

Minutes of the Planning Commission meeting held on Thursday, January 6, 2022, 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
Jake Pehrson
Lisa Milkavich
Jeremy Lowry
Danny Astill, Interim Community & Economic Dev Director
Jared Hall, Planning Division Manager
Zachary Smallwood, Senior Planner
Susan Nixon, 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

Ned Hacker made a motion to approve the December 16, 2021 corrected minutes. Seconded by Lisa Milkavich. A voice vote was made, motion passed 5-0

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Jake Pehrson made a motion to approve the Findings of Fact for a Conditional Use Permit for Sarah Stone, Wonderbloom and IMC Central Lab Expansion. Seconded by Lisa Milkavich. A voice vote was made, motion passed 5-0

Chair Patterson announced that agenda items #7 & #8 will be reviewed in reverse order as posted. The item #8, R-2-10 Text Amendment will be heard prior to item #7, Zone Map Amendment.

RILEY LANE OFFICE WAREHOUSE – 5310 South Riley Lane – Project #21-143

The applicant is requesting Conditional Use Permit approval to allow the operation of a contractor business and the construction of a new office warehouse building on the subject property. Zachary Smallwood presented the request. The property is in the M-G, Manufacturing General Zone and constructing a warehouse building is a permitted use, however any new construction requires a site plan review and since a new contractor business is going in and

requires a Conditional Use Permit both are being brought forward to satisfy both the site plan review and the contractor business. The layout of the building is fairly basic about 10,000 ft², most of which is warehouse space, a small office space and two floors. As a condition of the approval, staff is requesting an easement be granted for access to prevent the loss of access to that parking. The building is a solid masonry, two story warehouse with offices on the second floor. They have laid it out to potentially accommodate a separate tenant sometime in the future. Staff is recommending that the Planning Commission approve the Conditional Use Permit to allow the office warehouse and the contractors business at 5310 South Riley Lane.

Applicant, Gerrit Timmerman with Curtis Miner Architecture at 233 South Pleasant Grove Boulevard stated their willingness to comply with the conditions.

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

Ned Hacker made a motion The Planning Commission approve a Conditional Use Permit to allow the construction of the proposed office warehouse building and the operation of a construction business on the property addressed 5310 South Riley Lane subject to the ten conditions:

1. The project shall meet Murray City Engineering requirements including the following:
 - a) Meet City storm drainage requirements, on-site retention/detention is required. Implement Low Impact Development (LID) practices where applicable.
 - b) Install water quality treatment in CB #206. A Snout type treatment is acceptable.
 - c) Adjust access width and location to avoid existing utilities.
 - d) Develop a site SWPPP and implement prior to beginning any site grading and construction work.
 - e) Obtain a City Excavation Permit for work within City roadways.
2. The project shall meet all Murray City Fire Department requirements.
3. The project shall meet all Murray City Wastewater Division requirements.
4. The project shall meet all Murray City Water Division requirements.
5. The project shall meet all Murray City Power Department requirements.
6. The project shall conform to the requirements of the M-G, Manufacturing General zone, and other regulations of the Murray City Land Use Ordinance.
7. The applicant shall provide a Landscaping Plan that meets the requirements of Chapter 17.68 of the Murray City Land Use Ordinance.
8. The applicant shall ensure that a cross access easement has been recorded on the adjacent property to the south prior to obtaining a Certificate of Occupancy.
9. The applicant shall provide details on the proposed trash enclosure. The enclosure will need to meet section 17.76.170 of the Murray City Land Use Ordinance.
10. The applicant shall obtain a Murray City Business License prior to operating at this location.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Smallwood.

 A Maren Patterson

 A Ned Hacker

 A Lisa Milkavich

 A Jeremy Lowry

 A Jake Pehrson

Motion passed 5-0.

