

Minutes of the Planning Commission meeting held on Thursday, March 21, 2024, at 6:30 p.m. in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

The public was able to view the meeting via the live stream at <http://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
Lisa Milkavich
Michael Henrie
Pete Hristou
Michael Richards
Zachary Smallwood, Planning Manager
Susan Nixon, Senior Planner
Mustafa Al Janabi, Planner I
Mark Richardson, City Attorney's Office
Members of the Public (per sign-in sheet)

Excused: Jake Pehrson

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.

CALL MEETING TO ORDER

Chair Patterson called the meeting to order at 6:30 p.m.

BUSINESS ITEMS

APPROVAL OF MINUTES

There were no minutes for this meeting.

CONFLICT(S) OF INTEREST

Commissioner Henrie declared a conflict of interest on agenda item number six, Paul Dodge - 5991 & 6001 South Belview Avenue. He indicated he will excuse himself when it is time for this item.

There were no other conflicts of interest.

FINDINGS OF FACT

Vice Chair Hacker made a motion that the Planning Commission approve the findings of facts and conclusions for the Murray Station Apartments.

Seconded by Commissioner Milkavich. A voice vote was taken, with all in favor.

CONDITIONAL USE PERMIT(S) – ADMINISTRATIVE ACTION

KB Signs, LLC - 5247 South Commerce Drive - Sign Manufacturing in the MCMU Zone

Mustafa Al Janabi presented the application for Kendric Shumway of KB Signs, LLC requesting Conditional Use Permit approval to allow a sign manufacturing business in the MCMU zone. Mr. Al Janabi showed a map of the property. He said the striping of the parking stalls will need to be redone. Staff is not recommending the installation of a mixed-use sidewalk because the applicant is using the property as-is. They will need to restripe the parking spots in front of the business, as well as install three parking stalls. He showed drawings of the floor plan and stated there will be six employees working Monday – Friday, 8 a.m. to 5 p.m. Due to the limited amount of on-site parking, there is a parking agreement between the owner of the property to the north and KB signs. This agreement includes six parking spaces on a lot north of the subject property, which will be sufficient. Staff recommends approval of the application.

Kendric Shumway approached the podium. Chair Patterson asked if Mr. Shumway had reviewed and can comply with the conditions. He indicated that he could.

Chair Patterson opened the public comment period. Seeing no comments, the public comment period was closed.

Commissioner Milkavich made a motion for the Planning Commission to approve the conditional use permit for KB Signs LLC at the property addressed 5247 South Commerce Drive, with the five conditions listed and adding a sixth condition stating the parking spaces shall be restriped.

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain building permits for any modifications to the property.
3. The applicants shall obtain permits for any signs prior to the installation of any new attached business signage.
4. The applicant shall not stripe any parking in front of the overhead doors.
5. The applicants shall obtain a Murray City Business License and pay applicable fees.
6. Restripe the lines of the parking lot.

Seconded by Commissioner Richards. Roll call vote:

A Patterson
A Hacker
A Milkavich

A Hristou
A Henrie
A Richards

Motion passes: 6-0

Goldenwest Credit Union - 6007 South Fashion Boulevard - Electronic Message Center Sign

Ben Olsen was present to represent this agenda item. Mustafa Al Janabi presented the application for Charlie Taylor of YESCO, LLC requesting Conditional Use Permit approval to convert an existing monument sign into an electronic message center sign on the property at 6007 South Fashion Blvd in the G-O zone. He showed pictures of the proposed new sign, which will conform to current zoning standards. Staff recommends approval of the application.

Ben Olsen, a representative for YESCO, approached the podium. Chair Patterson asked Mr. Olsen if he reviewed and can comply with the conditions. Mr. Olsen indicated that he could.

Chair Patterson opened the public comment period. Seeing no comments, the public comment period was closed.

Commissioner Richards made a motion for the Planning Commission to approve the conditional use permit to allow an electronic message center sign at the property addressed 6007 South Fashion Boulevard subject to the eleven conditions listed.

1. The applicant shall follow all height and size restrictions listed for signs in the G-O zone in Chapter 17.48.210.
2. The sign shall meet all EMC regulations per Section 17.48.280.
3. The sign shall be set to dim and reduce sign intensity after dark.
4. The sign shall be oriented in a way that is not a traffic hazard or a nuisance to the surrounding properties.
5. Submit a building permit application for the sign.
6. The applicant shall provide documentation demonstrating that the sign will not emit light brighter than 0.3-foot candles before passing inspection.
7. Any display on the electronic sign must remain lighted for at least 2 seconds.
8. The sign may not operate between 10:00 p.m. and 6 a.m. unless it holds a static image that does not cause illuminance in excess of the amount listed in the formula found in Chapter 17.48.280(5) of the Murray City Land Use Ordinance.
9. A minimum of five percent (5%) of the time that the sign is in use shall be devoted to public service messages.
10. The project shall comply with all applicable building and fire code standards.
11. The applicant shall obtain a building permit for the proposed signage.

Seconded by Commissioner Hristou. Roll call vote:

A Patterson

A Hacker
A Milkavich
A Hristou
A Henrie
A Richards

Motion passes: 6-0

Commissioner Henrie excused himself for the remainder of the meeting.

