

The Planning Commission met on Thursday, March 4, 2021, 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](http://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/pc030421> or submitted comments via email at [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov).

Present: Maren Patterson, Chair  
Ned Hacker, Vice Chair  
Travis Nay  
Sue Wilson  
Lisa Milkavich  
Jeremy Lowry  
Jake Pehrson  
Susan Nixon, Associate Planner  
Zac Smallwood, 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.

#### APPROVAL OF MINUTES

There were no minutes for approval.

#### 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 Ruth Myers at 352 East Hillside Drive, and Design Review Approval for The Vine at 184 East Vine Street. Seconded by Jeremy Lowry. A voice vote was made, motion passed 7-0.

#### MONTEREY PROPERTIES, LLC – 344 & 404 East 5600 South – Project #21-020

Alan Prince and Paxton Guymon were present to represent this request. Susan Nixon reviewed the location and request for a Zone Map Amendment from R-1-8 to R-1-6 for the property at 344 East 5600 South; a Zone Map Amendment from R-M-15 to R-1-6 for a portion of the property at 404 East 5600 South; a Zone Map Amendment from R-1-8 to R-M-15 for a portion of the property at 404 East 5600 South, and a General Plan Amendment from Low Density Residential to Medium Density Residential. An exhibit of the proposal was presented showing five (5) colored areas on both properties and the proposed changes for each area. The property at 344

East 5600 South is located in the R-1-8 Zone and is a vacant parcel which was previously used as a residential dwelling and a daycare, commonly known as the "Murray Yellow House". The applicant has proposed the rezoning of the property from R-1-8 to R-1-6 in order to facilitate a future single-family residential subdivision. The property at 404 East 5600 South is currently developed and in use as a multi-family structure, located in the R-M-15 Zone. In order to facilitate a future residential subdivision of the property at 344 East described above, the applicant is also proposing to "swap" or deed equal portions of property (6,489 ft<sup>2</sup> for 6,489 ft<sup>2</sup> ) between 344 East and 404 East 5600 South. The exchange of properties would allow a wider and better placed public road access for the future subdivision on 344 East while maintaining the current lot area of 404 East. Those portions of property would also be re-zoned correspondingly to R-1-6 and to R-M-15. The bulk of the property addressed 344 East 5600 South would be rezoned from R-1-8 to R-1-6, which allows lot sizes of 6,000 ft<sup>2</sup> instead of 8,000 ft<sup>2</sup>. The applicant proposes to rezone 6,489 ft<sup>2</sup> of the property addressed 404 East 5600 South from R-M-15 to R-1-6. That property would be deeded to 344 East 5600 South to be included in the future subdivision. A corresponding 6,489 ft<sup>2</sup> of the property addressed 344 East 5600 South would be rezoned from the existing R-1-8 to R-M-15, and likewise deeded to 404 East 5600 South. In addition, the application requires an amendment to the Future Land Use Map of the General Plan with respect only to the 6,489 ft<sup>2</sup> of property to be rezoned from R-1-8 to R-M-15 and transferred from 344 East to 404 East 5600 South. The Future Land Use Map designations of Low Density Residential include both the R-1-8 and R-1-6 Zones and thus support the other proposed rezonings, but a designation of Medium Density Residential should be applied in this particular portion of property in order to support the necessary change from R-1-8 to R-M-15. The R-1-6 Zone is indicated as a zone corresponding with both the Low Density Single Family and Medium Density Single Family designation. The requested zoning designation conforms to the Future Land Use Map and does not detract from the General Plan's stated purpose to promote residential development that is single family and detached in nature. Resulting development will be in keeping with the development pattern for lot sizes and residential uses in the surrounding area.

Ms. Nixon explained if the property at 344 East is rezoned to R-1-6, a subdivision could be developed with seven new building lots, all of which would have the minimum area required of 6,000 ft<sup>2</sup>. It is important to note that the property at 404 East is currently in use as a multi-family development and must maintain the current lot area (113,400 ft<sup>2</sup> | 2.603 acres) in order to meet the density for the 31 apartment dwellings. No new multi-family units are proposed or would result from the requested changes. Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requests for Zone Map Amendments and General Plan Amendment as presented.

Ms. Milkavich asked about the area designated as #3 in yellow (a portion of the 344 East property) and how that would affect a new road with the subdivision. Ms. Nixon responded if the zone change is approved, that area will be deeded to the adjacent property at 404 East and will serve as a drainage area for the subdivision and will have a recorded easement across it. The public improvements would be adjacent to this area and will need to meet subdivision requirements and approvals.

Ms. Pehrson asked if the area designated as #4 in pink (a portion of the 404 East property) will remain R-M-15 in the General Plan. Ms. Nixon responded the area highlighted as #4 in pink will remain Residential Medium Density and the zoning would change to R-1-6. Since the R-1-6

zone falls under both Low Density Residential and Medium Density Residential, this portion of property will not require a general plan amendment, only a zone change.

Ms. Milkavich asked if the area designated #3 in yellow will have issues in the future with the storm drainage easement and ownership of the property and will the easement remain on the property even if the property is sold in the future. Zac Smallwood mentioned that the area designated #3 in yellow will be deeded to and combined with the larger parcel at 404 East 5600 South.