INFINITY CUSTOM COUNTERTOPS – 4563 South 160 West – Project #21-145

The applicant is requesting Conditional Use Permit approval to allow the operation of a contractor business at the subject property that fabricates and installs countertops. Zachary Smallwood presented the request. The property is in the M-G, Manufacturing General Zone and Contractors are allowed in the zone subject to obtaining a Conditional Use Permit approval. The unit is 2200 ft² within eight units and is an open warehouse space with an office, restroom, two garage doors, one in the front and in the rear and a man door in the front. The provided parking meets the parking standards that are laid out in the ordinance for warehouse uses. Staff is requesting that the Planning Commission approve the Conditional Use Permit subject to the six conditions.

Applicant, Walter Cervantes at 4563 South 160 West stated his willingness to comply with the conditions. He asked about adding an address to the application, Mrs. Patterson let him know he can call the planning office to assist you.

Ms. Milkavich stated there is a dumpster on site and one of the conditions is that if a dumpster is needed the applicant would need to provide a space for that. The applicant stated he does have a dumpster in the back of the shop and usually puts it on the back of his truck and takes it to the dumpster to dispose of the waste. Ms. Milkavich stated it will be addressed in the Business Licensing process and added there is no outside storage allowed as part of the Conditional Use Permit.

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

Jeremy Lowry made a motion The Planning Commission approve the Conditional Use Permit to allow the operation of a contract construction service business at the property addressed 4563 South 160 West subject to the six conditions:

1. The project shall meet all Murray City Fire Department requirements.
2. The project shall meet all Murray City Wastewater Division requirements.
3. The project shall meet all Murray City Power Department requirements.
4. The project shall conform to the requirements of the M-G, Manufacturing General zone, and other regulations of the Murray City Land Use Ordinance.

5. If the property owner intends to have a dumpster on site, it shall be within a trash enclosure. The enclosure will need to meet section 17.76.170 of the Murray City Land Use Ordinance.
6. The applicant shall obtain a Murray City Business License prior to operating at this location.

Seconded by Ned Hacker.

Call vote recorded by Mr. Smallwood.

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

Motion passed 5-0.

MURRAY SQUARE COMMERCIAL CENTER, LLC – 4652 & 4678 South 900 East – Project #21-146

The applicant is requesting Design Review and Conditional Use Permit approval to allow the development of buildings 1 & 4 in the commercial phase of Murray Square. Jared Hall presented the request. The MOU, Memorandum of Understanding that governs this project requires that the commercial phase along 900 East obtain design review as during the original review the spaces were not fully formed only conceptual and were to come back as a group and get those approved to be sure they didn't violate terms of that MOU or the Master Site Plan. Murray Square is a 10.52-acre site, the larger residential phase is currently underway. The second residential phase will be on the southside of the access way. The commercial phase is along 900 East. The site is in the MCMU Zone, Building #1 is a four unit building with a drive-thru on the north side, drive-throughs were contemplated as part of the Master Site Plan although they are not typical in mixed use it was considered that some drive-throughs would be part of this site. There are good pedestrian connections through this area with a central feature planned for food trucks with good identified pedestrian connection because it will serve as an active area. The pedestrian sidewalk from 900 East was moved a little further south. On the north end is a right in right out only vehicle access to the project. Parking is in excess of the requirement. The south Building #4 is a single tenant building which is 3,800 ft² with a drive-thru on the north side, pedestrian accesses need to be added and are mandated by the Master Site Plan, they are included in the conditions. The interior sidewalk should line up well with the main accesses coming out of the larger apartment buildings. Landscaping is well done on the project. Staff recommends approval based on the ten conditions.

Applicant, Justin Kimball at 1000 South Main Street stated his willingness to comply with the conditions.

Ms. Milkavich expressed concern about too much residential density for the area and drive-throughs were restricted but later allowed and now this plan comes forward with no pedestrian connection that has been asked for all along.

