah Code 52-4-207(4), due to infectious disease COVID-19 Novel Coronavirus. The Planning Commission Chair determined that conducting a meeting with an anchor location presented substantial risk to the health and safety of those who may be present at the anchor location because physical distancing measures may be difficult to maintain in the Murray City Council Chambers.

The public was able to view the meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item at the meeting registered at: <https://tinyurl.com/yxon4fwm> or submitted comments via email at planningcommission@murray.utah.gov.

Present: Phil Markham, Chair
Scot Woodbury, Vice Chair
Travis Nay
Maren Patterson
Sue Wilson
Ned Hacker
Lisa Milkavich
Melinda Greenwood, Community and Economic Development Director
Jared Hall, Planning Division Manager
Zac Smallwood, Associate Planner
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

Scot Woodbury made a motion to approve the minutes from the November 19, 2020 Planning Commission meeting. Seconded by Lisa Milkavich. A voice vote was made, motion passed 7-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Sue Wilson made a motion to approve the Findings of Fact for a Conditional Use Permit for Sacred Energy Bed and Breakfast located at 284 and 296 East 4500 South; a Conditional Use Permit for Creative Learning Academy located at 5979 South Fashion Boulevard; a Conditional Use Permit to the Bonnyview Apartment project located at 4955, 4984, 4994, 5002 and 5020 South Commerce Drive; a Conditional Use Permit for Big Dawg Stitch & Screen located at 312 West Vine Street; and a Conditional Use Permit for Brooke and Cathy Thomas located at 5112 South Honey Clover Court. Seconded by Ned Hacker. A voice vote was made, motion passed 7-0.

B & B MOTORS – 4335 South Main Street - Project #20-131

Ryan Bierman was present to represent this request. Zac Smallwood reviewed the location and request for a Conditional Use Permit for an auto dealership at the property located at 4335 South Main Street. The unit is 1,700 square feet and is located in the Commercial Development (C-D) Zone. Auto dealerships are allowed in the C-D Zone subject to obtaining a Conditional Use Permit. The unit consists of three offices, a restroom, hallway and a warehouse space. The applicant is proposing to have two employees there with a maximum of five vehicles at any given time. Three of the vehicles will be in the warehouse space and the other two vehicles will be in a yard space outside. Staff are requiring the applicant to work with the City and property owner to stripe parking lot stalls. There was no striping when Mr. Smallwood visited the property. Staff recommends the Planning Commission approve this application for a Conditional Use Permit.

Mr. Nay said there doesn't appear to be any sidewalk infrastructure along Edison Avenue. This property is in an emerging area and there should not be a condition of approval stating that if building and site improvement costs exceed \$5,000, installation of curb, gutter and sidewalk along the Edison Avenue property frontage are required. This property is located between the Trax Station and the State Street frontage. If a sidewalk isn't put in now, when will it be put in?

Mr. Markham said he agrees with Mr. Nay. He asked if an additional condition could be added requiring a sidewalk be put on this property prior to the Conditional Use Permit being issued. Mr. Smallwood replied he doesn't believe they can. That is an engineering standard and the City can't require those improvements unless the site improvements will cost at least \$5,000. Mr. Hall added if the Planning Commission feels there is a reason in this case to have a sidewalk put in, they can probably do that, as long as they have a valid reason to require it. Ms. Milkavich said she feels like there are stipulations put in place based on cost and burden. She asked about the cost/benefit analysis of putting in a sidewalk or how much it would cost to put in a sidewalk. Mr. Hall replied he does not know those numbers.

Mr. Woodbury said if the Planning Commission requires a sidewalk because it's in the best interest of the City and the neighborhood, and the applicant does not like it, there are other locations within the City for him to operate an auto sales business. Mr. Woodbury does not want to miss the chance to improve this area. Mr. Markham said other properties in the area have been required to improve their properties. Ms. Wilson said this is the time to act on this. The property owner has several units for rent and anytime an application comes in for this building, they should use that as an opportunity to improve the property.

Ryan Bierman, 1221 North 100 East, American Fork, said the owners of the building either own or occupy the majority of the building and the building is basically used for storage. There is not much transit going in and out of the building. If improvements are going to cost tens of thousands of dollars, it would be unfeasible for them to use this property.

Mr. Woodbury said if installing a sidewalk is a condition, that is something that the owner of the property should do. The Planning Commission takes the opportunity as applications come in to try to bring properties into compliance and make improvements for the good of the City, but their hope is the landlord would look at this and recognize the value of their property. He asked Mr. Bierman if he has discussed any of the conditions with the landlord. Mr. Bierman said he did discuss general improvements with the landlord. He feels the owner will sell the property within the next ten years and probably won't want to dump a lot of money into improving the building.

He sees the value of the improvements to the City, but he's not sure the amount of foot traffic in the area warrants a sidewalk being put in.

