

Minutes of the Planning Commission meeting held on Thursday, July 20, 2023, at 6:30 p.m. in the Murray City Municipal Council Chambers, 10 East 4800 South, Council Chambers, 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: Michael Richards
Travis Nay
Lisa Milkavich
Jake Pehrson
Jeremy Lowry
Maren Patterson
Susan Nixon, Senior Planner
Zachary Smallwood, Senior Planner
Mustafa Al Janabi, Planner I
Member of the public per the sign-in sheet
Excused: Ned Hacker

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording is available at the Murray City Community and Economic Development Department Office.

APPROVAL OF MINUTES

There were no minutes approved during this meeting.

CONFLICT OF INTEREST

There were no conflicts of interest identified.

APPROVAL OF FINDINGS OF FACT

Findings of Fact

1. Mercantile Towns PUD
2. Mercantile Towns Preliminary Subdivision
3. Premier Strand Heating & Air
4. Stubler Subdivision
5. Berger Station Subdivision
6. Applegate Condominiums
7. Fuji Townhomes

Vice Chair Milkavich moved to accept the Findings of Fact for all seven items noted above and in the packet.

Seconded by Commissioner Richards. Roll Call Vote:

A Pehrson
A Nay

A Lowry
A Milkavich
A Richards
A Patterson

Motion passed 6-0

SUBDIVISION REVIEWS

Hoggan Haven – 17 East 6150 South – Project #22-072 Final Subdivision Approval One-Year Time Extension

Ms. Nixon presented the application from Suzanne Hogan for a one-year extension, for the preliminary and final subdivision. The Planning Commission originally granted preliminary and final flag lot subdivision on July 21, 2022. City code requires that when final subdivision approval is granted that the plat must be recorded within one year. There is a clause in the code that allows for the applicant to request a one-year extension. Ms. Hogan has requested this because of the market and interest rate increases. To reiterate last year's application, both lots exceed the requirements of the R-1-8 zone, as far as area and setbacks. If the Planning Commission grants the approval, the plat must be recorded by July 20, 2024. The same conditions would apply if the extension is granted.

Chair Pehrson invited the applicant up to speak, asking her if she would be able to comply with the same conditions as the original agreement.

Suzanne Hoggan, the applicant, responded that yes, she will be able to comply with all the conditions in the original agreement.

Vice Chair Milkavich asked what happens if they aren't able to start the project within the coming year. Ms. Nixon responded that they would just have to reapply for subdivision approval.

Public comments were open and closed with no comments being made.

Commissioner Lowry moved to approve the one-year time extension for subdivision approval for the Hoggan Haven Flag Lot Subdivision of the property, located at 17 East 6150 South, subject to the eleven conditions:

1. The applicant shall meet all requirements of the City Engineer, including the following:
 - a. Meet City subdivision requirements.
 - b. Provide grading, drainage and utility plan.
 - c. Meet City storm drainage requirements, on-site retention of lot and driveway area are required.
 - d. Meet City utility standards, provide standard front rear and side yard PUE's on the lot.
 - e. Obtain a City Excavation Permit for work within City roadways.
2. The applicant shall meet the requirements of the Fire Department, including the following:
 - a. Maintain a twenty-foot (20') width on the access road.
 - b. Avoid having a setback greater than one hundred and fifty feet (150') from the road without consulting the Fire Marshal. Use IFC 2018 and applicable NFPA codes for reference.