Mr. Kimball addressed the pedestrian accesses. The central feature was going to be the pergola and grassy area with benches with a sidewalk going to the south building but it had to be tweaked for parking and access. It wasn't an intentional omission and will absolutely be added back in but will be in place of a few of the parking stalls. He expressed wanting the same project the community wants which is a very community-oriented area for the city. It has been difficult to lease the commercial units and the only spaces that are leased are the units with drive-throughs due to Covid. We are requesting a reduction in the commercial, but there is a certain requirement for the zone. The commissioners agreed that they would want to table the request for the site plan to be re-done to satisfy condition six and eight. Mr. Lowry mentioned the exciting part about mixed use is the dynamic of commercial and residential being blended together and when this was brought originally there was that main central feature that was very community oriented. The project should draw people in and drive people to those businesses.

Mr. Hall verified that if this request is continued and set for the next meeting there wouldn't be a need to re-notice. The application would be brought forward in two weeks with the new changes before the commission for review.

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

Lisa Milkavich made a motion to continue the Conditional Use Permit application for January 20, 2022 Planning Commission Meeting. Seconded by Jake Pehrson

Call vote recorded by Mr. Hall.

 A Maren Patterson

 A Ned Hacker

 A Lisa Milkavich

 A Jeremy Lowry

 A Jake Pehrson

Motion passed 5-0.

JNG INVESTMENTS, LLC – Text Amendment – Project #21-141

The applicant proposes to amend the text of Section 17.112.020 of the Murray Land Use Ordinance to include Land Use #1112, single-family dwelling attached (twin-home) as a Permitted Use in the R-2-10, Residential Zone. Susan Nixon presented the request. The proposed R-2-10 Zone amendment would allow the development of twin homes with the same restrictions as duplexes which are currently allowed as a permitted use. The proposed change to the use classification #1112 Single-Family Dwelling Attached (twin-homes). Twin-homes shall meet the following yard and area requirements: 10,000 ft² lot minimum (5,000 square feet, each dwelling). Forty-foot minimum frontage on the public street (twenty feet, each dwelling). Each twin-home dwelling must maintain the minimum setbacks of the R-2-10 Zone with the additional setback of 0' interior where adjacent to second dwelling. The interior dividing wall would serve as the property line. The R-2-10 Zone regulation proposed addition to the side

yard interior setback for twin-home is 0' where adjacent to the second dwelling. The principal difference between duplexes and twin homes is twin homes allow for homeowner occupied units, and they can be sold separately and owned separately. There are also building code differences between twin homes and duplexes because of the 0' lot line, common wall requires different codes.

Ms. Milkavich clarified that a duplex is always partially rented and owned by one person. Ms. Nixon concurred and stated the different styles they have proposed are aesthetically and architecturally very pleasing. When the properties from 900 East up to Highland Drive were annexed into Murray during 2002-2004, there were many existing twin homes and duplexes, and at that time Murray did not have the R-2-10 Zone and so many of them became legal non-conforming because they didn't meet the current regulations. The R-2-10 Zone was adopted in 2007 and was partially intended to fix those properties that were non-conforming, however there is only one property in the city with the R-2-10 Zone which is on Jeremy Drive. Ms. Nixon showed examples of duplexes, twin homes and condos. The General Plan supports this type of use in chapters 5, 8 and 9 have goals to provide and promote a mix of land uses and allow a wide spectrum of housing types and simplify the residential zoning districts to maintain the residential integrity of the neighborhood but also allow for more options and variety. Staff concluded that it meets the 5 findings; complies with the General Plan, allows for flexibility and implementation, meets characteristics of the building design, allows for different housing types. Staff recommends the Planning Commission forward a recommendation of approval to the City Council to include Land Use #1112, Twin Homes, as a permitted use in the R-2-10 Zone by amending the text of Section 17.112.020(B).

Mr. Pehrson stated it makes sense to have twin homes. He asked if properties that are not zoned R-2-10 that have a duplex, could it be subdivided. Ms. Nixon clarified that if it meets the regulations of twin-homes and would require structural changes to meet building codes.