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

Mr. Nay said the more important frontage in this general project area is the Main Street frontage. Due to site limitations, the applicant is being allowed to not include the appropriate street lighting, trees and landscaping. This general area of the City has undergone tremendous transformation. The reason for including pedestrian infrastructure is because people do need to walk in this area. The property owner needs to step up; this property needs some work.

Ms. Milkavich said she supports putting in a sidewalk. She is concerned about being consistent when it comes to following the guidelines. Ms. Patterson said she also thinks this area needs a sidewalk and has changed a lot in the last few years. However, this is the same issue as they had with Big Dawg Stitch & Screen in the sense that it is a run-down, neglected building, that may be redeveloped in the near future and the Planning Commission did not require them to do landscaping because it was considered an undue hardship to the applicant. It may be asking a lot from this applicant to require them to put in a sidewalk as well.

Mr. Markham said one of the standards that the Planning Commission should consider when considering a Conditional Use Permit is if the business is going to benefit the community. Another used car lot in this area does not have a tremendous benefit to the community. The property owner is already receiving the benefit of not being forced to adhere to the landscaping requirement because of the configuration of the property. The one beneficial condition that the Planning Commission can add to this application that benefits the entire area is to put in a sidewalk.

Mr. Woodbury said unfortunately the landowner doesn't seem to care much about the property. He supports putting in the sidewalk but is sensitive to the applicant. If the Planning Commission puts a condition to add a sidewalk, and that makes it unfeasible for the applicant to go into this space, there are plenty of properties in Murray that the applicant could operate his business out of. If this landowner doesn't care to bring his property to where it should be, he shouldn't be renting out his property.

Mr. Hacker said a pedestrian can walk safely along the Big Dawg Stitch & Screen property, even though there's some gravel and some concrete. However, a pedestrian would have to walk into the street when passing this property. This is a little different than curb and gutter. This is creating an area where pedestrians won't have to go into the street.

A motion was made by Travis Nay to approve a Conditional Use Permit to allow the operation of a Vehicle Sales business at the property addressed 4335 South Main Street, subject to the following conditions:

1. Installation of curb, gutter and sidewalk along the Edison Avenue property frontage are required.
2. The project shall comply with all applicable building and fire code standards.

3. No more than five (5) vehicles will be kept on site for sales at any one time.
4. The applicant shall designate a minimum of four (4) parking stalls to the west side of the building to be reserved for customers and employees.
5. The applicant and/or property owner shall work with Planning Division Staff to stripe parking the complies with the Murray City Land Use Ordinance including ADA spaces.
6. The applicant shall maintain clear, appropriate vehicular access to the overhead doors on the building at all times.
7. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
8. The applicant shall maintain a Utah Motor Vehicle Dealer's License.
9. The applicant shall obtain a Murray City Business License prior to beginning vehicle sales operations at this location.

Seconded by Sue Wilson.

Call vote recorded by Mr. Smallwood.

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

Motion passed 6-1.

ADVANCED HEALTH CARE – 666 West 5300 South & 5322 South Allendale Drive - Project #20-126

The applicant was not present for this application. Zac Smallwood reviewed the location and request for preliminary and final subdivision approval for an amendment to Lot 2 of the Advanced Healthcare Subdivision to create a new 2-Lot commercial subdivision. The property is located at 5322 South Allendale Drive and 666 West 5300 South and is located in the Commercial Neighborhood (C-N) Zone. The applicant would like to split the lot so they can potentially develop or sell the second lot. Staff is recommending the Planning Commission approve this request.

Mr. Nay asked why a drainage easement runs through the center of the property. He feels that easement may limit development at this location of the property. Mr. Smallwood said he thinks that easement is in favor of the Utah Department of Transportation (UDOT) and is drainage for 5300 South. Mr. Hall said that is correct. The easement has to remain, but can be underground, and could be incorporated into development. In the event a building needs to be built where the

easement is, the easement could be modified. Ms. Milkavich verified that both of these lots would be buildable. Mr. Smallwood replied that both lots will be buildable.

Mr. Smallwood noted he received two phone calls from people asking what is going to happen with the property. He explained to them that there are no development proposals and the senior living center located on the northerly portion of the property is still moving forward.

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

A motion was made by Ned Hacker to approve the requested preliminary and final Advanced Healthcare Amended Subdivision Plat for the property addressed 5322 South Allendale Drive, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
 - a. Meet City subdivision requirements.
2. The project shall follow International Fire Code (IFC) regulations for fire access and for hydrant locations.
3. The applicant shall meet with Murray City Power to discuss any potential development plans.
4. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
5. The applicant shall meet all applicable regulations of Title 17, Murray Land Use Ordinance.

Seconded by Scot Woodbury.

