

The Planning Commission met on Thursday, April 15, 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/pc041521> or submitted comments via email at [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov).

Present: Maren Patterson, Chair  
Ned Hacker, Vice Chair  
Sue Wilson  
Lisa Milkavich  
Jeremy Lowry  
Jake Pehrson  
Susan Nixon, Associate Planner  
Zachary Smallwood, Associate Planner  
Briant Farnsworth, Deputy City Attorney  
Citizens

Excused: Travis Nay

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

No minutes to be approved

#### CONFLICT OF INTEREST

There were no conflicts of interest.

#### APPROVAL OF FINDINGS OF FACT

No Findings of Fact to be approved.

#### PROVUE WINDOWS – 4647 South Cherry Street - Project #21-028

Joshua Johnson with ProVue Windows was present to represent this request. The applicant is requesting Conditional Use Permit approval to allow a window contracting business within the M-G Zone on the property located at 4647-4649 South Cherry Street. Zachary Smallwood presented the request. He displayed the site plan and identified the zone as manufacturing zone. There are 2 offices operating as one. There is also a 2<sup>nd</sup> floor. He showed some exterior photos of the building. Staff is recommending that the Planning Commission approve a Conditional Use Permit to allow the operation of a window contracting business at the property addressed 4647-4649 South Cherry Street, subject to conditions.

Joshua Johnson stated he has reviewed the staff report and will comply with the conditions. He stated as a window dealer, the windows are delivered to his business where they are stored and then taken out in the work trucks in the early morning hours. He clarified that the use shouldn't overpopulate the surrounding area based on the operations.

Ms. Patterson opened the item for public comment. There were no comments. The agenda item was closed.

Ned Hacker motioned to approve a Conditional Use Permit to allow the operation of a window contracting business at the property addressed 4647-4649 South Cherry Street subject to the six conditions and seconded by Lisa Milkavich.

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain a building permit for any interior or exterior construction on the property.
3. The applicant shall work with Planning Division Staff to stripe parking that complies with the Murray City Land Use Ordinance including ADA spaces.
4. The applicant shall maintain clear, appropriate vehicular access to the overhead doors on the building at all times.
5. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
6. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.

Call vote recorded by Mr. Smallwood.

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

Motion passed 6-0.

#### STROKER DIESEL – 364 West 6100 South #A – Project #21-029

Richard Whittaker with Stroker Diesel was present to represent the request. Susan Nixon reviewed the request for Conditional Use Permit approval to allow vehicle sales within the M-G Zone on the property located at 364 West 6100 South, unit #A. Ms. Nixon indicated the property is located in the Kramer Industrial Park. The applicant currently operates a vehicle repair and auto sales business at 366 West 6100 South. She added that the applicant had previously applied for auto sales at 366 West (north building) and wants to move the sales to the 364 West (south building). She indicated the parking is sufficient and the auto sales would have up to 5 vehicles that will be inside the building. The unit is a 2,000 ft<sup>2</sup> space. The unit will

have a 185 ft<sup>2</sup> office area and the remainder of space is designated as vehicle sales area. The applicant will maintain the vehicle repair business operations at the current location at 366 West. Vehicle sales requires Conditional Use review and approval in the M-G Zone. No landscaping is required since there is no frontage to the building. Staff is recommending the Planning Commission approve a Conditional Use Permit to allow the operation of a Vehicle Sales business at the property addressed 364 West 6100 South #A, subject to conditions.

The applicant introduced himself as Richard Whittaker at 364 West 6100 South and stated he has read and will comply with the conditions.

Ms. Milkavich asked if there is any waste disposal from repairing and washing cars. Mr. Whittaker specified there would not be any waste occurring at the sales location.

Ms. Patterson opened the item for public comment, no comment was made. The agenda item was closed.

Jeremy Lowry made a motion to approve a Conditional Use Permit to allow the operation of a Vehicle Sales business at the property addressed 364 West 6100 South #A, subject to the seven conditions and seconded by Ned Hacker.

