

Minutes of the Planning Commission meeting held on Thursday, December 16, 2021, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

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 may submit comments via email at planningcommission@murray.utah.gov.

Present: Maren Patterson, Chair
Ned Hacker, Vice Chair
Travis Nay
Lisa Milkavich
Sue Wilson
Jake Pehrson
Danny Astill, Public Works Director
Jared Hall, Planning Division Manager
Susan Nixon, Associate Planner
Zachary Smallwood, Senior Planner
Briant Farnsworth, Deputy City Attorney
Citizens

Excused: Jeremy Lowry

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

Ned Hacker made a motion to approve the November 18, 2021 minutes, seconded by Jake Pehrson. Voice vote of 6-0..

CONFLICT OF INTEREST

There were no conflicts of interest. Travis Nay declared he has no conflict of interest but works for Intermountain Healthcare.

APPROVAL OF FINDINGS OF FACT

Sue Wilson made a motion to approve the Findings of Fact for a Conditional Use Permit for The Spine Institute, Justin Hohl, to allow the construction of a new two-story medical office building on the subject property located at 5775 South Fashion Boulevard. Seconded by Lisa Milkavich. A voice vote was made, motion passed 6-0

WONDERBLOOM – 1580 East Vine Street – Project #21-130

The applicant is requesting Conditional Use Permit approval to allow a Denominational School (LU# 6816) on the property at 1580 East Vine Street. Susan Nixon presented the request. This property is located on the south side of Vine Street. The property is occupied by Cottonwood Presbyterian Church since 1957. Denominational schools are allowed in the R-1-10 Zone with a Conditional Use approval from the Planning Commission. The property is in and surrounded by R-1-10 Zoning. The church has over 24,000 ft². This request would be for two classrooms on the west side of the church and to have up to 30 students with six staff members. The

preschool will utilize two adjacent rooms, #9 and #10, located in the southwest portion of the church. The entry to the school will be on the west side, where there is an ADA ramp and parking. The proposed playground area is fully enclosed. The reason they selected this particular property is the Presbyterian Church has a beautiful garden area of over an acre and Wonderbloom focuses on a holistic approach with hands on nature type learning. The closest residential boundary for any other residential areas is over 100' from the actual classroom area, there shouldn't be a noise impact on the residents. The hours that they would like to operate is 7:00 a.m. to 5:30 p.m. 146 notices were sent to the surrounding residences and one response was received from one adjacent neighbor who inquired about the hours and number of students. Staff is recommending that the Planning Commission grant approval for the Conditional Use for the Wonderbloom Denominational School.

Applicant, Sarah Stone, 1419 East Galaxy Drive, stated her willingness to comply with the conditions. She added they are excited to work with Murray City and Cottonwood Presbyterian Church.

Ms. Patterson opened the meeting for public comment.

Rick Urbom, 1579 E Garrett Town Cove

I have been a member of Cottonwood Presbyterian Church for 44 years and I am the Elder over building and grounds. We welcome Wonderbloom and feel it's a great opportunity to bring younger people into our congregation. We have a new young minister, Nathan Sauder, and we are looking forward to having some younger kids around using the playground. We have 54 garden plots in the community garden and we raise produce and then sell and the proceeds go to the Utah Food Bank. We are close to Woodstock Elementary and they bring their students to learn gardening, its often used for education. We hope to get the approval to have a school there.

No further comments were made. The public comment portion was closed.

Jake Pehrson made a motion The Planning Commission approve a Conditional Use Permit to allow the proposed denomination school, Wonderbloom, at the property located at 1580 East Vine Street subject to the eight conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain State Licenses for preschool age students and maintain the license in good standing at all times.
3. Hours of operation are limited to between 7:00 a.m. and 5:30 p.m., Monday through Friday.
4. The outdoor playground area must be fenced and secured and meet all requirements of the Utah Department of Health.
5. The applicant shall obtain Murray City building permits for any remodeling construction.
6. If there is to be any new signage for the school, the applicants shall obtain the appropriate approvals and permits.

7. The applicants shall obtain a Murray City Business License and pay applicable fees.
8. The property landscaping shall comply with landscaping standards outlined in Chapter 17.68 of the Murray Land Use Ordinance.