Paxton Guymon, with York-Howell law firm, stated he is the attorney for the applicant Alan Prince. Mr. Guymon stated this request is an effort to develop an infill property and infill projects typically have odd shaped parcels. He stated because the anticipated subdivision requires a public road and in order to meet the lot width and area requirements it was necessary to have a land swap with the adjacent apartment property. Currently the area designated #3 in yellow is part of the vacant property at 344 East. The yellow area on the map will be swapped for the pink area and are equal in area of 6,489 ft<sup>2</sup>. The property swap has been negotiated with and is signed between the parties. He stated once the project is complete, the area #3 in yellow will not be noticeable and will be landscaped open space. Mr. Guymon stated that often remnant odd shaped parcels are left undeveloped because they are difficult to assimilate and develop. He stated if the zone changes are approved they anticipate having a seven-lot infill subdivision with a public road and cul-de-sac.

Mr. Hacker clarified that the area #3 in yellow will have a recorded easement on it and will need to be combined with the apartment property at 404 East. The recorded easement will prevent the apartment building from expanding a structure over this area in the future. Mr. Guymon responded that is correct and that area cannot be developed over because it will be a storm water detention system and will be landscaped open space.

Ms. Milkavich asked about fencing on the property.

Alan Prince, applicant, stated if the zoning is approved, this will be the ninth subdivision he has developed in Murray City. Mr. Prince stated he originally intended having a 25-foot wide private road for the subdivision but was informed that the city no longer allows private roads. He then modified his draft plans to have a public road which meant acquiring additional area at the northern end of the property. Of the eight previous subdivisions he has developed in Murray, six of them had 25-foot wide private roads. Mr. Prince explained with having the land swap between the properties at 344 and 404 East, it allows the apartment building to have a larger side yard setback and allows for the new subdivision to have a public road and meet the lot size and widths for the R-1-6 zone. In conjunction with the land swap, he will be able to reserve the right to have a drainage easement which is required for a subdivision development. The storm drain system will be needed to meet the City's Engineering Department requirements. The calculations for the storm drain have been drawn up. He stated the property at 404 East 5600 South has ten owners and getting them all to agree to this proposal was challenging.

Mr. Prince stated, assuming the zone change is approved, he would like to have a masonry wall along the lots bordering 5600 South Street, a solid vinyl fence along the east side of the north-east lot. Along the boundary line between 344 East and 404 East properties, there will be a two-rail open fence in order to see the landscaping for the detention area.

Mr. Prince explained that the map showing area #2 in green, is already fenced in with the adjacent neighbor to the north. The property owner, Pat Van Heyst, installed a fence many years ago thinking that portion of property was theirs. Mr. Prince stated they will respect the fence line as the property line and will deed over that area to Ms. Van Heyst to make it legal. The other area designated #2 shown in green will be deeded to the adjacent property owner to the east, the Alois. The Alois would then landscape that portion of property to be included with their yard. If the Alois choose not to take that area of property, he will build a small "pocket park" as part of the subdivision which will be maintained by the subdivision HOA. The long narrow piece of property running east to west (5-6 feet wide), part of #2 designated in green, is currently inside the fenced yard of the Alois. Mr. Prince stated he will honor the fence line as the property line with development of the subdivision and will deed that long narrow strip of property to the Alois.

Mr. Lowry declared that Paxton Guymon's law firm, York-Howell, is a client of his, but felt that will not influence his decision on this item.

Ms. Patterson opened the meeting up to public comment. Zac Smallwood read an email into the record received from Patricia Van Heyst on March 2, 2021:

Patricia Van Heyst (Pat)

*Planning commission:*

*My name is Patricia Van Heyst and I am indicating my support of the zone change to the property at 5600 S 404 E and 5600 S. and 355E, as listed on the Zone Map Amendment. (Zone changes to R-6.) I am in favor of the single housing developments that is anticipated for the property; Murray is in need of single house dwellings rather than having more apartments or multi housing units. With the proposed seven homes, I feel that 5600 S can easily handle the potential increased traffic.*

*Thank you, Patricia Van Heyst (Pat)*

No additional public comments were made. The public comment portion for this agenda item was closed.

Ms. Nixon commented that 167 notices were mailed to surrounding residents informing them of this request and there have been some inquiries regarding the proposal but no opposition.

Mr. Nay complimented Mr. Prince and Mr. Guymon on putting forth the effort to work with the neighbors and putting together a well-planned proposal. Mr. Nay made a motion to forward a recommendation of approval to the City Council for the following Zone Map Amendments:

- Amendment to the Zoning Map designation of the property located at 344 East 5600 South from R-1-8, Single Family Residential to R-1-6, Single Family Residential.
- Amendment to the Zoning Map from R-M-15, Multi-Family Residential to R-1-6, Single Family Residential for the portion of the property at 404 East 5600 South as described in the Staff Report.
- Amendment to the Zoning Map designation from R-1-8, Single Family Residential to R-M-15, Multi-Family Residential for the portion of the property at 344 East 5600 South as described in the Staff Report.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Smallwood.

  A   Maren Patterson  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Ned Hacker  
  A   Jeremy Lowry  
  A   Jake Pehrson

Motion passed 7-0.

Mr. Hacker made a motion 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 portion of the property located at 344 East 5600 South as described in the Staff Report from Low Density Residential to Medium Density Residential. Seconded by Ms. Wilson.

Call vote recorded by Mr. Smallwood.

  A   Maren Patterson  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Ned Hacker  
  A   Jeremy Lowry  
  A   Jake Pehrson

Motion passed 7-0.

OTHER BUSINESS

There was no other business.

Lisa Milkavich made a motion to adjourn. Motion seconded by Mr. Pehrson. A voice vote was made, motion passed 7-0. The meeting was adjourned at 7:10 p.m.

  
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Jared Hall, Planning Division Manager