1. The project shall comply with all applicable building and fire code standard and following the IFC 2018 code and maintain or update alarm/sprinkler system if they are present. The applicant shall ensure that the flow of traffic allows for emergency vehicle access.
2. No more than five (5) vehicles will be kept on the interior of the building and no outside display of sales vehicles is allowed.
3. The applicant shall designate a minimum of one (1) parking stall adjacent to the south side of the building as reserved for customers. One ADA compliant stall is required and must be located in close proximity to the two businesses.
4. The applicant shall maintain clear, appropriate vehicular access to all overhead doors at all times.
5. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
6. The applicant shall maintain a Utah Motor Vehicle Dealer's License.
7. The applicant shall obtain a Murray City Business License prior to beginning vehicle sales operations at this location.

Call vote was recorded.

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

Motion passed 6-0.

FASHION PLACE MALL & LARRY MILLER AUTO – 6011 South State Street – Project #21-030

There was no applicant present to represent this request. The request is for Conditional Use Permit approval to allow the storage of inventory vehicles and employee parking associated with the Larry H. Miller dealerships on a portion of the 5.42-acre parking lot owned by the Fashion Place Mall. The Planning Commission indicated they would like to have the presentation for the application. Susan Nixon presented the request. The applicant is proposing to lease approximately 196 of the 671 available parking spaces in the satellite parking area north of the Fashion Place Mall to the Larry H. Miller dealerships for inventory storage and employee parking. It is a large 5-acre parcel. The request is for 300 vehicles, however there are only 196 designated stalls available on the overflow parking lot. The previous approvals were for 200 overflow stalls. The Larry H. Miller Group would use these spaces during the non-peak shopping center period, from January through October. If any dealership employees park on the site, they would be shuttled to and from the site to alleviate parking problems some of the Miller dealerships are currently experiencing. During November and December, parking on the property is utilized exclusively as overflow for Fashion Place Mall employees and clientele. In May of 2018 the Planning Commission granted a Conditional Use Permit to allow the inventory vehicle storage and employee parking on a portion of this property with a one-year time limit expiring April 2019. In April of 2019, the Planning Commission granted an additional Conditional Use Permit for a two-year time limit. That Conditional Use is set to expire at the end of April 2021. Staff is recommending that the Planning Commission approve a Conditional Use Permit for an additional two (2) year time period to allow the proposed Vehicle Storage and Employee Parking on the property located at 6011 South State Street subject to the following conditions.

1. Access for emergency vehicles shall be provided at all times. The applicant shall maintain clear and well-marked drive aisles for Fire Department access throughout the parking lot. If the gate is to be locked to secure the lot, the Fire Department shall be advised in order to update their mapping system.
2. Precast concrete wheel bumper stops shall be maintained at the head of all parking spaces adjacent to landscape areas.
3. The required landscaped areas shall be maintained in good condition at all times.
4. The applicants shall maintain a Murray City Business License in good standing and abide by all associated regulations therein.
5. The use of the property for inventory vehicle storage and Larry H. Miller employee parking is limited to the spaces within the area depicted on the Site Plan attached to the Staff Report.
6. The Conditional Use shall be valid for a period of two (2) years and will expire April 30, 2023, at which time the applicant may submit a new application for Planning Commission review and approval.

Ms. Patterson asked the commissioners if they want to approve or continue the request. Ms. Milkavich stated that since this request has been brought to the commission three times and initially was a temporary solution, she would like to ask the applicant about their permanent solution. Ms. Patterson agreed to a continuation.

Jeremy Lowry made a motion for a continuation for May 20, 2021 and Sue Wilson seconded.

Call vote was recorded.

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

Motion passed 6-0.

Jeremy made a motion for a 30-day extension of a Conditional Use Permit to expire at the end of May 2021 and Lisa Milkavich seconded.

Call vote was recorded.

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

Motion passed 6-0.