Mr. Hacker asked with the addition of twin homes, duplexes and single-family homes can all be built in this zone. Ms. Nixon verified that currently twin homes are the only missing option in this zone and single family and duplexes are currently allowed. Ms. Milkavich wanted clarification about triplexes and duplexes which might be unpleasant to some residents because of the higher turnover in occupancy that if they became twin homes would be preferable to the neighbors. Mr. Lowry asked about the twin homes on Winchester and how that was approved with the zoning. Ms. Nixon responded that the twin-homes on Winchester Street and 525 East are in the R-N-B Zone, Residential Neighborhood Business, and that zoning was modified to allow twin homes with the same criteria with the exception of the side setbacks.

Ms. Milkavich asked why can't the R-N-B Zone be used for this request. Ms. Nixon explained R-N-B serves as a buffer for major roadways (arterials) or high commercial areas to the residential single-family neighborhoods. This particular property would not be needing that type of buffering and R-N-B is not slated in the General Plan or Future Land Use Map for this area. Mr. Hall clarified that there are other Zones in the city code that should be an updated to allow twin homes. Ms. Nixon verified that this application for the text amendment is not specifically for a site, it would apply city wide for any property with the R-2-10 Zoning.

Applicant, Jonathan Rudd, JNG Investments, stated their willingness to comply. He added some background information. JNG purchased the property in July and received a call this week from someone who said they owned the property who wanted to do multi-family on this property, JNG wasn't aware of this until recently.

Ms. Patterson opened the meeting for public comment.

Kimball Ward, 6548 South 130 West

With making this text amendment to the R-2 zoning how small would the lots be allowed to be subdivided. How big would each lot need to be if this passes.

Casey Johnson, 6545 S Jefferson Street

Across the street on Jefferson was changed from R-8 to R-6 if this has been allowable why haven't the past developers asked to do this, what is stopping the person that got R-6 from going to this. Sidewalks in the neighborhood have been shut down from the rental properties that they have refurbished up front on Jefferson. We are just putting more mass into a piece of property that has been shut down all the time until now and trying to put more homes there. My question is where have all these been addressed on that. Can the other place become to R-2-10 now that they are R-1-6?

Heidi Ward, 6548 South 130 West

My street is the one that will have these on it. In July we got a rendition of what it was supposed to be like and was fine with that but not sure why you don't have the same type of picture or land drawing here for us, because we don't understand or know what is going to be put in there. If you change it to medium density that could mean many different things could be allowed under that zoning. I am concerned about fire trucks not able to go in there and adding more people going through that street. I don't know if this rendition is adding two on to each lot.

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

Ms. Nixon stated some of the questions will be addressed in the next presentation but the difference between the R-1-6 and the R-2-10, R-1-6 is single family one dwelling on a minimum 6,000 ft² lot, R-2-10 is a twin home on a 10,000 ft² lot with 5,000 ft² per dwelling. The permitted uses allow for single family dwellings, twin homes and duplexes under the conditional uses that are allowed it does allow for row homes or more than a twin home attached but has to be in PUD, Planned Unit Development which requires a minimum of two acres, which would not work for smaller parcels. Mr. Lowry specified that the difference between the two on 30,000 ft² lot would be five units at R-1-6 and six units at R-2-10, which equates to one more, not double, an acre is 43,560 ft² and if divided by 5,000 ft² it is 8 homes and divided by 6,000 ft² is 7 homes, which equates to 1 more house per acre. Ms. Milkavich asked when you can request a zone change and with a slight change like this doesn't necessarily mean there would be an increase in these requests. Ms. Nixon explained any property owner can request a zone change for their property, but whether it fits in with the properties surrounding it and it would need to meet certain minimums, then reviewed by staff and would have findings and then come to the commission. They are in demand and there are a lot of inquiries about twin homes. R-2-10 shows in the low density when the update for The General Plan was done the R-2-10 should have been added into the medium density.