Seconded by Sue Wilson.

Call vote recorded by Ms. Nixon.

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

Motion passed 6-0.

IMC CENTRAL LAB – 5252 South Intermountain Drive – Project #21-136

The applicant is requesting an amendment to the original Conditional Use Permit issued for the Intermountain Medical Center to expand an existing laboratory building. Zachary Smallwood presented the request. This is a request from Intermountain Medical Healthcare for an expansion of their central lab building located at 5252 South Intermountain Drive which is in the C-D zone, Commercial District. It is an expansion from 40,541 ft² to 5,150 ft² to the existing lab building. It will be mostly one level with a small portion on the second floor. The proposal is to add to the west portion. It will cut off the circulation completely around the building but shouldn't pose any potential issues with that. There still is 360-degree access to the building. The landscaping meets the criteria. The whole IMC area operates under one Conditional Use Permit and the landscaping meets throughout the entire site. They are removing quite a few parking spaces and shifting them around. The whole site has 4,781 stalls after the expansion and the total parking required was 4,740. Mr. Nay asked if that included the parking across from Cottonwood Street. Mr. Smallwood verified it did and that any new buildings would require an additional parking structure. The building will look much like IMC looks now with a mix of glass, stucco and metal paneling. Staff is recommending that The Planning Commission approve the amendment to the Conditional Use Permit for the subject property, subject to the ten conditions.

Applicant, Corey Cracraft, 36th South State Street, stated their willingness to comply with the conditions.

Mr. Hacker asked how many additional people will be working in the lab. Mr. Cracraft stated there are currently 120 and it is anticipated there will be 280 employees.

Ms. Patterson opened the meeting for public comment. No comments were made. The public comment portion was closed.

Mr. Nay declared that they are near build out with parking availability on site and the city needs to seriously consider addressing ground floor commercial parking structures that are fronted on any of the major streets for future projects.

Ned Hacker made a motion to approve an amendment to the Conditional Use Permit to allow construction of expansion of the Central Laboratory Building at Intermountain Medical Center property addressed 5252 South Intermountain Drive, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall provide complete stamped plans, calculations, and a soils report at the time of Building Permit application.
3. The applicant shall meet the Murray City Engineer requirements below:
 - a) Obtain an SSOD permit and comply with all site environmental requirements.
 - b) New storm drain system must be watertight as per SSOD requirements, provide concrete collars at all catch basin and manhole connections.
 - c) Replace any damaged sidewalk and curb and gutter along the 5300 South and Woodrow Street frontages.
 - d) Obtain UDOT encroachment permit for any work in the 5300 South right-of-way.
 - e) Develop a site SWPPP and obtain a Land Disturbance permit prior to beginning any site work.
4. The applicant shall meet all Murray City Sewer Division requirements.
5. The applicant shall meet all Murray City Power Department requirements.
6. The exterior trash container shall be enclosed within solid barrier enclosures with gates to comply with Code Section 17.76.170.
7. The site shall comply with the parking requirements outlined in Section 17.72 of the Murray City Land Use Ordinance.
8. Building permits are required for any construction on the property.
9. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
10. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Smallwood.

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

Motion passed 6-0.

BRAD REYNOLDS CONSTRUCTION – 5322 South Allendale Drive & 666 West 5300 South –
Project #21-132 & 21-133

