



MURRAY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE Meeting Minutes

**Tuesday, November 16, 2021
Murray City Center**

5025 South State Street, Conference Room #107, Murray, Utah 84107

Attendance: Council Members and others:

Brett Hales – Vice Chair	District #5
Kat Martinez	District #1
Dale Cox	District #2
Rosalba Dominguez	District #3

Blair Camp	Mayor	Jennifer Kennedy	City Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
Jennifer Heaps	Chief Communications Officer	Trae Stokes	City Engineer
G.L. Critchfield	City Attorney	Craig Burnett	Police Chief
Zac Smallwood	CED Associate Planner	Brooke Smith	City Recorder
Susan Nixon	CED Associate Planner	David Foster	NeighborWorks
Danny Astill	Public Works Director	Melinda Greenwood	CED Director
Brenda Moore	Finance Director	Jared Hall	CED Division Supervisor
Residents		Danny Hansen	ITT

Excused: Diane Turner, Chair - District #4

Conducting: Mr. Hales called the meeting to order at 3:30 p.m.

Approval of Minutes: Committee of the Whole – October 5, 2021 and Committee of the Whole – October 19, 2021. Mr. Cox motioned to approve both sets of minutes. Ms. Dominguez seconded the motion. (All in favor 4-0)

Discussion Items:

- Land Use Text Amendment to add Land Use #2834, Radiopharmaceuticals, in the G-O (General Office), H (Hospital), C-D (Commercial Development) and P-O (Professional Office) zones and addition of LU #2834 to the Standard Land Use Code. Ms. Nixon presenting. In a joint-venture, PharmaLogic Utah and IHC (Intermountain Health Care) Services made the request to add a new land use category to the City Code. The hope is to operate a facility that manufactures and produces radiopharmaceuticals for diagnosing and treating various cancers, and for detecting Alzheimer's disease in patients.

Ms. Nixon said this type of facility would not fall under existing land use categories. She reviewed how the proposed text would define radiopharmaceuticals in the Standard Land Use Code and differentiate radiopharmaceuticals from regular pharmacies. She said rather than amend the current

definition of the existing pharmaceutical land use code, it was better to create new subcategories with more specific language. She noted text amendments are proposed for all G-O, H, C-D, and P-O zones. Radiopharmaceuticals require very limited technical activity, involving a highly specialized skill, and are highly regulated by the Food and Drug Administration, Department of Transportation, Nuclear Regulatory Commission, and at the State level by the Board of Pharmacy and the Utah Department of Environmental Quality. Radiopharmaceuticals are produced by neuroscientists not pharmacists.

Of the three existing radiopharmacy centers in Utah, this would be the only one capable of producing the new, non-invasive cardiac imaging drug that has a shelf-life of 15-20 minutes. In order for hospitalized patients to receive the drug, they must be in very close proximity to a manufacturing facility. If approved, IHC would utilize their Steven Henagar building that is currently located in a G-O zone to accommodate IMC (Intermountain Medical Center) patients in the C-D zone.

Information was shared about the complicated technology known as PET (Positron Emission Tomography) radiopharmaceuticals that are handled by highly trained nuclear pharmacists. Ms. Nixon noted the application request was reviewed by City staff in engineering, fire, power, water, and sewer divisions and there were no concerns to report. The Murray Planning Commission voted 4-0 to forward a recommendation of approval to the City Council during a public meeting that was held on October 6, 2021 where no public comments were received. She noted that all findings were in harmony with the GP (General Plan), so staff also recommended approval.

Ms. Dominguez expressed concern about the City becoming a hub for this kind of activity by adding this land use to all P-O zones throughout the City. Ms. Nixon assured that the permitted use was a rare skilled practice and one so highly regulated that it would not be a frequent occurrence. Mr. Critchfield noted the request was not for a rezone and was considered only to allow applicants the opportunity to move forward with using their property for this new facility. The reason to allow the permitted use in the other zones, was to suppose that IHC might offer treatments at their other health sites in the distant future located in these zones. He said the chance of this type of business going into all P-O zones was zero.

Ms. Nixon said it made sense to include text amendments in all four zones because not only does IHC own the Steven Henagar property currently located in the G-O zone, but they also own the Orthopedic Specialty Hospital located in the H zone and IMC located in the C-D zone. The reason for proposing it in the P-O zone is because the Steven Henagar building is located in the P-O zone on the GP future land use map.