TIM & SHERRY WYATT SUBDIVISION AMEND & ERVIN BURKHARDT LOT SPLIT  
SUBDIVISION 2<sup>ND</sup> AMENDMENT – 5859 & 5847 South Murray Parkway Avenue – Project #21-  
032

Jason Graham was present to represent this request. The applicants are requesting an adjustment of property lines and Subdivision Amendments for the Tim & Sherry Wyatt Subdivision Amended (Lot #2) and the Ervin Burkhardt Lot Split 2<sup>nd</sup> Amendment (Lot #1). Susan Nixon presented the request. The application is for approval to amend the existing Tim & Sherry Wyatt Subdivision (Lot #1) and the Ervin Burkhardt Lot Split Amended (Lot #2) by moving the boundary line approximately 9-10 feet to the east. The Tim & Sherry Wyatt Subdivision was granted approval on July 10, 1995. The Ervin Burkhardt Lot Split was approved in March of 1999, and later amended in May of 2004. The 2 properties are accessed from Murray Parkway Boulevard. Ms. Nixon sited the properties as in the R-1-8 zone. A chain link fence was installed on top of a rock wall that was not located on the established property lines. The applicants wish to amend the property line to be consistent with the existing chain link fence.

The two lots are located in distinct subdivisions, and the applicant must seek plat amendments for both subdivisions in order to adjust the contiguous property line. The requested amendments of the two properties will transfer 831 ft<sup>2</sup> from Lot #1 to Lot #2 and align the boundary with the existing chain link fence. If the subdivision amendment is approved by the Planning Commission, the

applicants will need to record the amended plat and record separate deed(s) which reflect the new lot/parcel dimensions. Staff is recommending that the Planning Commission approve the requested Tim & Sherry Wyatt Subdivision Amended (Lot #2) and the Ervin Burkhardt Lot Split 2<sup>nd</sup> Amendment (Lot #1) for the properties addressed 5859 & 5847 South Murray Parkway Avenue subject to conditions.

Jason Graham, applicant, was present and stated he lives at 5859 & 5847 South Murray Parkway Avenue and is willing to comply with the conditions.

Ms. Patterson opened the item for public comment. There were no comments. The public comment portion was closed.

Sue Wilson made a motion to approve the request of Tim & Sherry Wyatt Subdivision Amended (Lot #2) and the Ervin Burkhardt Lot Split 2<sup>nd</sup> Amendment (Lot #1) for the properties addressed 5859 & 5847 South Murray Parkway Avenue subject to the five conditions. Seconded by Lisa Milkavich

1. The project shall meet the Murray City Engineering requirements including the following:
  - a. Meet City subdivision requirements for boundary line adjustment.
  - b. Meet City subdivision platting requirements.
  - c. Provide standard PUEs on the lots.
  - d. Record conveyance deeds prior to recording the plat.
2. Murray City Power Department easements are to remain in place.
3. The applicant shall prepare an Amended Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
4. The applicant shall meet all applicable regulations of Section 17.100 of the Murray Land Use Ordinance.
5. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the final plat shall be null and void. The applicant may request a one-time extension of up to twelve (12) months for special circumstances. The extension must be requested prior to final plat expiration.

Call vote was recorded.

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

Motion passed 6-0.

LANDFORGE, INC. – 6556-6566 South Jefferson Street – Project #21-033

Derek Allen, LandForge Inc. was present to represent this request. The applicant would like to amend the Zoning Map and change from the R-1-8, Low Density Single Family to R-1-6, Medium Density Single Family. The request is supported by the 2017 General Plan. Zachary Smallwood presented the request of Landforge, Inc. He explained that the applicants are in the process of purchasing the property with the intent to redevelop the area into additional dwelling units. This would be a permitted use within the R-1-6, Medium Density Single Family zone. To allow for a thorough, unbiased evaluation, City Staff does not include potential development plans in the review of a request to amend the Zoning Map. This allows the Planning Commission and City Council to determine whether a change in the Zoning Map is appropriate based on the allowed uses and development potential of the proposed zone. The Planning Commission serves as a recommending body for the City Council. The density for R-1-8 is 8,000 ft<sup>2</sup> lots and R-1-6 is 6,000 ft<sup>2</sup> lots.