Zachary Smallwood presented the request. The applicant would like to amend the Future Land Use Map designation and zoning of the subject properties to facilitate a residential development at 5322 South Allendale Drive and 666 West 5300 South. The total area is about 5.66 acres located north of 5300 South and slightly east of 700 West. It is located in the C-N Zone, Commercial Neighborhood Zone which allows smaller retail establishments. The Planning Commission previously approved a senior living facility at the subject location but unfortunately those property owners were not able to obtain financing, so they are selling the property. Brad Reynolds Construction is looking to re-zone this property to allow for a townhome project in the R-M-15 Zone which allows up to 12 units per acre as a base density. The General Plan calls this Neighborhood Commercial and the applicants are requesting a General Plan Amendment. The staff report lays out the basis of why staff supports this change. One, is that the neighboring properties are within the same density but may not be in the same zone. The Applegate Condominiums are in R-M-15 and the apartments to the north are in R-1-8 zone but they are about the same density as well. The requested change is consistent with the neighborhood. Any additional housing in this area would help stabilize the single-family neighborhood that is to the east of the subject property that have 27 homes. The Neighborhood Commercial Future Land Use category allows for mixed use development and small neighborhood centers and along neighborhood corridors to preserve or cultivate local serving commercial areas. The requested medium density residential will allow for a mix of housing types which are smaller multi-family structures like townhomes. Residential is not allowed in the C-N Zone currently except for assisted or retirement facilities. The R-M-15 would allow for single family homes at 8,000 ft² per lot or 12 dwelling units per acre for multi-family units with height up to 40'. Front yard and rear yard setbacks are 25' and side yard setback is 8' on one side for a total of 20' on both sides. The parking requirement is 2.5 off street spaces per dwelling unit. Staff found that the General Plan provides for flexibility and implementation and execution of the goals and policies based on individual circumstances. The amendment from C-N to R-M-15 has been carefully considered based on the characteristics of the site and surrounding area and potential impacts can be managed within the densities allowed in the R-M-15 Zone. The zone map amendment conforms to important goals and objectives of the General Plan and will allow for future development of the property. This will require two motions: one for the General Plan and one for the Zone Map Amendment. Staff is recommending that the Planning Commission forward a recommendation of approval for both.

Ms. Milkavich commented it would be nice to keep the one lot that fronts on 5300 South as possibly an R-N-B Zone. If residential homes are built on this property, she expressed concern for a solid fence along the frontage which would create a bit of a tunnel and would not very walkable. Mr. Smallwood stated UDOT owns 5300 South Street and they are very strict about what access is allowed on their streets and they don't allow access unless you already have an access. This property is locked in unless you use the existing drive. Ms. Patterson proposed if all traffic has to go through Allendale there is concern for traffic impact. Mr. Smallwood declared only certain zones or projects require traffic studies. The city engineer may require a traffic study before the project. The road is pretty wide making the traffic impact less significant. Ms. Patterson asked about site overview in terms of orienting the buildings along 5300. Mr.

Smallwood stated the applicant would propose a development and then staff can make suggestions based on their proposal.

Ms. Milkavich asked about the road on the northside that is incomplete and if that road could be opened. Mr. Smallwood verified it is a private access but may be able to connect. Mr. Hall added there is some access potential and easement which could go out on 700 West not just Allendale. This would be multi-family attached with lower density with townhomes and that requires a Conditional Use Permit in the R-M-15 Zone. The commission is allowed to propose conditions to mitigate impacts. The tunnel like view on 5300 South is a potential issue. He stated the commission can impose a condition to have a 6'-7' sidewalk for safety and better buffering. The orientation is also a potential condition. Ms. Milkavich asked if there is a requirement for a wider sidewalk and park strip. Mr. Hall verified 100 units or 30 lots requires a traffic study and stated the developer intends to make these ownership lots. There aren't enough units to dictate under the policy normally used that would absolutely indicate a traffic study. Mr. Nay asked if Allendale Drive connects to 700 West. Mr. Smallwood clarified it does. Mr. Pehrson asked if it could be required to connect to the private road on the north end. Ms. Nixon relayed some history about the access easement when the rehab center project was approved one of the requirements they imposed was access on the north end for a potential future road.

Applicant, Brad Reynolds, 2500 East Haven Lane, stated his willingness to comply with the suggested conditions. He thanked staff for being very responsive and helping in making his projects more successful. He stated they recently finished a project off of 1000 West and Winchester and are currently working on a project at 525 East Winchester just east of Fashion Place Mall. When that project was proposed there were a lot of neighbors with concerns and now it is almost complete and all sold out, the neighbors are very happy with the finished product. He stated he has been building for over 35 years and can't recall a time more challenging with shortages, supply chain issues and increased costs that seem to change daily. This type of product is in huge demand and will serve a great need in the community. The surrounding area between the commercial, the retail, the elderly care facility, apartments, and the residential homes to the east we think this will provide a nice transition to the residential neighborhood. The units will be high end quality with granite countertops and two-tone paint with brick or stone.