GENERAL PLAN/ZONE MAP AMENDMENT

Paul Dodge - 5991 & 6001 S Belview Avenue - Zoning Map Amendment from R-1-8 to R-1-6

Paul Dodge was present to represent this agenda item. Susan Nixon presented the application to amend the zoning of the subject properties to facilitate a residential development in the R-1-8 zone, Single-Family Low Density. This application is for a zone map amendment request made by Paul Dodge. The applicant's request is consistent with the future land use map within the General Plan. She showed a map of the properties currently, as well as well as with the proposed zoning changes.

She indicated that the primary difference is lot size. The R-1-8 zone requires 8,000 square feet per lot and the R-1-6 zone requires 6,000 square feet per lot. Ms. Nixon reviewed and compared the zoning standards for both the R-1-8 and R-1-6 zones. Ms. Nixon showed a map indicating that about 30% of the currently zoned R-1-8 properties are below the 8,000 square feet within the greater neighborhood. She then showed a future land use map, indicating the low density residential area. The General Plan outlines objectives and goals to provide a mix of housing options and residential zones to meet a diverse range of needs related to the lifestyle and demographics including age, household size and income. The strategy is to ensure that residential zoning designations offer the opportunity for a spectrum of housing types. If the zoning is approved for R-1-6, staff anticipates that the best-case scenario for these two properties would be to have an additional two homes, for a total of four homes.

Staff recommends that the Planning Commission make a positive recommendation and forward this zoning map amendment to the City Council.

Chair Patterson asked Ms. Nixon to clarify that this request is not for a specific project or site plan. This is a zoning request only.

Susan Nixon said that's correct. She said specific projects cannot be considered with a zoning map application.

Chair Patterson had Mr. Dodge come forward and asked if he had additional information to share.

Mr. Dodge approached the podium and stated that he is not a developer – he's just a homeowner. He discussed his history with the properties and being directly adjacent to them, he decided to develop the

property himself, so that he can have full control over what will be developed there. He indicated that he asked his builder, Sterling Tholen, to attend this meeting and answer any questions.

Chair Patterson opened the public comment period.

Debbie Black, a resident living north of the subject properties, expressed concerns with the loss of open space within the city. She is concerned with Mr. Dodge's lack of upkeep on the rental properties that he owns and his unwillingness to engage with the neighbors.

Dale Bennett, representing Benchmark Engineering and Land Surveying, spoke on behalf of Paul Dodge and Sterling Tholen. Mr. Bennett emphasized that Mr. Dodge's goal is to make the flag lots viable, with single-family homes that will have a very low impact on the surrounding area. Mr. Bennett explained that the property has the required area, but the flag lot configuration requires a little more than what Mr. Dodge currently has and is the reason for the zone change.

Mark Lurie, the owner of the property to the south of the subject properties stated that he has dealt with issues such as waste coming over his fence from the rental property. He added that there are currently five vehicles parked outside the rental property, two of which are parked illegally on the wrong side of the street. Mr. Lurie expressed concerns that if two more properties are added, there could be up to 20 vehicles in an area designed for only two or three. He expressed concern about Mr. Dodge's statement about what he didn't want to look at from his house, yet the rest of the neighbors have to deal with looking at Mr. Dodge's properties. Mr. Lurie added that Mr. Dodge claimed to have reached out to the people affected by the proposal, but he did not reach out to him or Ms. Black, the two people who would be most directly impacted. Lastly, Mr. Lurie raised concerns about the potential timeline of construction, affecting the daily lives of the residents in the area.

Carol Willis, who lives on a flag lot around the corner from the subject properties, spoke about the challenges she faces as a resident of a flag lot. She mentioned that someone's front yard may be someone else's backyard and vice versa, which requires residents to be very mindful of what they put in their yards. She added that the long driveway is difficult to shovel, especially when there is no place to push the snow due to neighboring fences or garages. Ms. Willis also addressed parking issues, explaining that while two spaces may seem sufficient, families with growing children and visiting relatives may require more parking. Additionally, she mentioned that she has no street footage and no place to put her garbage cans on her side of the street, as she doesn't have a curb. She acknowledged that these issues are not necessarily zoning issues but emphasized that the proposed development would clearly require flag lots, which would lead to these long-term challenges for both the future residents and their neighbors, extending well beyond the construction phase.

Geneal Smith, who lives near the subject properties, expressed her concerns about the proposed zoning changes. She stated that she was proud to live in Murray and had purchased her property for the lot size, neighborhood safety, uniqueness, and country feel of the area. Ms. Smith felt that the proposed zoning changes would alter the very reasons she and others, including Mr. Dodge, chose to live in the area. She pointed out that the lots were narrow, and there would be limited parking at the properties, especially if they were split or turned into flag lots. Ms. Smith believed that changing the zoning would open the possibility for more people to sell their homes and attempt to do the same thing. She

mentioned that the increased number of cars parked on the street would ruin the uniqueness, aesthetics, and safety of the area, potentially diminishing home values, despite a higher tax base. Ms. Smith emphasized that adding two more homes to the property would mean an additional four to six cars driving in and out of the neighborhood, which lacked sidewalks which she explained as a positive and hopes are never installed. The increased traffic would cause more safety issues for the residents that use this to walk or play on the street affecting visibility. Ms. Smith urged the planning commission to take these issues into consideration when making their decisions.