Call vote recorded by Mr. Smallwood.

 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.

SPRING CREEK COVE INVESTMENTS, LC – 5091 South Wesley Road & 5050 South 1100 East – Project #20-126

Jacob Ballstaedt was present to represent this request. Jared Hall reviewed the location and request for final subdivision approval for the Spring Creek Cove Subdivision. The Planning

Commission granted preliminary subdivision approval for this project earlier this year. This is a 15-lot, planned unit development of single-family homes in the Residential Single-Family (R-1-8) Zone. In order to keep out of the Spring Creek area, which is a wetland, the Planning Commission imposed a condition that the developer delineate the wetland and protect it. They were also required to dredge and clean it. The developer has done that and has approvals from Salt Lake County, the Corps of Engineers, and from the State of Utah.

Most of the lots meet the standards of the R-1-8 Zone, but there were a couple of modifications. Some of the front yards are a little bit shorter to stay out of the conservation area. None of the garages in those short front yards are any closer to the public right-of-way than 20 feet. The applicant has obtained all the requested permits and provided those to the City. Garbett homes will be building all of the homes in this project. Staff is recommending that the final subdivision be approved.

Mr. Markham said he is pleased to see this project back for final subdivision approval. It looks like a quality development and he was pleased with Garbett Homes' effort to obtain all of the necessary permits. This has been a challenging site to develop.

Jacob Ballstaedt, 273 North East Capital Street, Salt Lake City, said they will be able to comply with the conditions of approval.

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

A motion was made by Ned Hacker to grant final approval for the proposed Spring Creek Cove PUD Subdivision, subject to the following conditions:

1. The project shall meet requirements of Murray City Engineering including the following:
 - a. Meet City subdivision and PUD requirements.
 - b. Provide grading, drainage and utility plan and profile drawings.
 - c. Meet City drainage standards.
 - d. Provide standard PUEs on lots – window wells cannot extend into PUEs.
 - e. Delineate and protect on-site wetlands, provide delineation documentation.
 - f. Obtain and follow required County, State or federal permits for encroachments into Spring Creek.
 - g. The Spring Creek channel needs to be cleaned, dredged and improved to convey 10-year storm flow without flooding subdivision and neighboring properties.
 - h. Provide a drainage and maintenance easement along spring Creek.
 - i. Update site geotechnical study based on the proposed site grading and building plans. The study should include building pad design and retaining. Fill slopes and building pads should not be steeper than 2.5 horizontal to 1 vertical.
 - j. Obtain irrigation company approval and pipe the existing irrigation channel through the development.
2. The project shall meet all applicable Building and Fire Codes.
3. Streetlights shall be provided by Rocky Mountain Power as approved for location by the Murray City Power Department.

4. The applicant shall provide color and material indications for all approved dwelling units for the Planning Commission's review and approval upon Final Subdivision application.
5. The applicant shall record Homeowner's Association documents with the Subdivision Plat providing for the continued maintenance of approved open space areas, drainage and maintenance easements, and preservation of the Spring Creek wetlands.

Seconded by Lisa Milkavich.

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.

CLOVER CREST SUBDIVISION AMENDED – 728 West Morning Dew Drive & 5059 South Morning Dew Circle – Project #20-128

Bryan Fowler and Jeff Chivers were present to represent this request. Jared Hall reviewed the location and request for a lot line adjustment. The proposal is to adjust a portion of the shared side property line and transfer approximately 608 square feet from 728 West Morning Dew Drive (Lot 61) to 5059 South Morning Dew Circle (Lot 60). The setbacks would still be maintained, and the area of the lots will be more than what is required, because this is an established subdivision, the Planning Commission has to approve the amendment. Staff is recommending approval of this amendment.

Bryan Fowler, 728 West Morning Dew Drive and Jeff Chivers, 5059 Morning Dew Circle, said they will be able to comply with the conditions of approval.

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

A motion was made by Lisa Milkavich to approve the request to Amend Lots 60 & 61 of the Clover Crest Subdivision, adjusting the lot line between the properties addressed 728 West Morning Dew Drive and 5059 South Morning Dew Circle, subject to the following conditions:

1. The project shall meet Murray City requirements for Lot Line Adjustment.
2. The properties shall maintain conformance with the requirements of the R-1-8 Zone as contained in the Murray City Land Use Ordinance.

Seconded by Sue Wilson.

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.