Ms. Wilson asked about the potential unit count and amenities. Mr. Reynolds stated he anticipates having 66-68 units and there will be a playground, gazebos, benches but his plans are not final. Ms. Milkavich asked about the south side of the property possibly having a park strip and wider sidewalk and asked about the easement. Mr. Reynolds stated they would be happy to discuss and implement their suggestions and he is looking into the easement and whether it will be allowed to be used. He stated they are open to any suggestions for this and future projects.

Ms. Patterson opened the meeting for public comment.

Clint Gaither, 5341 South Allendale Drive

I dare say I would be the person most impacted by the project. Me and my neighbors are right across the street from this. I welcome development as all the neighbors do, we are owner occupied people on the street. Currently on Allendale Drive between Spartan Way and Murray Boulevard there are only 30 residents. This development has the potential to increase the number of people living on that street by 400%. That is a sizable increase in human activity.

Not necessarily bad but will definitely change my life. I am very interested in what you are proposing, I have looked at some of your developments and you appear to be a very reputable builder and I hope that is what we get. I fear that because we are not in the phase where we are looking at the project itself but we are going to blanket this out as an R-M-15 and then you could back out and were going to end up with 40' high square box apartments full of Section 8 residents. I hope that is understood by all of you. I am an elderly man and I cannot afford to move anywhere else especially given the current real estate market. I am very concerned with what gets planned and I want to be included in any of the planning that goes into this project.

No further comments were made and the public comment portion was closed.

Ms. Patterson asked if there are any protections for residents if a zone is changed and builder backs out of a project. Mr. Smallwood explained Brad Reynolds integrity and how he has been in the past. He stated the sale of the property is contingent upon the zone change and General Plan amendment being approved. If the zone does get changed and Brad Reynolds does back out, there would be potential for someone else to build with a similar medium density project, with 12 units to the acre and would still need to come before the commission for Conditional Use Permit and/or PUD. Mr. Nay stated there would still be multiple opportunities to see what they are proposing through the CUP and Subdivision approval process. Ms. Patterson the way it is currently zoned has not brought any development in any feasible way. The commissioners discussed possible commercial projects with its current C-N zoning and that the Future Land Use Map and could have a bigger impact potentially.

Mr. Pehrson asked for clarification of the height for R-M-15, it states the planning can approve up to 40' in height. Mr. Smallwood specified there is an allowance by right and then the commission can grant additional height, up to 40'.

Travis Nay made a motion to forward a recommendation of approval to the City Council for the requested General Plan amendment redesignating the properties located at 666 West 5300 South and 5322 South Allendale Drive from Neighborhood Commercial to Medium Density Residential. Seconded by Sue Wilson.

Call vote recorded by Mr. Smallwood

 A Maren Patterson

 A Ned Hacker

 A Lisa Milkavich

 A Travis Nay

 A Sue Wilson

 A Jake Pehrson

Motion passed 6-0.

Ned Hacker made a motion to forward a recommendation of approval to the City Council for the requested amendment to the Zone Map of the properties located at 666 West 5300 South and 5322 South Allendale Drive from C-N, Commercial Neighborhood to R-M-15, Multi-Family Residential, Medium Density. Seconded by Jake Pehrson.

Call vote recorded by Mr. Smallwood

A Maren Patterson

 A Ned Hacker

 A Lisa Milkavich

 A Travis Nay

 A Sue Wilson

 A Jake Pehrson

Motion passed 6-0.