Aaron Abeyta expressed his concerns about the proposed zoning changes, clarifying that he had nothing against Mr. Dodge or the quality of the homes he would build. Instead, Mr. Abeyta's primary worry was that many homes in the subdivision had over 12,000 square feet, making it easier for them to subdivide their properties. He pointed out that many residents in the area had nice, expensive homes, with most having well over 0.27 acres (12,000 square feet), which was the minimum requirement for subdividing into two lots. Mr. Abeyta emphasized that many residents had invested large amounts of money into their properties. They chose to live in East Murray because of the high standards and expensive homes in the area. He believed that the presence of smaller single-family homes on R-1-6 lots with 10,000 square feet would drastically affect the value of the larger properties. He inquired about the potential construction of sidewalks in the area and whether the square footage of the proposed lots factored in the sidewalks. Additionally, he questioned why two of the properties couldn't be accessed from the private lane, suggesting that this could be a good compromise. Mr. Abeyta saw no reason why the properties should not be accessible from the private lane.

Doug Smith, who purchased his home 18 years ago, expressed his concerns about the proposed zoning change. He mentioned that when he first arrived, he didn't understand the uniqueness of the neighborhood, but as he lived there longer, he grew to appreciate how the area and homes were put together. A meeting was held last Sunday with homeowners in the neighborhood which resulted with a petition including 29 signatures from homeowners in the area who opposed the change, and out of the 30 people in attendance, only one person supported the proposal. He also noted that 10 people who signed the petition lived within a short distance of the property in question. Mr. Smith questioned whether the Planning Commission took into consideration the opinions of the homeowners in the area. He emphasized that the signed letters clearly stated that the residents did not want this change to happen and move forward. Mr. Smith expressed his concern about the apparent prioritization of one individual's desires over the wishes of the entire neighborhood. He urged the planning commission to consider the neighborhood's opinions and the signed papers before them, asserting that the change was not for the betterment of their community.

Kimbell Stewart, who lives around the corner from the subject properties, agreed with the concerns raised by the other residents. He drew attention to the map, pointing out that the 30% of homes under 8,000 square feet were primarily located south, not in the immediate area where they lived. Mr. Stewart mentioned that there was already a significant amount of traffic in their small circle, which posed a danger to his three young daughters. He expressed concern about Amazon drivers speeding through the neighborhood and the potential increase in cars that typically comes with renters, further endangering children. Mr. Stewart added that this could set a precedent for future zoning changes in the future. He acknowledged the challenges of buying and living in expensive areas but emphasized that allowing this change could lead to more residents attempting to build multiple houses on their large properties,

which would not be beneficial for the city, especially their small block. As someone involved in real estate, Mr. Stewart understood the concept of maximizing square footage; however, he believed that the main goal should be to build beautiful homes that enhance the view from the front window of the existing properties. He suggested that this could be easily accomplished by constructing two nice homes with ample space, avoiding issues related to flag lots and street parking. Mr. Stewart noted that there wasn't a single valid concern or comment that opposed the idea of building two nice homes instead of four.

Catalina Ochoa expressed her disappointment in not being able to see the project plans, which she considered the most important factor in deciding about the proposed zoning change. She understood that the commission did not review the plans at this stage but questioned what guarantees there were that the proposal would not change in the future. Ms. Ochoa pointed out that there was still conflicting information on the city's website regarding the zoning classification R-1-6, which described it as "single-family medium-density residential, intended to provide varied housing style and character, PUD as conditional use." She emphasized that this information was incorrect and contributed to the confusion surrounding the proposal. Ms. Ochoa expressed concern that the development might not be limited to what was currently being proposed, given the discrepancies in the available information. She reiterated her desire to see the plans to make a more informed decision, acknowledging that she understood the city's planning process but questioned whether it was more beneficial for the residents to truly comprehend what was going to happen. Ms. Ochoa agreed with the concerns raised by the other residents and stated that the potential changes were her main concern regarding the proposal.

Sean Mason, who purchased his house on the street 22 years ago, specifically sought an R-1-8 property and found this neighborhood. He expressed his disappointment in the planning staff's recommendation to proceed with the zone change process. Mr. Mason pointed out that, according to the Murray website and the General Plan, only 2% of properties in Murray are zoned R-1-6, and he believed that recommending this change based on a single applicant's request was a poor choice. He mentioned that flag lots were added to the street years ago, and they appeared out of place in the neighborhood, which has great character and livability, apart from the lack of sidewalks. Mr. Mason's children grew up in the area, playing in the street, and he believed that increased traffic would be an issue. He referred to the Murray General Plan, which states the goal to "preserve and protect viable residential neighborhoods" and argued that denying this request would align with that objective. Mr. Mason acknowledged that there were many reasons why the proposed project was not a good fit for the neighborhood and that approving it would open a door that the residents did not want to open. He expressed his desire to maintain what they have, even if it might be considered selfish, and stated that while the change was called an improvement, he did not see it as such, but rather as a loss for the neighborhood.