3. The applicant shall meet all the requirements of the Murray City Wastewater Division, including the following:
 - a. Proposed location is acceptable where the lateral will only be under the drive approach and driveway for a short length. Keep in mind that clean-outs are required every 75 feet so multiple clean-outs will be required. Staff measured the lateral at approximately 160 feet.
 - b. Plat map needs to have separate signature boxes for both Murray water and sewer.
 - c. Sewer injection pumps are typically located inside the home not outside. What is the reasoning for outside? Should be located inside with a 6" lateral ran to the home foundation.
 - d. A new manhole does not have to be installed on 6150 South for the connection. A 6" tap can be done on the sewer line in place of the manhole.
4. The applicant shall meet all the requirements of the City Power Department, including the following:
 - a. Proper clearance is to be maintained between the new home and the existing overhead power line located on the North side of the property. Any existing easement for said line is to remain intact as well.
 - b. The developer will need to meet with Murray City Power to discuss planning the new power service(s) and future equipment placement to the building(s) with additional line extension costs to provide electrical service.
 - c. Developer must meet all Murray City Power Department requirements and current NESC code and provide required easements for equipment and Power lines.
5. Meet all the requirements of the Water Division including the following:
 - a. This is in Zone 2 Water Source Protection.
 - b. All sewer lines will need to be fused pipe joints, 6" water main in the street.
6. The applicant shall adhere to all setback requirements of the R-1-8 zone for both parcels.
7. The applicant will provide four feet (4') of landscaping on each side of the twenty-foot (20') driveway with the exception of the landscaping variance on the east side for a length of thirty feet (30').
8. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
9. The Final Plat shall adhere to the requirements for Flag Lot Subdivisions contained in Section 17.76.140 of the Murray City Land Use Ordinance and as outlined in the Staff Report.
10. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the final plat shall be null and void.
11. That the detached structures on Lot #2 be removed prior to recordation.

Seconded by Vice Chair Milkavich. Roll Call Vote:

<u>A</u>	Pehrson
<u>A</u>	Nay
<u>A</u>	Lowry
<u>A</u>	Milkavich
<u>A</u>	Richards
<u>A</u>	Patterson

Motion passes 6-0

Mercantile Towns – 861 East Winchester Street & 6520, 6550, 6580 South 900 East – Project #23-038 & 23-039 - Final PUD Subdivision Review

Mr. Smallwood presented the application for Scott Verhaaren from The Boyer Company, who is requesting final PUD subdivision approval to develop the subject property into 109 townhomes. Mr. Smallwood addressed items from the preliminary review regarding fencing elevations, the sidewalk, setback modifications and height. This is a 109-townhome development on nine acres. The layout has not changed in the final subdivision. There was only one change in the zoning standards. The front setback to accommodate the additional two feet for the sidewalk was accommodated. They only needed to reduce the setback by an additional foot. They were able to move things around so that it stayed within 19 feet. Parking 273 stalls are required. They provided 407, which puts them at 3.7 stalls per unit. There are 2-foot breaks in the fence about every 65 feet and provides a significant landscape barrier between those. In the preliminary discussions, they felt that six feet was more appropriate for backyards. The fencing around the remaining property is eight feet. The heights of the buildings are proposed to be less than the 30 feet, except for one of the buildings, which is exactly 30 feet. This was a requirement during the preliminary review because of Fire Department requirements. The applicant addressed issues with the landscaping grade.

Staff recommends that the Planning Commission grant final PUD Subdivision approval for Mercantile Towns on the properties addressed 861 East Winchester Street & 6520, 6550, 6580 South 900 East subject to conditions.

Spencer Moffat, applicant representing The Boyer Company, thanked staff for their efforts on this and noted that they tried to listen and incorporate the feedback given in the last meeting regarding fencing, breaking up the wall, architecture, etc. They are excited to move into the construction phase of the project.

Vice Chair Milkavich thanked the applicant for bringing all these specific details to them tonight, along with the additional amenities. She asked if the applicant had an idea of how much these were going to sell for. Mr. Moffat responded that they have bids out now and they are platting them individually so they have the option to sell them if they wish, but they also have the option of having a for-rent product to keep control of the community and because there is a strong demand for that.

Chair Pehrson asked if the applicant had reviewed the nine conditions and if they are able to comply. Mr. Moffat responded yes, they have reviewed the conditions and are comfortable with them. He stated that the colors may change as they work through things, but they are committed to brick and other elements as provided.