BOYER COMPANY – 861 East Winchester Street and 6520, 6550, 6580 South 900 East – Project #20-129 and #20-130

Scott Verhaaren and Spencer Moffat, 101 South 200 East, Salt Lake City, were present to represent this request. Jared Hall reviewed the location and request for a General Plan and Zone Map amendment. This property is located in the C-D Zone and has residential and office uses around it. The Future Land Use Map of the General Plan has this property listed as General Commercial. The request is to change the zone from C-D to Mixed Use (M-U) and to change the land use designation from General Commercial to Mixed Use. There are differences in permitted uses that are allowed in the C-D Zoning and M-U Zoning. Permitted and conditional uses allowed in the existing C-D Zone include hotels, retail stores, restaurants, grocery stores, funeral homes, assisted living facilities, beauty salons, personal services, business services, professional services, entertainment and sports, contractors, vehicle sales, rental, and repairs, convenience stores and gas stations, and athletic clubs. No residential uses are allowed in the C-D Zone. Permitted and conditional uses allowed in the proposed M-U Zone include hotels, transportation services, department stores, restaurants, grocery stores, funeral homes, assisted living facilities, beauty salons, personal services, business services, professional services, entertainment and sports, contractors, manufacturing, and wholesale trade (both with restrictions). Multi-family residential uses such as townhomes, apartments, and condominiums are allowed with conditional use permit and Planning Commission review, but they are only allowed in “mixed use” projects which include commercial development as well. No auto-oriented businesses or services, such as vehicle sales, rental, or repair, are allowed in the M-U Zone.

An M-U Zoning applied to these properties could result in a mix of commercial uses, likely on 900 East and Winchester Street and multifamily, residential uses to the rear of the property. Currently, the City does not have an application for this site. The M-U Zone has more detail on how buildings are constructed, and the site is integrated. Most of the concerns that come from residents around potential M-U developments have to do with height and traffic. Staff has a lot of ability in a project review to look at the kinds of impacts a development has on surrounding properties and try to mitigate those impacts. M-U Zoning is being applied all over the valley. This is a large retail store that is closing, and the building is probably not going to be picked up by someone and turned into another commercial development.

Staff is recommending the Planning Commission forward a recommendation of approval to the City Council for the General Plan and Zone Map amendments. The best opportunity to preserve

the commercial activity that has occurred on this corner for years is to make this a mixed-use site. It will allow the site to have multi-family and commercial uses and not sit vacant like the K-Mart site did.

Mr. Markham asked if the City would have more control over the final development if the site went to an M-U Zone instead of remaining a C-D Zone. Mr. Hall replied yes because the City has more ordinances explaining how developments integrate with each other in the M-U Zone.

Mr. Nay asked why this property wasn't included as a mixed use in the most recent General Plan. Ms. Milkavich asked why the property wasn't labeled as Residential Neighborhood Business (R-N-B) in the General Plan either. Mr. Hall replied most of the area along 900 East and down Winchester Street is R-N-B. This property was not included in that because it was already being used commercially. In 2017, when the General Plan was adopted, mixed use was not applied to areas outside the core of the City. However, the General Plan has statements in the general commercial category about the inclusion of higher density housing in the future. The City wasn't ready to move mixed use out of the core of the City in 2017, but they cautioned city officials that those types of requests would eventually come in.

Mr. Markham asked if staff had been involved with the master plan for water and sewer. Mr. Hall said they have been. If this site was rezoned to M-U, it allows for multi-family and that changes the way that the sewer needs to be provided. It also changes transportation needs and patterns. In the mixed use re-write that was done last year, the densities were graded down based on how far they are from mass transit. The density allowed in a mixed-use development here would only be about 40 units per acre as opposed to 100 units per acre that would be allowed in a central station area.

Ms. Milkavich asked if the school district was prepared for the additional students this development could bring. Mr. Hall replied the school district has been updated on the areas within the City that may eventually become mixed use. Once a project is proposed for this site, they will make the school district aware of it.

Mr. Markham asked what type of commercial would be incorporated into a development in the mixed-use zone. Mr. Hall replied 900 East and Winchester Street are highly used vehicular corridors. We are likely to see small use retail and commercial offices along them. Mr. Nay asked if the City will be seeing more of these types of projects coming forward. Mr. Hall replied yes. Places like Murray, that have been developed, are prime for this type of development.

Mr. Hacker said RC Willey has been a great neighbor that has a one-story building. The M-U Zone allows for higher buildings, but you get a better mix of uses. He asked if mixed use will be better for the local residents than commercial. Mr. Hall replied this is a significant change. This area has had a low-profile building and parking lot which won't be recreated by another commercial development. A mixed-use development will be more thoughtful than a commercial use development would be.

Ms. Patterson asked if the property owners could redevelop the property if it stays in the C-D Zone. Mr. Hall replied yes, something else could be built. The difference is, as you look at this property, whatever business that is in the interior, won't have the visibility to survive. The property is not large enough to develop into a large commercial shopping site, but it could work as a smaller, mixed use area.

Mr. Verhaaren said they see mixed use as a way forward. They have built a lot of retail over the years and they are seeing a modification in big box retail. They feel this site is an ideal spot for mixed use.