Julia McMillan, who lives directly west of the properties in question, acknowledged that like other residents, she has children and a dog that frequently used the road. However, she believed that one of Murray City's goals was to allow for more medium-density housing to provide places for people to live. Ms. McMillan recognized that more cars would lead to parking in front of her house and increased traffic, but she felt it was important to move away from some of the deep traditions in Murray. Despite being part of a pioneer family in the area, she believed that sometimes tradition could hinder progress and prevent necessary changes. Ms. McMillan expressed her minority opinion among the 30 residents, stating that she was okay with building the houses and believed it would add to the neighborhood by

bringing in more families. She mentioned that due to the aging population in Murray, her children didn't have many opportunities to interact with neighbors, and adding new families with children would be a positive change. Ms. McMillan emphasized that she didn't mind who moved in and wanted to represent the minority in the neighborhood that supported the construction of these properties and the changes they would bring. She extended her approval to any future similar developments on other blocks, as she believed change was acceptable. Recognizing the limited space available in Murray, a landlocked area, Ms. McMillan appreciated the convenience of living in Salt Lake County and expressed her love for Murray, encouraging more people to move to the city.

Marissa Kurby raised a question about whether she would benefit from the zoning change by potentially being able to sell the back of her land in the future, even if it was right in front of Mr. Dodge's property. She wondered whether he would appreciate her building two houses to sell. She added that Mr. Dodge had made her life difficult since she moved in, nailing the back gate on the private lane, preventing people from walking their dogs or accessing the area. Ms. Kurby felt that Mr. Dodge had bought his way into the neighborhood. Despite these issues, she expressed her support for progress, believing that the addition of only two more houses was manageable. She acknowledged the possibility of plans changing and expressed her desire to see what Mr. Dodge intended to build. Ms. Kurby also shared a positive experience with her neighbors, who were kind and helpful during her transition into the neighborhood.

Sterling Tholen stated his appreciation for the comments made by the residents. He acknowledged their concerns about change and the potential impact on their lives. Mr. Tholen recognized the inconvenience that construction projects can cause but pointed out that everyone lives in homes that were built at some point, likely inconveniencing others in the process. Although the meeting was not focused on design specifics, Mr. Tholen addressed the concerns raised about parking, traffic, and the perceived negative impacts of increased density. He clarified that the proposed homes would likely have three-car garages, allowing for three additional parking spaces in front of each garage, and some homes might even have RV parking for added parking capacity. While some residents might have five or six cars, he questioned whether this was the case for everyone. Mr. Tholen also challenged the notion that the neighborhood's quality of life would be dramatically diminished, stating that while it's easily claimed, the reality is that the impact would be marginal once the dust settles, as two additional homes would be added to the street. Regarding parking and traffic concerns, he doubted that there would be an extra 40 to 50 cars in traffic per day, as some residents had suggested, although he acknowledged that it might be a possibility.

Casey Butcher, who grew up on the street next door to the rental properties, highlighted the unique nature of the neighborhood compared to the other houses shown on the map. He pointed out that the neighborhood consists of only two streets that are not through streets, requiring residents to loop back out the same way they entered, which keeps the area more private. Mr. Butcher raised a concern about adding multiple smaller houses right next to, across from, and in front of very large houses, questioning whether the new residents would be as happy and if that would result in a different neighborhood dynamic that may not fit well. Regarding the concerns about the private lane and easements, Mr. Butcher acknowledged that the homeowners have invested a lot of money into the lane, but he believed that buying the property was the only way to control access to it, and any arising issues could be addressed through other means. He also mentioned that there is enough space to further develop the properties, even without resorting to flag lots, by focusing on quality rather than quantity of houses. Mr.

Butcher stated that development itself is not the problem, and understands that there will always be renters, which he did not consider an issue. He noted that the quality of renters and the care for rental properties can be a concern. Mr. Butcher also pointed out that Murray has seen a lot of development over the years, including apartments and condos that add diversity to the city. Lastly, he expressed skepticism about the ability to fit four homes with three-car garages and RV parking on the two properties in question, stating that it didn't make sense to him, acknowledging that the actual plan was unknown. Mr. Butcher concluded by expressing his thoughts as someone who grew up in and loved the neighborhood and still feels a strong connection to it.

Heidi Anderson, who has lived in the neighborhood with her husband for about 22 years, expressed her confusion regarding the public hearing portion of the meeting. She wanted to go on record stating that she agreed with most of the comments made by the other residents during the hearing. Ms. Anderson felt the need to stand up and verbally express her agreement with what had been said by others.

Joann Hanson expressed her concern about rental properties and the need for Mr. Dodge to monitor their renters' behavior. She mentioned that every morning, they hear a car with a loud engine speeding down their street when children are walking to school. Ms. Hanson also raised the issues of the high crime rate associated with the rental property, urging the commission to review police reports. She stated that police visit the rental house frequently and have had the Drug Enforcement Administration (DEA) and SWAT teams present as well. Ms. Hanson emphasized that the crime rate from this home is a significant concern for the residents, who all have families and do not want to see an increase in crime. She stated that if Mr. Dodge cannot properly manage his renters, he should not be allowed to build more rental homes. Ms. Hanson added that the police are familiar with the renters by name and stressed that the residents must worry about the crime rate stemming from these rental properties.