Mr. Hacker asked how many residential units would be allowed on the property under R-1-6 zone. Mr. Smallwood stated within the current zone the applicant could fit up to 15 dwelling units. The R-1-6 would allow him 19 units which is 4 additional units to what is allowed in R-1-8. He added the applicant could do twin homes or attached homes. He specified that a duplex is two units that is owned by one person and twin homes are 2 single family homes connected with a common wall.

Mr. Pehrson asked if there could be multi-family units connected. Mr. Smallwood said it is possible to consider those types of units on this property. Ms. Milkavich wanted clarification about the density stating the Land Map Designation classifies R-1-6 as low/medium density, but the request poses the zone would go from low to medium density. Mr. Smallwood explained R-1-6 is different in that it gets specified differently depending on what it's used for. He added that for this request it equates to 9 twin-home structures that total 19 units.

Derek Allen, LandForge Inc. stated his address as 150 S State Street, Salt Lake City, Utah he agreed to comply with all conditions.

Ms. Patterson opened the item for public comment. One emailed comment was received and read.

Jeff Jorgensen - 6588 Jefferson St

I am writing to share my opinion about the proposed zone map amendment from R-1-8 to R-1-6 for Jefferson Street. I am excited to hear about the potential for new homes in the neighborhood, however, I have two observations to make. First, there is about three times the space for future development along the east side of Jefferson Street. The zoning that gets approved here will be a blueprint for the future development across the street. Increasing the housing density on the west side of Jefferson paves the way for housing density increase on the east side of Jefferson. Any way you look at it Jefferson is going to get a lot more homes. It's just a matter of time and a matter of density. Changing the zoning represents a 25% increase in the number of potential new homes, but the impact of this will be tripled with additional development. This decision is bigger than the three lots in question. Second, Murray's own data shows that Jefferson Street is an extremely busy street. Hundreds of motorists use this street to bypass the congestion of State Street. Jefferson Street is already too busy and motorists speed

down the road daily. The street is narrow. A single car parked along the street can cause significant disruption. Additionally, and perhaps most importantly, there are no sidewalks on Jefferson Street. This isn't a good location to be changing zoning to increase vehicle traffic and foot traffic. The street is not family friendly at all. We already worry about our children walking, riding, and scootering down the road. Changing the zoning here is a blueprint for future development. Jefferson Street will get even busier and the safety issues along the street will come into play even more. Jefferson Street will get its development. Let's not increase the density 25% by changing the zoning. The street is already strained.

Becky Dawson – 6582 Jefferson Street

Stated she agrees with everything Jeff stated in his email. She commented that due to the fact twin/town homes are an option is fairly certain that the zone change would bring that type of development. There are many small children in the area. She wanted to move into Murray because of the close community. She recalled her father stating that he chased a parrot down Jefferson street when he was a kid. 39% of the land in Murray is R-1-8 and only 2.3% is R-1-6. Changing the zoning will cause many issues in the long run such as more traffic, speeding, increased crime rate, massive impact on the area with the Trax station, guest parking will be a huge problem, children at the new houses will have nowhere to recreate but the streets. Will have lower quality of life due to the denser housing. Currently the property has 3 houses and will go to 15-19 is quite an increase. Ultimately, we should hang on to what makes Murray special for as long as possible for future generations.

Steven Jensen – 218 Lisa Rae Circle

Mr. Jensen mentioned he agrees with the two previous comments made and stated he thinks this is a bad idea. Jefferson Street can't handle this increase. He added that Lisa Rae has 10 houses and is the same size as the proposed site where they would add 19. He said this should be stopped as soon as possible.