Chair Pehrson opened the public hearing for comments.

Gary Westin, resident, stated he is about a quarter mile north of the project. He stated he couldn't tell looking at the plat if the exit out onto 9th East is an entrance only with no exit on to 9th East. He asked about the height of the fences along 9th East.

Mr. Smallwood responded the fencing will be six feet in that area.

Mr. Westin asked if the townhouses will be marketed for sale or for rent.

Chair Pehrson closed the public hearing.

Mr. Smallwood addressed the exit and entrance, saying they were reviewed by both UDOT and the city engineer; it was discussed previously that they are both full access per the conditions listed in the staff report. Regarding the issue of for sale or for rent, this application is for a subdivision, and these will be individually platted so they can be for sale. However, it is not in the city's purview to require a product be listed for sale or for rent as it is private property.

Commissioner Nay moved to grant the final PUD Subdivision Approval for Mercantile Towns on the properties addressed 861 E. Winchester Street and 6520, 6550, 6580 S. 900 East, subject to the nine conditions:

1. The applicant shall meet all requirements of the Murray City Engineer, including the following:
 - a. Meet City subdivision and PUD requirements. The plat should include street names, unit addresses, PUE's, and common areas.
 - b. Resolve the north boundary overlap with adjacent neighbors.
 - c. Vacate the existing sewer easement that is located on the west end of property and provide sewer easement for the proposed alignment.
 - d. Accommodate the existing 20-foot right-of-way along the north boundary with 9th East Management LLC.
 - e. Obtain all required UDOT site access and encroachment permits for 900 East accesses and construction work.
 - f. Provide a UDOT Level 2 Traffic Impact Study and implement recommendations.
 - g. Provide a site geotechnical study and implement recommendations.
 - h. Provide utility and street plan and profile drawings.
 - i. Meet City storm drain requirements. On-site detention with reduced release rate and water quality treatment is required.
 - j. Meet City well protection zone requirements.
 - k. Provide street lighting.
 - l. Replace any damaged curb and gutter and sidewalk along property frontages to both Winchester and 900 East.
 - m. Sidewalks, pedestrian ramps, and crosswalks must meet current ADA Standards.
 - n. Provide stop signs, coordinate markers at all street intersections and no parking signs along the proposed streets.
 - o. Meet AASHTO site distance requirements for accesses onto Winchester Street and 900 East.
 - p. Provide a subdivision improvement bond prior to recording the plat (dedicated improvements only).
 - q. Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading and construction work.
 - r. Obtain a City Excavation Permit for work within City roadways.
2. The subdivision shall meet the requirements of the Murray City Fire Department including the width of the access drives.
3. The developer shall meet all Murray City Water Division requirements.
4. The developer shall meet all Murray City Wastewater Division requirements.
5. The developer shall meet all Murray City Power Department requirements and meet to discuss planning the new power service.

6. The applicant shall ensure that all buildings are thirty feet (30') or less in height.
7. All units within the subdivision shall comply with the requirements of the R-M-15 Zone as outlined in Chapter 17.120 and Planned Unit Development as outlined in Chapter 17.60 of the Murray City Land Use Ordinance.
8. The subdivision shall conform with the plans as submitted and approved by the Planning Commission.
9. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.

Seconded by Commissioner Richards. Roll Call Vote:

A Pehrson
A Nay
A Lowry
A Milkavich
A Richards
A Patterson

Motion passes 6-0

GENERAL PLAN AMENDMENT & ZONE MAP AMENDMENT

Justin Lang – 770 & 780 West 5300 South and 845 West Clover Meadow Drive – Project #23-070 - General Plan Amendment from Low-Density Residential to Medium-Density Residential