Egon Feday stated he is a relatively new resident compared others in the neighborhood and shared his experience of moving to the area with his family after their apartment building burned down. They were seeking a quiet space to raise their two children and now live in the vicinity of 15 to 20 kids. While appreciating the concerns raised by other residents, Mr. Feday found himself more on the fence regarding certain aspects of the issue. He acknowledged that the current renters on the property might not be ideal, but he believed that the quality of the houses would improve, leading to higher rental prices and the eventual relocation of the current renters, which could potentially resolve that issue. Mr. Feday agreed with the concerns about traffic and lack of sidewalks in the area. Mr. Feday's main concern was the lack of information and the disconnect between this part of the procedure and the actual plan itself, making it difficult for residents to make an informed decision without knowing what's coming. He indicated that the numerous previous rezoning instances suggest that the General Plan and zoning areas have not been adhered to, and he didn't believe that this should be a reason to continue the practice. Mr. Feday also criticized the analysis provided in the information packet, stating that it was more of an opinion piece advocating for the rezoning rather than a balanced analysis presenting both pros and cons. He noted that while the conditional uses might be similar between R-1-6 and R-1-8, the underlying purposes are very different. Additionally, he referred to the General Plan, which emphasizes protecting the integrity and quality of life in neighborhoods and ensuring a smooth transition from commercial to residential areas. Mr. Feday expressed that he didn't see any master plan on how this change would fit into the wider context, which he considered essential for residents to understand whether they should support the rezoning or not.

Lorilee Berry, who moved to the neighborhood 25 years ago, expressed her agreement with almost everyone who opposed the division of the lots. She stated that they chose to live in the area because of the large lots and she doesn't want to see that aspect of the neighborhood disappear. Ms. Berry emphasized her agreement with all the people who don't want the rezoning to happen and urged the Planning Commission to keep the residents' opinions in mind.

Colleen Abeyta addressed a specific concern regarding the map shown during the meeting, which displayed properties below 8,000 square feet. She pointed out that the map did not indicate whether those properties were zoned as R-1-6, and the quoted zoning percentage of 2% in Murray referred to properties zoned for R-1-6. Ms. Abeyta added that the properties built prior to zoning, or those that were not as critical to the zoning, should not be taken into consideration. Ms. Abeyta expressed concern that a change in zoning could lead to the potential increase in population in the area. Ms. Abeyta, a parent herself, acknowledged that while parents are responsible for ensuring their children's safety and the safety of the roads, they bought homes in Murray for the environment they desired. She expressed concern that if the zoning change is approved, it would not only impact the number of cars and the safety of children but also alter the character of Murray. Ms. Abeyta described Murray as a "small town in a big city" and feared that this aspect would disappear if the grassy areas for future generations to play in were lost and the smaller, close-knit communities were replaced by increased density. She pointed out that there are many dense areas and rental options available in the valley for those seeking such accommodations, and property owners can sell their properties and buy elsewhere that already has 6,000 square foot requirements. Ms. Abeyta emphasized that while property owners can do what they want with their property within the current zoning requirements, changing the zoning would change Murray, which she believes is not what any of the residents bought into Murray for.

Seta Ochoa said she really likes living in Murray. She says it's very quiet and beautiful. She doesn't want to see anything destroy that.

Mr. Smallwood read an email from Mike Conway. Mr. Conway has lived in the neighborhood for 17 years and expressed his support for Mr. Dodge's request. He pointed out that the area has many older homes situated on large lots, which can present difficulties and obstacles for the owners when it comes to maintaining and managing their properties. Mr. Conway, having known Mr. Dodge for many years, described him as someone who is deeply concerned about what is best for the neighborhood. He believed that the plan Mr. Dodge has presented, compared to all other possible options, would be the most beneficial for both Mr. Dodge and the neighborhood. Mr. Conway expressed concern of a trend replacing small homes in a neighborhood with large, expensive homes that seem out of place and do not fit well on the lots. He expressed his belief that Mr. Dodge had thoroughly investigated all possible options and that his plan does what is best for the neighborhood.

Mr. Smallwood read an email from Patty Dodge, a homeowner in the neighborhood and a partner in Down Home LLC, which owns the subject properties. She explained the decision-making process behind their plans for the properties. When the home was vacated, they initially chose to keep the two properties together with the intention of either selling, fixing, or building on them. Although there were interested parties who wanted to purchase both lots, Ms. Dodge and her partner realized that they would have no control over how the properties would be developed or what they would look like. Ms.

Dodge stated their reluctance to build on the lots, but upon assessing the two existing houses, they determined that they were old, small, and would require too much investment to improve them to a point where they could be viable options for selling or renting. Ms. Dodge also mentioned that when they first moved to the area, and for many years until they found someone to garden, the back half of both lots was nothing more than mowed down weeds. After considering the properties, Ms. Dodge concluded that it would be much more attractive to see nice single-family homes on the back lots rather than the state they had been in for the past 13 years. While it would be easier for them to sell both properties and let someone else develop them as they wished, Ms. Dodge and her partner decided to invest their time and money in ensuring that the changes made would be an improvement to the neighborhood and community, as they also live in the area. Recognizing that the aging neighborhood is likely to face changes in the coming years, they wanted to ensure that the changes made on those lots would be attractive and welcoming to both new families and the existing residents.