Mr. Pehrson explained nothing stops someone from requesting to change their property to R-2-10. If it is approved someone can build a twin home but not a row home unless they came to Planning and apply, it's not an allowed use. Ms. Nixon concurred adding that row homes are allowed in a planned unit development with a minimum of two acres.

The commissioners discussed whether some comments could be addressed in the next presentation and determined what could be addressed during this request. Ms. Nixon stated in July 2021 the previous owners applied for a four-lot subdivision with 10,000 ft² per lot. She stated if the zoning is changed for this property, there is potential for all four lots to have a twin-home, for a total of 8 dwellings, but in essence there would remain four structures (each having a twin-home individually owned).

Ms. Milkavich asked what was going on with the sidewalks there. Ms. Nixon stated this property has no frontage or access on Jefferson Street and is accessed through 130 West Street. She stated that if this property was on Jefferson Street, the approval of a subdivision would require installation of sidewalks, park strips, curb and gutter. Ms. Patterson clarified the properties on Jefferson are not required to have sidewalks but the property that would be developed would require sidewalks.

Ms. Nixon also mentioned that because this text amendment is not site specific it is not noticed to the neighbors. Ms. Patterson expressed that this text request accomplishes some of the goals of the General Plan and the missing middle housing and was surprised that this wasn't already a permitted use. She stated as the city is becoming built out we are looking at smaller properties this is a good option across the city.

Jeremy Lowry made a motion to forward a recommendation of approval to the City Council to include Land Use #1112 (twin homes) as a permitted use in the R-2-10 Zone by amending the text of section 17.112.020(B). Seconded by Ned Hacker.

Call vote recorded by Ms. Nixon

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

Motion passed 5-0.

JNG INVESTMENT, LLC – 6560 South 130 West (apx) – Project #21-140

The applicant has requested a Zone Map Amendment for the property at 6560 South 130 West from R-1-8 to R-2-10. Susan Nixon presented the request. The property is located at 6560 South 130 West, is a stub street off Fyelle Avenue. The proposal is to change the zoning from R-1-8 to R-2-10. The property is 1.46 acres and currently vacant. The adjacent properties that front Jefferson Street have a legal non-conforming duplex and single-family dwelling. If the zoning is changed to R-2-10 it would allow for twin homes. In comparing the R-1-8 to R-2-10 requirements, lot size for R-1-8 is 8,000 ft² and R-2-10 is 10,000 ft² with 5,000 ft² per unit, height is the same for both 35', front set back is the same 25' and side set back is the only difference R-1-8 is 8' minimum on one side with a total of 20' for both sides, and R-2-10 is minimum of 8' with a total of 18' for both sides, corner side yard is 20' two parking spaces per unit. The Zone Map Amendment shows R-2-10 in low density residential. In 2021 the City Council approved the Fashion Place Small Area Plan lists this area in the subarea #1 which is in the established residential area. The plan considers growth in four subareas and calls for the development of

single family, duplex and twin home housing as well as accessory dwelling units. The plan also calls for infill residential of the areas where underdeveloped parcels exist. Based on the goals and objectives of the Small Area Plan and General Plan staff found the R-2-10 is appropriate for this particular property and recommends the Planning Commission forwarding a recommendation of approval to the City Council.

Ms. Patterson asked why there is not a site plan for this request. Ms. Nixon verified that as a policy for zone map amendments, a site plan is not submitted. We are not approving a site plan tonight and that would come later. Currently the property is zoned R-1-8 so only single-family homes can be built on the property. The R-2-10 currently allow duplexes and not twin homes. Mr. Pehrson asked if the text amendment is approved and if the zone is changed, the developer could come in and build duplexes on this property, there is no guarantee that twin homes would be built there but it would make it possible. Ms. Nixon concurred and that single family homes are also allowed in the R-2-10 Zone.