Mr. Markham said the Planning Commissions role in this is to provide a recommendation to the City Council. They are not the authority tasked with determining the zoning or the future land use of this particular piece of property. The final decision will be with the City Council so there will be additional opportunities for public comment and discussion on this item.

Mr. Hacker asked Mr. Verhaaren if he has contacted the other property owners that boarder this property to try to get them under contract as well. Mr. Verhaaren said they have made some general inquiries to two property owners but neither of them were interested.

The meeting was open for public comment. The following comments were read into the record:

Ken and Tracy Maxfield – 6464 South 900 East, Murray City

My name is Ken Maxfield, my wife Tracy and I own the commercial property located at 6464 South 900 East, at the North East corner of the property that is seeking a change of zoning from Zone C-D to Zone M-U. Our property includes a building that is rented to The Framing Establishment, and a shop building to the west of The Framing Establishment.

I have concerns about changing the zoning on the surrounding property to the south and west of my property to Mix Use, and hope that this request will be denied. Here are our concerns:

- 1. There will be islands of Zone C-D left that will be surrounded by Zone M-U. While those businesses located in the Zone C-D will be allowed to continue with their current use, you could have the potential of high-density housing going right next to businesses with the Zone C-D (remember that buildings can be up to 50' high). Once residents move in, they can start to object to being so close to a business in the Zone C-D. Residents could complain about noise, visual appearance, traffic, or other items. In my experience it is a bad idea to mix housing and commercial zones. For example, the M-U Zone prohibits the outdoor parking of large commercial vehicles and other equipment, but right next door is a business that can do that. Will a future business permit for a business on my property be denied because, while the business is allowed in a Zone C-D, it will be objectionable to residents that now live adjacent to my property because the zoning was changed? If so, then this zoning change will cause damages to us as property owners.*
- 2. In other high-density housing in Murray, there is not enough parking and residents seek offsite parking near their homes. This will happen here as residents and visitors seek street parking, or spill into the surrounding businesses and neighborhoods to the north to find parking.*
- 3. This area of Murray has lower crime rates than other areas in Murray. There could be many reasons for this, but I suspect the biggest factor is this area does not have any high-density housing areas. The areas in Murray with higher crime rates have more high-density housing. By granting this zone change you could be subjecting this area of Murray to a higher crime rate.*

Sherm and Marianne Ross – 875 Silver Shadows Drive, Murray City

We are definitely opposed to more apartments on this property. We are already dealing with increased crime. This crime comes from the Extended Stay hotel, Crystal Inn, and James Point apartments. The transient nature of all these places has increased the crime.

A nice condominium would be preferable because the residents are more permanent and are more invested in the area. More apartments or another hotel or motel will diminish our property values.

George Hamer Jr. – 824 East Silver Shadow Drive, Murray City

My family moved into our home in 1979 and it is one of the homes that shares a back fence with RC Willey parking lot. I can tell you that there is no better neighbor than a parking lot, plus the view of the Mountains is incredible. I have seen a lot of changes over the years and I have also seen how many of those changes came about. Some took place with great anticipation and excitement from the residences, but others through deceit, dishonesty and lack of integrity. I have especially watched as different developments have taken place along Winchester Street and the underhanded ways the developers worked with Murray City Planning Division and the City Council to make some of those developments take place.

Just recently we received a notice saying that there was a request to rezone the RC Willey property and if we had questions or comments concerning the proposal to contact Jared Hall with Murray City Planning Division. We have made several attempts to do so with no luck. With this being done during the holiday times, neither he or his office were very available and when someone did answer in the Planning Division, we were told he was either not in or in a meeting. When we tried to get information from the person who answered, we were told to call back later because they could not answer our questions. I find it interesting that this proposal is being pushed through during a time when people are already stressed with the holidays and to add to that stress, during a pandemic as well. This is obviously an attempt to do it while people are busy with other concerns, in hopes of getting it pushed through with no pushback, and if someone does try to address the issue and get answers we are ignored.

I also find it interesting that there has been no mention of RC Willey closing their doors and selling off the property. I only found this out after getting the notice of rezoning and then contacting someone I know who works for RC Willey and inquired with them. This again makes me wonder why the secrecy, what are the plans for this property and why have the developers decided to choose this time of year when everyone's minds are focused on the holidays and how they are going to deal with them during this pandemic. I would like to know more information concerning the plans for this property and why those plans require the property to be rezoned from General Commercial to Mixed Use and what that even means.

Since I could not get any information from the Planning Division, I tried to look into it myself. The best guess I could come up with, the developer is trying to put in multi-family housing. This is not acceptable.

This is a single-family community and it should stay that way. I would hope that my Council Member Brett Hales, who live in this same area, would agree. There is a place for this kind of development and in the backyards of single-family homes is not it. We like our community the way it is, and I would be willing to bet that not a single one of the Council Members would like this type of development to go in their backyards either.