Mr. Smallwood read an email from Justin Bird, who said he's reviewed Paul Dodges proposal and has decided that it's in the best interest of the neighborhood and surrounding area, and he believes it will improve and add value to our community.

Mr. Smallwood read an email from Gwyn Anglesey that stated she lives in the neighborhood and is not opposed to Paul Dodge building a low-density to medium-density single-family home on his property at 5991 & 6001 South Belview Avenue.

Mr. Smallwood read an email from Melissa Genaux, who expressed her strong opposition to the proposed change in their neighborhood's zoning from low-density to medium-density. She understood that Mr. Dodge had made this request to tear down the bungalows on his adjoining properties at 5991 and 6001 South Belview Avenue and build multiple dwelling buildings on each lot. Ms. Genaux opposes this proposal for several reasons. Firstly, she believed that large modern structures such as townhomes would not be in keeping with the nature and historic value of the neighborhood. Secondly, she expressed concern of increased traffic that multiple dwellings like townhomes would bring. Ms. Genaux pointed out that Mr. Dodge did not plan to allow access to the proposed structures from the existing lane at 450 East, meaning that a single driveway entrance on Belview Avenue would need to accommodate multiple units on each property. She believed this would have a serious negative impact on garbage pickup, snow removal, and parking in the neighborhood. Furthermore, Ms. Genaux suggested that there are numerous buyers who would be interested in purchasing the existing homes on these properties, and they could improve the homes with plumbing and electrical upgrades while maintaining the area's historical value. She thanked the Planning Commission for their attention to this matter and urged them to consider doing their part to prevent the further defacement of historical homes and neighborhoods for the short-term profit of a few property owners.

Mr. Smallwood read an email from Brian Peek. He stated that they could not support the proposal, as He believed it would be detrimental to their neighborhood. Mr. Peek mentioned that he understood from Mr. Dodge that the property would be developed into a group of townhomes. He was informed that there would not be a street connecting Belview Avenue to the lane at 450 East, but rather a driveway without curb and gutter to serve the dwellings. Mr. Peek expressed concern that the increased traffic, as well as issues related to garbage pickup and snow removal, had apparently not been addressed. He found it distressing to hear that no road would infringe upon the homes on 450 East,

leaving the problems for their neighborhood to deal with. Mr. Peek and his wife could not support the proposal, and they suggested that if the properties involved do not generate the income the owner desires, they should be sold to those who would be interested in improving the existing homes. They firmly stated their opposition to any change in the use of the property, emphasizing that any such change needs to benefit their neighborhood, not a business interest.

Mr. Smallwood read an email from Valeen Afualo, who expressed her support for the development. She has lived in the area since 2004 and noticed the increase in population within the city. Ms. Afualo acknowledged that people need to live somewhere, and she would rather see a small growth project in her neighborhood, involving one to four homes, than the large apartment blocks or projects of 50 to 100 people that she has observed in other parts of Murray, as well as in Midvale and South Salt Lake. She described Mr. Dodge as a kind and sensitive landlord who would consider community feedback in his project design and aesthetic. Ms. Afualo expressed her preference for having single-family homes built in her neighborhood rather than condos or apartments. She stated that she trusts Mr. Dodge to build homes that will blend in with the neighborhood and retain the spirit of Murray as a city.

Mr. Smallwood read an email from Cory Lains. He expressed his concerns regarding the proposed zoning changes for the lots in question. Mr. Lains' concerns were increased traffic and the risk that poses to children and secondly his fear that zoning change would lead to the creation of two additional poorly maintained rental units on their street, which could impact the safety of the area and the value of the surrounding homes. He noted that the current rental properties on the street are very poorly looked after. If the zoning change were to be approved, Mr. Lains believes that the new houses should be sold to families or owners who would live in them. Otherwise, he stated that he would not be in favor of additional rental homes on their street.

Mr. Smallwood read an email from Tarra Rossland. She expressed her opposition to the proposed zoning change for the subject properties, stating that these properties should remain single-family low-density lots. She indicated that one of the reasons her family chose their home was because the neighborhood's design allows for minimal traffic, making it ideal for raising their son, who can easily ride his bike, scooter, or skateboard around the block loop with minimal traffic encounters. Ms. Rossland pointed out that the neighborhood does not have any sidewalks, so children often ride their bikes in the road. She stated that with increased housing on the street, there would be an increase in the number of cars, as each dwelling requires two parking spaces, and average homes have two or more cars. Ms. Rossland urged the commission to visit the neighborhood to understand the huge impact this change would have. Beyond the practical concerns that increased density brings, such as traffic, power, electrical, and fire response issues, Ms. Rossland worried that any new medium-density development would cram houses onto these narrow lots, resulting in designs that are inconsistent with the look and feel of the neighborhood. She also pointed out that, as far as she could tell, there were no medium-density lots approved in this neighborhood or any of the surrounding areas, as shown in the future land use map in the meeting packet. While acknowledging that there are locations within Murray where approving these kinds of zoning changes would make sense, and she would fully support them, Ms. Rossland stated that the Afton-Belview subdivision is not the right location. She referred to the overall goal of Chapter Five Land Use and Urban Design Elements, which aims to provide and promote a mix of land uses and development patterns that support a healthy community comprised of livable neighborhoods, vibrant economic districts, and appealing open spaces. Ms. Rossland believed that by denying the zoning