Mr. Pehrson asked if the Zone Map Amendment is approved, will the applicant be required to appear before the Planning Commission for subdivision approval. Ms. Nixon responded in the affirmative. Mr. Hall added if the commission approved an R-2-10 zone as long as it resulted in twin homes and clearly the developers want to do twin homes or they wouldn't have applied for this change.

Ms. Milkavich stated there is some angst about the Zone Map Amendment and possibly it would be delayed until the Text is changed. Mr. Pehrson concurred stating if the text amendment doesn't pass but the zoning does, then this property is unable to have twin homes on it. Mr. Lowry asked if we could forward it with conditions subject to the approval of the text amendment. Ms. Nixon stated that zone map amendments cannot be recommended or approved with conditions. The Planning Commission could recommend the text but not on the zone change or continue the hearing. The applicant has made a complete submittal and deserves a decision or recommendation from the commission. Mr. Hall explained if this item is continued, it needs to be continued to a specific date. The soonest it would be scheduled for a public hearing for the City Council the second meeting in February if acted on tonight. Ms. Milkavich asked if it is continued to a given date, the applicant could move forward with R-1-8 and start building or they can wait to see what happens with the R-2-10. Ms. Nixon clarified they would have to record the approved subdivision plat first, but yes, they could start building under R-1-8.

Ms. Patterson opened the meeting for public comment.

Jon Rudd, JNG, 74 West Towne Ridge Parkway

My understanding of the text amendment is not specific to this site. We are just pushing it forward because it is necessary to do meet the requirements under the General Plan and the Fashion Place Small Area Plan and want to make it clear that there usually needs to be a purpose for a continuance. We are doing the heavy lifting for what the city has intended to do in the past they are separate in the sense that the text amendment is necessary in general but we are willing to do the heavy lifting because it needs to be done anyway and it meets our purpose for this particular property. We don't want it to go to a multi-family rental community and we are going to build it, we are not selling this. We want to do what the General Pan says in the future needs to happen, what increases values and increases revenue to the city and the land values instead of what a lot of people wanted to do in the past. I can assure you if you had walked into the duplex that was attached to this you would be astounded at what people were living in but

no owner would live in that but would allow someone who is renting to live in that and take advantage of that. We are changing a trend of cities where that happens and Murray is in extreme need of this especially in this area. We want to get going on this, it isn't good to leave vacant land, they both need to be determined on their own merits but we can make a commitment and guarantee to the city that we are going to build twin homes. We have the right and will if it's not approved to withdraw our application before the City Council can change the zoning without the text amendment because that is not in our best interest. We are the opposite of the worry of most people we are not trying to come in and do the highest revenue generating for the investors, there is a need here for twin homes which are a need in this area. Under the General Plan we have a requirement to use space better and this meets a neighborhood much bigger and more applicable for the residents you need and are trying to attract to be able to have affordable housing. I want to encourage to do that for that purpose.

Mr. Pehrson reiterated the Commission appreciates the guarantees JNG is making but have to look at everything and determine what is possible if approved because there are no guarantees. The current zoning matches the General Plan, but just because the General Plan may support some flexibility it doesn't give the owner carte blanc to demand their zone be changed. Using the General Plan as supporting document to make this change but that doesn't mean it should be changed, same with the Small Area Plan it gives some guidelines but that doesn't mean everywhere in that area should be changed to allow duplexes.