Obviously, there is a plan in place for the property and neither the developer nor the Murray City Planning Division is willing to share what that is. I would hope that the City Council can see through this deception and not approve this change. Instead of trying to get things done underhandedly, why not be open and honest and use a little integrity when trying to make changes like this.

I have seen lots of great changes and developments within Murray City over these many years and I am not one to disagree with change. However, it would be nice to understand what changes are occurring (especially in my backyard) and the reasons behind the changes, before they take place.

I would hope that those whom I have elected to represent my views and opinions, do just that and not approve the rezoning change. Please don't put the interest of the developers first. Listen to the residences and do what you were elected to do, represent them. Vote no.

Verl Greenhalgh – 771 East Labrum Avenue, Murray City

I have concerns amending the Land Use Zoning of the property known as RC Willey stores and parking lot from a General Commercial to a Mixed-Use zoning. Some of those include:

Assumptions:

The Mixed Use will be multi-family residential (medium to high density residential). If the new developer is planning a different commercial development, the existing zoning would suffice. This property does not lend itself to single family (low density) development as the cost to develop so few lots would price the lots out of market value and street access to lots in the northwest corner would leave very small lots for single family dwellings. This leaves multi-family development as the most likely option.

Storm Water:

At present use, the parking lot of RC Willey acts as a large detention pond that eases the initial shock on the storm water conduit that runs along the west parking lot of RC Willey. (That conduit runs from Winchester Street heading north to the north property line of RC Willey parking lot. It then turns west one block and then turns north again and empties into the storm water line of Silver Shadow.) Any change in use would seriously impact an already deficient storm water system.

Height Restrictions:

At present, the Murray City Height Regulation (17.170.120) states that buildings cannot exceed 50 feet within 150 feet of a residential zoning. For all the homes on Labrum Avenue and the south side of Silver Shadow Drive, un-obstructed views of the Wasatch Mountain Range would be lost. If, however, any development would be required to have a lower height...say 25 feet, around the perimeter of the existing residential area and gradually grow (terracing) to the 50-foot height where the existing commercial buildings are now located, that concern may be mitigated.

Buffer area:

At present, the RC Willey development has a landscape buffer between the parking lot and their north and west property lines. If the standard setbacks for medium to high density is 10 feet, there will be little if any buffer between single family residences and the adjoining multifamily residences. The idea of a buffer is not only for sight obstructions, but also for light, noise and smell pollution.

One of the purposes, or responsibilities of Murray City government and all of its divisions, and departments is to mitigate the impact of its citizens (residences). Central to a planning and zoning regulation is to preserve the existing residential life, safety, and feel of a community. I fear a Mixed-Use rezoning may lead to a diminishing of these three purposes for the surrounding residences (citizens).

Christy and Joe Hillock – 778 East Silver Shadows Drive, Murray City

As homeowners at 778 East Silver Shadows Drive, which backs up to the property in question, we want to state for the record that we agree with all of the comments and concerns submitted by Verl Greenhalgh. We have also listed additional concerns below regarding the planned zoning change to Mixed Use from Commercial.

- 1. We currently have a nice view of the mountains from our backyard and a sense of privacy as well as relative quiet in the evenings/nights due to the RC Willey being closed at night. We are concerned that the proposed change in zoning will allow building of tall structures close to our south property line that will take away our views, our privacy, and our peace. These were all factors we considered when we purchased the property nine years ago.*
- 2. We have a storm water line that runs through our backyard, down the west side of our house, and out to Silver Shadows. Potential increase in usage of this line due to changes to the parking lot behind us could lead to flooding of our home. We have worked diligently over the past nine years to develop and mature our landscape plan; work on this storm waterline would adversely affect the landscaping and thus diminish the value of our property.*
- 3. We are concerned that an increase in population of the indicated area will lead to an increase in traffic on Silver Shadows Drive. This street is already often used as a cut through between 900 East and 725 East, and we believe this will only increase with this lot being converted to multi-family structures. As Murray has also declined repeatedly to put in stop signs or speed bumps on Silver Shadows, the speed of non-residents is often above the limit of 25 mph. This detracts from the safety of our neighborhood for our kids.*

Brian Fedderson – Murray City

I am a resident living on Silver Shadows Drive adjacent to the property of concern. These are large parcels and I am concerned that “mixed use” will include a lot of high-density residential buildings. I am mainly concerned that this will add to the noise pollution, traffic, and crime of our neighborhood. We have seen that happen with the nearby James Point Apartments; except they have a greater buffer than would the RC Willey area. I am also concerned that this would encourage similar re-zone/development to the large parcels that sit to the east (84121 zip code?). I have spent a small fortune in fixing and upgrading up my home as a long-term resident and am hopeful any future development does not reduce my home’s value.