BRANDON STRINGHAM – 606 East Sunny Flowers Lane – Project #21-134

Susan Nixon presented the request. The applicant is requesting a Zone Map Amendment from A-1 to R-1-8 on property located approximately at 606 East Sunny Flowers Lane. This is a large parcel of property at 3.5 acres that fronts Oxford Hollow Drive and the portion in this request is on the westerly portion of that property which is only a 2,540 ft². The property owners to the west would like to purchase this portion from Mr. Stringham. In order to do so, the zoning would need to be the same as the adjacent property owners' zone on Ridge Creek Drive and then would need to come back later and amend that subdivision to include the small parcel. The request is for the small portion of property that is currently A-1 to change to R-1-8. The General Plan and Future Land Use Map call for this area to be a low density residential which includes the A-1, R-1-6, R-1-8, R-1-10, R-1-12, R-2-10 zones. The property is not very accessible for Mr. Stringham's property and not very usable and the Johnston's wish to purchase it. This is the Bradley Development Subdivision. Shawn Bradley is the original owner of this property and developed the property and made a one lot 3.5-acre subdivision. If the property zoning is changed, the new owner would need to come back and request to amend the Ridge Creek subdivision and include this parcel as part of the subdivision. The property by itself is 2500 ft² and is virtually useless, nobody could build anything on it and is basically landlocked. Typically, the zoning should correspond with boundary lines, but since this is such a small portion they could get the zoning changed then include it later on. The findings for this request state the General Plan allows for flexibility in the implementation and execution of goals and policies based on individual circumstances. The requested zone change has been considered and has the characteristics of the surrounding area and is in line with the policies and objectives of the General Plan that was adopted in 2017 and the proposed Zone Map Amendment from A-1 to R-1-8 is supported by the General Plan and Future Land Use Map. Ms. Nixon stated that 74 Notices were sent out to surrounding residences within 500' because of the large size of the parcel and only one response from the neighbors questioning why they are not changing the entire zoning of the property. It was explained that there are some benefits to Mr. Stringham to keep the rest of the property at A-1, Agricultural in which property taxes are different and there is a barn that does exceed the R-1-8 height limitation. Staff is recommending that the Planning Commission forward an approval to the City Council for the property generally addressed 606 East Sunny Flowers Lane.

Applicant, Brandon Stringham, 606 East Sunny Flowers Lane thanked Susan for her presentation. He stated across the stream from his property there is a big hill and they live up on the hill and this little section of land is also up on the hill making it inaccessible from his property but is accessible to the neighbors to the west.

Ms. Patterson opened the meeting for public comment.

Sam Johnston, 5753 Ridge Creek Road

Mr. Johnston stated he is representing his parents who built their home at 5753 Ridge Creek Road in 1988 and have lived there ever since. It was the third house on the street in the development. It has always made sense that it would have been part of their property it's a strange triangular portion that is land locked and has a very steep hill on one side and they have cultivated an abundant garden back there and so there is no intention to do any construction there other than to extend that garden and to preserve the sightline. There are a number of large historic trees that predate the development that are on the ridge side and they would like to keep the view.

No further comments were made. The public comment portion was closed.

Sue Wilson made a motion to forward a recommendation of approval to the City Council for the Zone Map Amendment for the small westerly portion of property generally addressed 606 East Sunny Flowers Lane from A-1 to R-1-8. Seconded by Lisa Milkavich.

Call vote recorded by Ms. Nixon

 A Maren Patterson

 A Ned Hacker

 A Lisa Milkavich

 A Travis Nay

 A Sue Wilson

 A Jake Pehrson

Motion passed 6-0.

OTHER BUSINESS

Ms. Patterson stated that this is Sue Wilson's last meeting to serve on the planning commission and wanted to recognize her. She expressed appreciation for her service and efforts on the commission. She has been an incredible resource and researcher and presents great questions and has done such a great job and she will be very missed.

Ms. Wilson expressed her thanks to the staff and commission members, she explained that the commission reads all of the public's comments and takes them very seriously and do a lot of studying of those requests and trying to do what is best for the City of Murray while also abiding by the City, State and Federal Law. She expressed pride in being a member of the Murray community and for having this opportunity where she has learned a lot and being a former builder developer has come in handy in this service role.

Mr. Hall expressed his thanks to Sue Wilson and the commissioners for the hard work they put in and their service on the commission. He added that a new planner has been hired and will be starting in January.

There was no other business.

Sue Wilson made a motion to adjourn. Motion seconded by Lisa Milkavich. A voice vote was made, motion passed 6-0. The meeting was adjourned at 7:34 p.m.

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A handwritten signature in black ink, appearing to read "jared hall", is written over a light gray rectangular background.

Jared Hall, Planning Division Manager