Ms. Milkavich wanted to add it isn't personal to JNG, and a lot of time and effort went into the Small Area Plan and it does suggest what the applicant is requesting and we do support twin homes, but we also have to respect the process and make sure everyone involved has the same ideas and opinion and for the City Council to hear the publics opinion and whether it is something we need to move forward with or not. Unfortunately, JNG as the applicant, is stuck in the middle with this but it is not personal. Mr. Rudd stated he accepts that and appreciated it but there are things we want to do. He stated this area needs attention and the residents can only do so much but if we are willing to come in and do what we're saying such as the need to raise the powerlines and improve the property. He stated he recognizes there are concerns and questions. Mr. Lowry asked Mr. Rudd about the publics concerns with density. Mr. Rudd stated he found the area to be very quiet, sweet neighborhood with some diversity with some multi-family and some non-conforming lots with some old uses like the duplex and single-family home that borders this, they have to be refurbished. There is a lot of open space in the area. We are planning between four and eight residences for this property. These lots would work out to be 6,600 ft² for each unit which are good size lots. It's more of an opportunity with a need rather than just an opportunity. We are also refurbishing the duplex and the home on the adjacent property to make them beautiful and livable.

Kimball Ward, 6548 South 130 West

I want to voice my agreement with the committee members who have expressed concern about changing the zoning of this property prior to the amendment being passed. I have no issue with the text amendment but I do have an issue with this being changed prior to that happening because it opens the door to anything. My specific concern is my home abuts to what would become the cul-de-sac and having cul-de-sacs there are always parking issues and to consider putting in eight dwellings on one cul-de-sac, the parking alone would be a big concern of people who would want to live there. I also feel that the zoning change is not appropriate for this neighborhood especially if a cul-de-sac is what is being considered. This kind of zoning change is more appropriate where there is a through street where parking would be less of a concern.

Amelia Kirkham, 123 West Fayette Ave

My house is on the corner that would come in off of 130 West, my concern is traffic. We are going from four single family homes and then adding eight units your up to 20-24 cars and cars on the street that is 16 in a cul-de-sac, anyone knows that is not possible. I have lived in this house for 25 years and have come face to face with three surveyors in the past 25 years wanting to buy this property, wanting to develop it and every time they are shut down because they want to do multi-units, town homes, condos and the city has always come back and said no and I love them for that. They know what our community is and they want single family in this area. One of the things that I had heard from city type council meetings was if they put in more units than single family, duplex or twin, they need to put a road through so a fire truck would have access. I think it needs to stay single family and many of the neighbors feel the same way. I know the city has come out and wants to do changes in the future to Winchester, down Jefferson and that affects our neighborhood too. I get that the city has plans to put sidewalks in the future down Jefferson that will change things. Putting that many homes in that area with 24 cars going in and out is too much, I would prefer for the City Council to only allow single family please.

Dale Bennett, Benchmark Engineering, 9138 South State Street

I am a civil engineer and surveyor but if a traffic engineer did a study of this it would be very low addition. The fire department in most cities, if you have over 30 then they would require two access points but this is extremely low density when it comes to the number of homes on a cul-de-sac, it is well within the requirements of any city fire department.

Casey Johnson, 6545 South Jefferson Street

A lot of things were addressed, the traffic is the greatest concern. This subdivision would require 16 spots it stated in the criteria. When I stated doubling from 2-10 to R-6 that was slightly exaggerated but we are doubling this if we grant twin homes. Would have been four and now it will be eight. The pictures that were provided earlier I didn't see attractive homes they would be an eye sore to me. If I wanted that I would move uptown where its dense, this is bringing more density to our neighborhood. When I spoke earlier on sidewalks, what Amelia said was true, the multiple meetings on this particular development have been shut down. In short, if there was an empty lot next to you and all of sudden it doubled in density, I have been in Murray in this house for ten years and there are no sidewalks on Jefferson, the concern isn't necessarily for the density of that specific subdivision it is for the entire neighborhood. We have kids playing in the street because there are no sidewalks. We add eight more families into this neighborhood where are they going to play, they will end up on Jefferson. We are trying to stay as a single-family neighborhood which we should. I have talked with Mr. Rudd and Ms. Nixon and my concern with this, we had a previous developer, Boardwalk, who tried to get me to sign over 3,000 ft² of my property. It made no sense. Mr. Rudd clarified he has nothing to do with this company. Mr. Johnson stated they haven't seen the development they are trying to do and we can't base that off of a mystery company that has no interest in this property. He stated the previous company that approached him are full blown shysters so I have no idea what is really going on.