Fred Jones – PO Box 57307, Salt Lake City

We have concern because this is spot zoning within a commercial zone. History has shown that split or spot zoning causes real estate functional obsolescence which ultimately devalues adjacent properties and creates blight. It becomes very unfair to the other property owners. We would strongly recommend to the planning commission that they deny this rezoning or consider rezoning the whole area to be consistent.

The following citizens spoke during public comments:

Mick McCaslin – 764 East Labrum Avenue, Murray City

Mr. McCaslin said he is concerned about the height and proximity of buildings to the residences around the perimeter of this site. There is a flooding problem on the east end of Labrum Avenue. The only reason no one hears about it is because Verl Greenhalgh puts a piece of plywood over the storm drain in the RC Willey parking lot, so the parking lot becomes a detention pond. Otherwise, there are a couple of houses that would have property damage every year as a result of the inadequate storm drain.

His other concern is increased traffic on Labrum Avenue. He doesn't want to see Labrum Avenue become a thoroughfare for commercial traffic. He thinks a mixed-use plan could work if there were a detention pond created on the current parking lot. It could be a greenspace as well as resolve the flooding problem.

John Petersen – 653 Pheasant Ridge Circle, Alpine

Mr. Petersen said he represents Child Investment, the current owners of the subject property. He is also the commercial real estate agent for this property. They are not happy that RC Willey is leaving. They have searched for the right developer for this project and they received multiple offers. He believes this project will be service retail and mixed use. He is confident that the Boyer Company will work diligently with Murray City and the residents to put up a first-class development.

The public comment portion for this agenda item was closed.

Mr. Markham said he worked for Murray City for over 30 years with the last 10 years being in the Public Works Department. Every time there is any kind of thunderstorm or a severe snow melt, that storm drain in the RC Willey parking lot is overwhelmed. Any redevelopment of this property presents an opportunity for the City to correct those problems and to make the neighborhood a better place. A retention pond would be a great solution.

Mr. Nay asked about the likelihood of opening up Labrum Avenue to traffic. Mr. Hall said the City would have to purchase some properties to make Labrum Avenue go through. He doesn't think that will happen because 900 East and Winchester Street are big enough streets to get people in and out without needing them to use the neighborhood.

Mr. Markham said if and when a project is presented, the City has more leeway dealing with a residential mixed-use project than if a hotel was to be placed there. He thinks the City is trying to protect the existing neighborhood. He is in favor of this type of rezone and the City is going to be seeing more of these.

Ms. Patterson asked Mr. Hall how implementing a mixed-use zone next to a residential zone would work. Mr. Hall replied the City has tools within the approval process for a mixed-use development. For instance, this is a fairly suburban area of the City, unlike the area next to Trax. The City has an ordinance that says a building next to a single-family zone boundary cannot be taller than 50 feet. It would be nice if the City can do some things to preserve some of the views and privacy. When the Planning Commission reviews a project, they are going to review it under

design review standards which can mitigate impacts with additional conditions. If the City wants to push the development towards buffering the residential units, that is what they will do.

A motion was made by Scot Woodbury to forward a recommendation of approval to the City Council for the requested amendment to the General Plan Future Land Use Map, re-designating the properties located at 861 East Winchester and 6520, 6550, & 6580 South 900 East from General Commercial to Mixed Use.

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 Travis Nay to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation of the property located at 861 East Winchester and 6520, 6550, & 6580 South 900 East from C-D, Commercial Development to M-U, Mixed Use.

Seconded by Lisa Milkavich.

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.

SPORTS MALL PROPERTIES – 5445 South 900 East – Project #20-132 and #20-133

Bruce Broadhead, 5445 South 900 East, was present to represent this request. Jared Hall reviewed the location and request to amend the Future Land Use Map designation and Zoning to facilitate a mixed-use development at 5445 South 900 East. The Sports Mall's property owners are in a position where they feel like it's time to close the Sports Mall and sell. They want to rezone the property so they can entertain offers for mixed use development on the site as those

developers are the ones that are interested in the property. He stated that 900 East has good frontage for commercial and the more isolated portions of the property could be used for residential. The property is currently in the C-D Zone with residential to the south and east. The C-D Zone is supported by the Future Land Use Map. This General Commercial area did anticipate the addition of higher density housing in the future and recognized mixed uses were going to be part of that development.

This property is also next to one of the Community Nodes that is identified in the General Plan's Future Land Use Map. Community Nodes were identified around big box stores in high traffic areas, where staff thought transition would be likely. Staff should be flexible in considering land use requests near a Community Node.