Mr. Smallwood presented the application from Justin Lang for a general plan and zoning map amendment for the properties addressed 777 & 780 West 5300 South and 845 West Clover Meadow Drive. It's currently zoned for single-family residential with a minimum 8,000 square foot lots. The request is to change the zoning from R-1-8 to R-M-15, which is a multifamily zone with a base density of 12 units per acre. There are five initiatives in the 2017 General Plan. Initiative three is about livable and vibrant neighborhoods, which states things that are needed for success – buffering, visual and auditory between adjacent uses. Staff feels that any proposed project here would provide a sound barrier to the north. The goal is to create housing in a more gradient way, as opposed to clustering all the apartments and houses together. The future land use map indicates that this is to remain low-density residential; however, the General Plan is a fluid document and was evaluated at the market conditions at the time and what we expected. That doesn't mean that it cannot be changed or reevaluated. Mr. Lang is requesting medium-density residential, to provide more of a buffer area. The applicable objectives here are to encourage revitalization along key transportation corridors in the core of the city. This has been a vacant piece of property along 5300 South and has very little access around it. Surprisingly, Mr. Lang was able to get an access approval from UDOT to develop this property. Objective nine is provide a mix of housing options and residential zones to meet a diverse range of needs related to lifestyle demographics, including age, household size and income. This relates back to integrating additional housing types. Objective ten promotes a transition of development patterns between commercial areas and stable residential neighborhoods. Transitioning means having higher-density housing along commercial areas to help buffer that and transition into more of a single-family neighborhood. It provides a bit of transition into a lower-density area.

The last strategy is to support residential infill projects at a compatible scale. Objective three also encourages housing options for a variety of age, family size and financial levels. This goes hand-in-hand with the strategy in moderate-income housing, to amend land use regulations and allow for higher density or new moderate-income, residential development in commercial or mixed-use zones near transit-investment corridors.

Chair Pehrson discussed the speed limits adjacent to this property, asking if there is a possibility of an acceleration/deceleration lane. Mr. Smallwood responded that was something asked by the city engineer and UDOT said that at minimum they would require a deceleration lane.

Chair Pehrson noted that you can only walk down the north side of 5400 currently, and asked if there will be a way to ensure the public is safe walking in this area and if the applicant can submit a PUD. Mr. Smallwood responded that they could submit a PUD which would be reviewed by the planning commission. Regarding the sidewalks, the applicant will have to work with UDOT on that to provide more space. This will also be right in and right out with an island preventing travel in other directions.

Chair Pehrson invited the applicant up to speak.

Justin Lang, applicant, stated that UDOT requires the acceleration/deceleration lane, and will be right in and right out only with a "porkchop" island to prevent traffic going other directions.

Commissioner Nay asked if the applicant had any comments about the proposed use.

Mr. Lang responded this is sandwiched between two townhouse projects with no access to the single-family neighborhood, which leaves no room to build single-family in a way that makes sense. He stated his intent would be medium-density housing, similar to Chestnut Place.

Commissioner Patterson was shocked the applicant was able to get UDOT access and asked the applicant about that. Mr. Lang showed the properties he owns, including one older home adjacent that has granted access. They are granting them a new access so they don't use the existing one since it's in a bad spot.

Public comment was opened.

Shannon Hart, resident, stated that there were 1-2 acres, and wondered how many units per acre would be allowed. Also, Murray City is redoing a lot of the sewer in this area and her understanding is they're going through this field and into the neighbors' backyards on the corner of Clover Meadow. How will this building affect the ability of the city to fix all that with all the sewer lines underneath. She wanted to clarify that there will not be an entrance or exit onto Clover Meadow Street, to make sure it doesn't create a bunch of traffic within the neighborhood. She knows that the city is presently measuring and taking pictures of these houses in the corner where the sewer is going to go through. She asked if the property builder would be responsible for any damage to these homes that comes along. She also wanted to clarify how many units are proposed.