change, the Planning Commission would be supporting a livable neighborhood, as adding housing would not increase the livability of this area. She emphasized that one of the most appealing factors of the neighborhood is the large lots, describing it as an oasis tucked into the city, and any modifications to the lots would change that. Ms. Rossland strongly opposes any zoning change to the Belview and Afton neighborhood lots, urging the Planning Commission to protect the uniqueness of the area by voting against the proposed rezoning of 5991 and 6001 Belview Avenue.

Mr. Smallwood read and email from Ryan Stock. He stated his support of the zoning change from R-1-8 to R-1-6. This allows additional units of housing which the city and state are in desperate need of while still being residential and maintaining a great neighborhood feel. He thought this would be the best fit for the parcels in question and welcomed the zoning change in our neighborhood.

Chair Patterson closed the public comment period.

Ms. Nixon clarified that the proposal would not allow for multifamily or townhomes, as they are not permitted in the R-1-6 zone. Regarding the construction of potential new homes, Ms. Nixon acknowledged that construction can be an inconvenience for neighbors and pointed out that everyone lives in homes that have inconvenienced someone else during their construction. Ms. Nixon noted that there are regulations in place to mitigate some of the issues associated with construction, such as dust control and limits on hours of operation.

Ms. Nixon agreed with the difficulties associated with flag lots, such as one home's front yard facing another's backyard. She emphasized that when purchasing a home on a flag lot, buyers should be aware of what they are getting into. She also mentioned that flag lots have longer driveways due to the private drive accessing the property alongside another home. Ms. Nixon pointed out that flag lots are permitted uses throughout the city, with three flag lots already existing within the subdivision.

Chair Patterson asked Ms. Nixon if she would address some people's questions about the requirements for a flag lot and if other properties in this neighborhood meet those requirements what that would mean.

Ms. Nixon said there are three in the subdivision. The one on the west side of Belview, predates the city's current flag lot regulations. The regulation states that residents are only allowed one flag lot per existing dwelling, which requires a 28-foot-wide access way to the new home. Twenty feet of which must be hard asphalt and four feet must be landscaping on each side. It does require 125% of the underlining zone for the minimum area for a flag lot. In this case, 8,000 square feet is the standard minimum lot size. But if they were to have a flag lot, they would be required to have 10,000 square feet.

Chair Patterson clarified that if a property can meet those requirements, they would be able to do a flag lot.

Ms. Nixon said that's correct. She mentioned that another difference between the R-1-6 and R-1-8 zones is that the R-1-8 zone requires a minimum 80-foot width at the 25-foot front setback for an interior lot. The R-1-6 zone requires a 60-foot minimum lot width. She pointed out that Mr. Dodge's properties

currently are legal nonconforming to the current R-1-8 zone. As far as the lot width, they are less than the 80 feet.

Ms. Nixon stated that 450 East is a private lane and that the code was changed in 2008 which prohibited any new creation of single-family lots on a private road. It is not possible to have another lot or parcel access off 450 East.

Vice Chair Hacker asked if that is in Murray City ordinances.

Ms. Nixon said it's in the city's subdivision code.

Commissioner Richards asked if the code could be changed.

Ms. Nixon said the issue was discussed extensively. Staff held numerous meetings and it was studied for over a year. All the elected officials at the time, and many of the city departments agreed on this. She said it's possible, but not likely.

Commissioner Milkavich asked if this zoning change were approved, if there's an opportunity to build a townhomes or condos on this property.

Ms. Nixon said no.

Commissioner Milkavich asked if there were a chance the city would require that they put sidewalks in the subdivision.

Ms. Nixon said although there is a right-of-way as part of residents' front yards, she highly doubts that would happen because there would be two properties that would have sidewalks that went nowhere. She said the city could decide to do a special improvement district, and in that case, they might put sidewalks in.

Ms. Nixon then discussed parking issues. She said for single-family homes, the city only requires two spaces per home. For an apartment, the city requires 2.5 spaces, noting that apartments are not allowed. She mentioned the requirement for apartments to make the public aware that the city does require more spots for apartments.

Commissioner Milkavich asked Ms. Nixon if the city code can dictate whether homeowners must live on their property or if they can rent their property.

Ms. Nixon said that city code does allow for a single-family home to be rented as a single-family home, meaning that it must remain as one unit, not split into different units with different kitchens.

Commissioner Milkavich clarified that they cannot tell homeowners that they can't rent their property.

Ms. Nixon said that's correct. They can't prohibit someone from renting.

Mr. Smallwood pointed out that this isn't just city code. This is the Federal Housing Act.