Dale Bennett, Benchmark Engineering, 9138 S State Street

The thing Mr. Johnson is saying about trying to steal land, have you heard of boundary by acquiescence there is an issue with the fence. They can leave it where it is or they can get it at the county surveyors' website online free to the public. It has nothing to do with anybody stealing, the fact is they don't need the property but the property has an acquired boundary by acquiescence, but they don't need it to make this work there is plenty of space.

Mr. Rudd clarified there was some surveying still being recorded and was in process when we acquired the property.

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

Ms. Nixon addressed the boundary line and the fence not being in the same place as shown in the survey. When the subdivision was approved in July, the previous owner went to record it, when it was discovered that the boundary lines did not close and there was an overlap of property that needed to be resolved. That was when this was brought to our attention and when Boardwalk, the previous owner, approached Mr. Johnson to try to resolve that issue with the boundary line because the county would not record the plat until that was resolved and it was never resolved and in the meantime they sold the property to JNG. When a subject property is being developed it can then be required to make improvements. If this were approved and they came back later for subdivision, curb and gutter and sidewalk would then be required. The fire department didn't express any concerns about this request, but if there are power lines that are hanging lower than would accommodate a fire truck then they will have to be raised or relocated and that public services won't sign off. Ms. Patterson specified that the cul-de-sac standard is wide enough to have a turn around. Ms. Nixon agreed and added that in order to give a favorable recommendation the engineering department and planning and zoning have to make sure that would fit and accommodate public streets minimum standards for the approval.

Ms. Nixon addressed the concern about property owners having the right to apply for the zone change. Ms. Milkavich brought up the point that there isn't a specific project to approve with this application, but when there is a project then traffic is part of it. Ms. Nixon clarified that 30 units or more would require a secondary access out and the city engineer does review this and if it were a concern he would have indicated so.

Ms. Patterson asked staff for additional feedback regarding concerns about changing the zoning first. Ms. Nixon verified they have applied for a text amendment and coincidentally at the same time they applied for the intention of changing the zone for this property, but they cannot develop the property for twin homes unless this is changed. Ms. Patterson asked if there are instances where there may have been an oversight in the General Plan and is brought to the city's attention through some of these applications, it may feel uncomfortable to have a text amendment and zone change at the same time but it is not uncommon. Ms. Nixon confirmed and stated there have been similar requests in the past but the applicant didn't want to pursue the text amendment process and that the R-2-10 Zone should have had twin homes from the beginning.

Ms. Nixon addressed the parking concern verifying with the driveways and garages, this property would easily accommodate parking. Ms. Milkavich explained there would be minimum parking requirements for the project and it wouldn't be approved without appropriate parking, no matter the zone.

Mr. Hacker specified there is some good reason for the City Council to see both the text amendment and zone change together. Ms. Patterson agreed adding that they can be considered independently whether they are brought forward together or delayed.

Ned Hacker made a motion that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment for the property approximately located at 6560 South 130 West from R-1-8, Low Density Residential to R-2-10, Low/ Medium Density Residential. Seconded by Jeremy Lowry.

Call vote recorded by Ms. Nixon

 A Maren Patterson

 A Ned Hacker

 N Lisa Milkavich

 A Jeremy Lowry

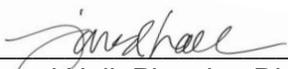
 N Jake Pehrson

Motion passed 3-2.

OTHER BUSINESS

Mr. Hall stated the annual election for Chair and Vice Chair will take place at the next meeting and he thanked Ms. Patterson and Mr. Hacker for serving this year. There was no other business.

Lisa Milkavich made a motion to adjourn. Motion seconded by Jake Pehrson. A voice vote was made, motion passed 5-0. The meeting was adjourned at 8:51 p.m.



Jared Hall, Planning Division Manager