Carol Petry, resident, stated she is the president of the Chestnut Place Condominiums Homeowner's Association with 65 owners. Listening to all that has been said, what she wanted to discuss is more for UDOT than Murray City. She stated the Chestnut Place HOA has

concerns about traffic. She was told there will be 30+ units here, and whether they are rentals or to be built and sold. She stated if the zoning is approved, all of these people living in those units, whether it's one, two or three people with one, two or three vehicles will greatly affect traffic flow. That is a very busy intersection at 5400 and 1070 West, which is Murray Parkway Drive. It is a busy intersection, a busy street and in fact she went and took photos at 4:15 and 5:15 to show the traffic flow both directions and can make those photos available tomorrow on a thumb drive. It's a busy street, especially during the hours of 7-9 am and 4-6 pm. There have been many accidents at that intersection as well. From the far-left corner of Chestnut there are several office buildings at the corner of 5400 and 1070 West. Other traffic that happens especially on weekends with Germania Park which has a soccer field, basketball court and volleyball court that brings a lot of people on 1070 West; that creates a lot of traffic. The streets 5300 and 5400 South are already very busy. She was told by phone earlier today that it is probably a little closer to 1070 West, and if someone needs to go east when leaving the community, how would they do that. There are two lanes going west and two going east, and an empty section in the middle; would people be required to try and get across two lanes of traffic going west, get in the middle, then wait for two more lanes of traffic going east to go east. If someone is coming from the west and wants to enter the new community, how do they do it. Do they go to 700 West, wait for the traffic signal, or an arrow, to make a U-turn to back to their house. How is the Murray City Planning Commission going to address this issue, will there be a new traffic signal. She was told no, but again that is probably a UDOT question. All this to say that it is reasonable to anticipate there is going to be quite a bit more traffic with 30 plus units going in that section. We are concerned, it is already very busy. She knows that at Chestnut with 65 units has over 100 vehicles going in and out of the community; and to add 30 plus units there, it is reasonable to expect 60-80 vehicles going in and out. Regarding foot traffic, there is a sidewalk, and they often see a lot of kids, mostly teenagers walking on the sidewalk. She stated the HOA community has their fence broken into on a regular basis. Chestnut Place was built in the 1990's and has been there for a long time. There are residents who have lived there for 30 years, some are retired and some are still working, so they are concerned and that's what she wanted to share.

Chair Pehrson closed the public hearing.

Mr. Smallwood responded to the questions from the public. Regarding the sewer line, any sewer improvements were noted as concerns in the packet and that will have to be addressed; it will be a significant thing that the applicant will have to work through. There is no way to have an access on Clover Meadow, and it is not part of the project. The property has 2.9 acres, and the allowed housing is 12 units per acre, meaning a maximum number would be 35 units. There are a lot of site constraints that usually eat into that unit count and make it slightly lower than the maximum. Regarding the multiple heights of units, there is a height restriction there that is capped at the number of units and a maximum height of 40 feet. Traffic will be evaluated, most likely requiring a UDOT access and traffic impact study, which will be reviewed if and when the zone is changed and a project comes forward. There would be a hard barrier in the middle turn lane blocking any left-hand turns. UDOT does not want left-hand turns across their right of ways. This actually gives the applicant a benefit since UDOT will be able to create a deceleration lane that is significantly off the travel lanes, along with an acceleration lane.

The commission and staff discussed the traffic studies that will be required and how future residents would access the project. Staff then gave the public a brief review of this approval

process and what the next steps will be after this meeting, whether the amendments are recommended for approval or not.

Ms. Nixon added that 5300 South is a very busy street and this is where they want the traffic to go, that is the ideal situation to have the traffic go to that street, rather than route back to the residential neighborhoods.

Mr. Smallwood addressed the questions about damage to homes. Usually that isn't seen since the application does have to go through a Land Disturbance Permit if it is over one acre.

Mr. Lang said it was a storm drain, not a sewer line, that is going in and under the houses; he has already met with Murray City Public Works and addressed that.