John Boettcher – 125 West Lester Avenue

Mr. Boettcher clarified that many cars are using Lester Street for a bypass around Winchester and State Street during the day, there are no sidewalks along Jefferson or Lester. There are oftentimes kids in the street and adding unnecessary traffic is a bad idea. It will be a safety risk for children and feels this should be kept at a minimum until the other issues can be addressed. Mr. Smallwood said the City Engineer has evaluated this application and did not have any objections. The small area plan shows both neighborhoods to the south and north are lacking pedestrian infrastructure adding he has the goal of obtaining some grant funding for streetscape improvements. This applicant will be required to install improvements which would include approximately 102 ft of sidewalk. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation of the properties located at 6556, 6562, and 6566 South Jefferson Street from R-1-8, Low density single family to R-1-6, Medium density single family.

Ms. Patterson thanked him for that clarification and expressed that as part of the re-development of this site there will be conditions where those types of improvements will be required. Adding that these units would have yards and that PUD's generally have amenities and a certain amount of open space. Mr. Smallwood concurred that PUDs are required to have amenity space.

Mr. Pehrson stated that changing this zone from R-1-8 to R-1-6 and that most of Murray's land is zoned R-1-8 and that the General Plan potentially supports a re-zone to R-1-6 or higher

density zones. He asked if this request is approved, then the entire sea of yellow on the zone map will be a potential for R-1-6. Mr. Smallwood stated that wouldn't be the case, the reason this was considered was due to its location near Fashion Place Mall and with the recent adoption of the Fashion Place West Small Area Plan it has designated that increased housing and density should occur near Trax stations. This originally came in as a multi-family unit application but while talking through it and understanding the applicants concept a proposed option was to create the site in a single-family manner.

Ms. Milkavich stated it could be argued both ways, nationwide there is discussion about cost of land and housing and one way to correct that is to offer homes on smaller plots of land. Mr. Lowry said the plan will change and gets revised to reflect the current realities. When he moved to Murray 17 years ago, the world was a different place then. The world will be a different place in another 15 years and general plans are living documents for that reason. This body does not have the authority to approve the request but is simply a recommendation if the commission feels it is an acceptable use. He stated in looking at cities that have been in the growth pattern for the greater Salt Lake City area is in as opposed to an area such as Denver and other intermountain cities where they have had investment in light rail and public transportation. The hottest real estate in those markets is very dense, very large multifamily, and close to light rail similar to the Fireclay development in Murray. His opinion is that this will be a lower use density than would be in the near future. Mr. Pehrson reiterated he agrees that zoning has to change as population grows. Ms. Patterson clarified the change would give 4 more families the opportunity to buy a house and added that we consider every property on its own and not all R-1-8 zones could be changed to R-1-6. Ms. Milkavich reiterated the recommendation for the Fashion Place West Small Area Plan is to have lower cost housing based on the proximity to freeways and Trax stations. Ms. Wilson specified the zone change would only mean going from 15 to 19 units which isn't a significant increase but gives 4 more people the opportunity to own in Murray as opposed to an R-M-15 which are not owner-occupied and is a better option for the area.

Mr. Lowry asked for clarification about infill subdivisions that would be considered for this area. Mr. Smallwood displayed the Fashion Place Small Area Plan indicates that having infill development where underdeveloped parcels exist within the neighborhoods. Mr. Lowry stated he does miss the old neighborhoods he grew up in, but affordability and density is a reality and feels this is an opportunity to have a development in an area that is close to transit for folks to own a home in Murray and will be a positive catalyst for that area. Mr. Pehrson added he lives in an R-1-6 subdivision.

Jeremy Lowry made a motion to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation of the properties located at 6556, 6562, and 6566 South Jefferson Street from R-1-8, Low density single family to R-1-6, Medium density single family. Seconded by Sue Wilson.

Call vote was recorded.

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

Motion passed 6-0.

OTHER BUSINESS

There was no other business.

Sue Wilson made a motion to adjourn. Motion was seconded by Lisa Milkavich. A voice vote was made, motion passed 6-0. The meeting was adjourned at 8:12 p.m.



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Jared Hall, Planning Division Manager