Mr. Hall stated that permitted and conditional uses allowed in the existing C-D Zone include hotels, retail stores, restaurants, grocery stores, funeral homes, assisted living facilities, beauty salons, personal services, business services, professional services, entertainment and sports, contractors, vehicle sales, rental, and repairs, convenience stores and gas stations, and athletic clubs. No residential uses are allowed in the C-D Zone. He stated that permitted and conditional uses allowed in the proposed M-U Zone include hotels, transportation services, department stores, restaurants, grocery stores, funeral homes, assisted living facilities, beauty salons, personal services, business services, professional services, entertainment and sports, contractors, manufacturing, and wholesale trade (both with restrictions). Multi-family residential uses such as townhomes, apartments, and condominiums are allowed with conditional use permit and planning commission review, but they are only allowed in "mixed use" projects which include commercial development as well. No auto-oriented businesses or services (e.g. vehicle sales, rental, or repair) are allowed in the M-U Zone.

Mr. Hall said there is no project being proposed at this time. Staff is recommending the Planning Commission forward a recommendation of approval to the City Council for the General Plan and Zone Map amendments.

Mr. Nay asked what the depth of the property is from the east to the west property lines. Mr. Hall replied it is 866 feet. Mr. Nay said theoretically, there could be buildings that are 100 feet high or taller. Mr. Hall said he doesn't think that is likely because the commercial will probably be along 900 East. He reiterated there is not a project right now. Mr. Nay asked if there was direct drive access to Woodoak Lane from the property. Mr. Hall said there was not. The only access to this property is from 900 East.

Ms. Milkavich said she is excited about the growth in Murray, however, she wanted to make sure that the City is ahead of the growth as far as infrastructure and schools. Mr. Hall said he cannot speak to the schools, but he knows these types of projects generate more property taxes that go to the schools. As far as the infrastructure, the Murray City Center District (MCCD) planned for 100 units an acre and did the infrastructure planning to handle that. The City did not think about mixed use being used outside of the MCCD, so they are playing catch-up. Staff has been working with Public Works and Mr. Hall feels the City will be able to handle the growth.

Mr. Woodbury said the demographics of the City are changing. It's exciting to see how the City is transforming and these projects will bring in a more vibrant economy.

The meeting was open for public comment.

Fred Jones – 5383 South 900 East, Murray City

Mr. Jones said he understands Mr. Broadhead's desire to get the maximum value out of his property, but someone has to pay the price for these changes. The price is paid by the citizens of Murray City because their properties become blighted and they cannot get the value from their properties anymore. Mr. Jones said the Planning Commission is sending a recommendation to the City Council to approve this, but he doesn't think there are enough answers or solutions. He hopes Murray City will take some time and look at what is happening in other communities before they jump into this too quickly. He would like the Planning Commission to postpone this and get the residents involved. He does not believe notices went out.

Mr. Markham said there is no basis to assert notices did not go out. He has never had that assertion made in the nine years he's been on the Planning Commission. He has also never had a problem communicating with the staff. The City will have a lot more control over any future development on this property by initiating a zone change than if it remains in its current commercial state. The impact on the neighborhood will be far greater if this property stays commercial rather than changing to mixed use.

Ms. Wilson said there is a legal notice posted in both the Salt Lake Tribune and Deseret News. She also has had nothing but positive experiences, as a citizen, with the Planning and Zoning Department staff. She doesn't see a reason to postpone a decision on the proposal.

Mr. Markham said he will not entertain the baseless allegation that notices were not mailed out. Ms. Milkavich said maybe Mr. Jones did not see the lengthy discussion on the prior item. This discussion has been more minimal because a lot was covered with the prior item. She also felt some of the comments were comments that would be addressed during the next step, once a proposal has been submitted.

Ms. Greenwood said another round of public notices will be sent out if this item moves forward to the City Council. Notices are sent to residents within 500 feet of a project. It's a possibility that someone gets a notice, but their neighbor didn't. That can happen because one person is within the 500 feet requirement and the other is not. The City publishes notifications in the newspaper, on our website and there is a way to subscribe to public meeting notices and agendas. Mr. Woodbury said he appreciates citizen input. The packet the Planning Commission receives is also on the City's website. He has never seen the City give the Planning Commission information that they wouldn't give to the public. He feels the City does a phenomenal job in trying to be transparent, but they also have to be responsive to landowners and applicants who come in. Right now, there is no application. All that is being considered is a land use and zone amendment.

The public comment portion was closed.

A motion was made by Ned Hacker to 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 at 5445 South 900 East from General Commercial to Mixed Use.

Seconded by Maren Patterson.

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 Travis Nay to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation of the property located at 5445 South 900 East from C-D, Commercial Development to M-U, Mixed Use.

Seconded by Lisa Milkavich.

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

Ned Hacker made a motion to adjourn. Seconded by Scot Woodbury.

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

The meeting was adjourned at 9:22 p.m.



Jared Hall, Planning Division Manager