Shannon Hart, resident, said she wanted to clarify this land disturbance permit. She asked if it is similar to title insurance or an insurance policy; do they look at it and say, "we're going to do this much and this is what we are responsible for". She wants to know what that is.

Carol Petry, resident, said the building there is referred to it as the funky building because it's a little bit odd. Ten years ago, there was an issue with Murray City and some water project. She was not living there at the time so wasn't sure what the issue was, but it caused some ground settling in that building that has five units right there. That ended up costing Chestnut quite a bit of money to stabilize the ground. Ten years later they are seeing a lot of problems in that building and are having to do a lot of renovating just to stabilize the building. They've hired two structural engineers and have a report and it's going to cost us tens of thousands of dollars to get that stabilized. She is concerned about anything happening close to Chestnut for that same reason aside from the traffic.

Public comment was closed.

Mr. Smallwood reviewed what a Land Disturbance Permit is and that they are reviewed by the various departments in Public Works. He discussed the SWPPP and its purpose, along with construction staging and how that relates to potential damage to places nearby. Regarding the stabilizing, that would be followed. There is a geotechnical study included during the reviews, that will check the ground in general and the impact of moving any dirt. In his opinion, having this land be improved on is actually more stabilized on that side, meaning less movement on that property because of added vegetation and improvements including drainage.

Commissioner Nay noted that traditionally this type of land has not been developed because it's marginal land, compared to some of the historic properties that are easy to develop. He stated that the city is at a point where this is the remaining land in the city and is not optimal land to develop because it is next to major arterial roads. Traffic is inconsequential in this area in the big picture. This is also a thousand-year flood plain for the Jordan River, which produces some of the problems the current residents are seeing and having to deal with. Those issues are better understood now than when the original development went in, and the geotechnical engineers will recognize that when they do the reports because the technology has improved over the years.

Vice Chair Milkavich was pleasantly surprised no one has requested commercial proposals for this area and stated that residential fits this area much better.

Commissioner Patterson feels comfortable with moving forward with a recommendation of approval because this could have been commercial, but the residential buffering will have a huge positive impact. The applicant has a lot of hurdles to development here and she commended the applicant for being willing to take the project on. This will be a great improvement to the area and strengthen the area.

Commissioner Lowry agreed with the commissioners' opinions previously stated. He is pleased to have medium density, as the trend tends to be the longer parcels sit vacant the higher the density gets, and he thinks townhomes have a great use.

Commissioner Lowry moved to forward a recommendation of approval to the City Council for the requested amendment to the Future Land Use Map, redesignating the properties located at 770 and 780 West 5300 South, and 845 West Clover Meadow Drive, from low-density residential to medium-density residential.

Seconded by Commissioner Nay. Roll Call Vote:

A Pehrson
A Nay
A Lowry
A Milkavich
A Richards
A Patterson

Motion Passes 6-0

Justin Lang - 770 West 5300 South - Project #23-071
Zone Change from R-1-8 to R-M-15

Commissioner Nay moved to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation of the property located at 770 and 780 West 5300 South, and 845 West Clover Meadow Drive, from R-1-8 Single Family Low-Density Residential to R-M-15 Multi-Family Medium Density Residential, as described in the staff report.

Seconded by Commissioner Patterson. Roll Call Vote

A Pehrson
A Nay
A Lowry
A Milkavich
A Richards
A Patterson

Motion Passes 6-0

ANNOUNCEMENTS AND QUESTIONS

Mr. Smallwood announced they will be having a meeting at 6:00 p.m. on August 3, 2023, in the Murray City Council Chamber at 10 East 4800 South. There will be a few items and training on traffic impact studies. There is a new director, Phil Markham, who used to be on the planning commission and just resigned from the city council to become the director.

ADJOURNMENT

Vice Chair Milkavich moved to adjourn the meeting at 7:57 p.m. Seconded by Commissioner Nay.

A handwritten signature in black ink, reading "Philip J. Markham". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Philip J. Markham, Director
Community & Economic Development Department