Ms. Nixon then discussed traffic. She said that, per the Institute of Transportation Engineers, a single-family home generates an average 10 trips per day. This equates to about 20 vehicles.

Ms. Nixon addressed a comment that the Planning Commission has already recommended approval. She said that this is a staff presentation to recommend to the Planning Commission. The Planning Commission makes their own decision.

Chair Patterson asked Ms. Nixon to explain the process of presenting a staff report and why they are no pros and cons listed in the presentation, as well as if a project meets the requirements, how staff concludes recommending or denying a project.

Ms. Nixon said that when they get the application, they look to see if applicant's proposal is viable. Staff doesn't want to waste anyone's time if the project isn't viable, so they are very thorough in their work, in making sure the application meets the requirements of the zone. In this case, there is not an existing plan to look at yet, as this is a zoning request.

Chair Patterson asked Ms. Nixon to discuss what is the obligation of staff and the Planning Commission when an applicant can meet zoning requirement.

Ms. Nixon said that property owners have certain rights to their property. If a property owner can develop their property, according to the underlining zoning regulations and requirements, planning staff and the Planning Commission are obligated to approve the application. For example, if Mr. Dodge could meet the zoning requirements, they are obligated to approve that.

Chair Patterson said these are the same rights as any property owner in this area.

Commissioner Milkavich said it isn't about whether she likes an idea. If she voices her own opinion, and votes against a project based on her opinion, the applicant can sue the city, which will only waste tax dollars, since the applicant will win because their project meets city code.

Ms. Nixon clarified that a rezone or zoning map amendment is a legislative action. That is up to elected officials to vote upon, unlike the development of a property, which is determined by whether it's part of city code and a permitted use.

Commissioner Milkavich asked if residents wanted to voice their opinion in a legislative setting, would they do that with the City Council.

Ms. Nixon said that's correct. The Planning Commission is just a recommending body to the City Council, who will make the decision.

Ms. Nixon addressed the public comment regarding PUD's being allowed. She said that PUD's are allowed for single-family attached homes as a conditional use in the R-1-6 zone; however, there must be a minimum of two acres to have a PUD. That means this is not a possibility for this property.

Ms. Nixon said if the City Council approved the zoning, and if Mr. Dodge decides to subdivide it, there would be another public hearing with the Planning Commission that the public will receive notices for.

Vice Chair Hacker asked Ms. Nixon to define what a PUD is for the audience.

Ms. Nixon said it stands for planned unit development. They are allowed in most residential zones, but they are conditional use. She said they have strict regulations that they must meet, including a minimum of two acres of land.

Chair Patterson said that someone asked if the zoning change is applicable to the whole subdivision.

Ms. Nixon said no. This request is specific only to Mr. Dodge's property. The zoning is only for those two lots, not any other lots. Other property owners would have to petition if they wanted to do a zone change.

Chair Patterson confirmed that a property owner could do if they wanted to.

Commissioner Hristou said he feels that some of the concerns that were brought forward are very legitimate. He said there may be a disconnect as to what this commission's role is versus who ultimately makes approval. He said it's hard without the specific building plans and details.

Chair Patterson said she understands it is frustrating to have the zoning looked at independently of any kind of project. She said she's been on the commission long enough that she's seen situations occur where a project was approved that never ended up being developed because the developer's funding fell through. She feels this is a sound decision on the part of the city to not promise something that may not end up being delivered. The Planning Commission is only looking at whether this is worth forwarding a recommendation to the City Council, who will make this decision whether an R-1-6 single-family low-density residential zone is consistent with the General Plan for this property. She feels everyone's concerns are valid and she understands the frustration. She wants everyone to understand the role of the Planning Commission in this process and the experience they have in reviewing zoning changes of this nature.

Vice Chair Hacker addressed the audience with some comments. He said they know this development is going to be single-family homes if it gets developed at all. He said that some residents expressed concern that this development would decrease value of your property. He said that, based on the experience of the Planning Commission, they have not seen a decrease in property values from the development of such projects. He wanted to reiterate that anybody in this neighborhood can change their property from an ownership to a rental property. That is not going to change. He feels this project could add value to the neighborhood. He said there are already people in or properties in this area that can have flag lots on their properties. There are some bigger lots, so change is happening. Change is happening all over Murray. Like many residents, he would like to keep those neighborhoods the same, but he acknowledged that when property changes hands, it has the potential to become a rental property. That's the way things are going.

Vice Chair Hacker made a recommendation 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 5991 and 6001 South Belview Avenue from R-1-8 single-family low-density residential to R-1-6 single-family low/medium-density residential, because it is consistent with General Plan as described in the staff report.

Seconded by Commissioner Hristou. Roll call vote:

A Patterson
A Hacker
A Milkavich
A Hristou
A Richards

Motion passes: 5-0

Vice Chair Hacker asked to address the audience. He thanked them for coming and providing their thought-provoking comments. He said the Planning Commission appreciated them being here tonight.

ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Thursday, April 4th at 6:30 p.m. in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

ADJOURNMENT

Commissioner Richards made a motion to adjourn the meeting at 8:35 pm. Seconded by Vice Chair Hacker. A voice vote was taken, with all in favor of adjournment.



Philip J. Markham, Director
Community & Economic Development Department