Ms. Martinez said after learning of the safety protocols and transportation details during the planning commission meeting, she believed the facility would be safe and a great use in Murray. Mr. Cox believed the City would not become a hub for the technology, due to the short shelf live, and once prepared the drug would stay near the scheduled patient and not be shipped to any greater distance. Ms. Nixon confirmed and gave a brief description of how neuroscientists prepare and package the drug and discussed safe delivery practices.

Ms. Dominguez expressed concern about building requirements to house the drug. Ms. Nixon reported zoom conferences were held with scientists who educated staff and building officials about secure occupancy, capsulated vaults and all procedures and safety rules. She said the building would

be remodeled accordingly where drugs would be well contained, which is why staff felt risk and safety was not an issue. Further discussion would occur with a PharmaLogic scientist during a public hearing on December 7, 2021 when the Council would consider the request at the council meeting.

- Resolution approving an Interlocal Cooperation Agreement between the City, Salt Lake County and Salt Lake City Corporation for a Brownfields Assessment Grant. – Ms. Nixon presenting. Murray City was again asked to participate in a Brownfields Coalition, which is a partnership between Salt Lake City, Salt Lake County and Murray City to help address contaminated sites.

A resolution to enter into an Interlocal Cooperation Agreement would need to be approved by the City Council to participate in the coalition. Ms. Nixon stated this was the second Brownfields Grant the City has participated in. The first grant, totaling \$600,000, will be divided between coalition members between October 2019 and October 2022. She reported Murray has already spent the 2019 money on environmental assessments to facilitate redevelopment of properties. The current grant offer was awarded on May 11, 2021 for another \$600,000. Funding would be shared accordingly to address environmental studies and cleanup, inventory preparation, site selection, assessment, and cleanup planning between October 2021 and October 2024.

The goal this time is to fund 18 Phase-One environmental site assessments, 12 Phase-Two environmental site assessments, and create six planning documents. Staff submitted the application one year ago and the grant went into effect in October of 2021. Ms. Nixon reviewed how previous grant funding was spent and discussed how funding for 2021-2024 will be budgeted. The City Council would consider approving the resolution in support of the Interlocal Agreement for a Brownfields Assessment Grant during the December 7, 2021 council meeting.

- Zone Map Amendment from A-1, Agriculture to R-1-8, Low Density Single Family for the property located at 5700 South 800 West. – Mr. Smallwood presenting. A map of the property located west of Viewmont Elementary school was displayed to discuss that property owners wish to develop the land into a subdivision for single family dwellings on 8,000 square foot lots.

Differences between the existing A-1 zone and the requested R-1-8 zone were reviewed for the 1.62-acre parcel. Parking requirements, lot width, height, and the length of all setbacks were noted. Mr. Smallwood confirmed that the 2017 GP supports the change from agricultural uses to single-family dwellings; and reported that a public hearing was held by the Planning Commission on October 21, 2021 after 39 notices were sent to neighboring property owners and entities. One public comment was received about increased traffic and parking during school events. The Planning Commission voted 7-0 in favor to recommend approval to the City Council. The Council would consider the zone map amendment during the December 7, 2021 council meeting.

- Zone Map Amendment from R-1-8, Low Density Single Family to R-1-6, Medium Density Single Family for the property located at 871 West Tripp Lane. – Mr. Smallwood presenting. This request, proposed by NeighborWorks, is to change the parcels from 8,000 square foot lots to 6,000 square foot lots and develop a single-family subdivision. A zone change in the GP future land use map is not required for this request.

Mr. Smallwood reviewed the differences between the R-1-8 and the R-1-6 zones related to lot sizes,

setbacks, and parking requirements. He gave a brief overview about the initial request to construct a road through to Willow Grove Lane. That request was denied. The current request would provide three additional lots and the construction of a cul-de-sac. The Planning Commission voted 6-1 during a public hearing on October 21, 2021 to forward a recommendation of approval to the City Council. Staff also recommended approval to the Council to help increase housing affordability in the City with providing smaller lot sizes. Council Members would consider the item at the December 7, 2021 council meeting.

- GP and Zone Map Amendments from C-D, Commercial Development to VMU, Village Mixed-Use for the properties located at 861 East Winchester and 6520, 6550, and 6580 South 900 East. – Mr. Hall presenting. The Boyer Company owns the vacant property of 9.11 acres where the old RC Willey furniture store used to be. He gave a slide show to discuss Boyer's request to rezone the parcel from the existing *commercial* use to the newly approved VMU (Village Mixed-Use) zone that would include residential and commercial spaces. He reviewed VMU details that would provide an opportunity for a M-U (mixed-use) project to be developed. He noted that the parcel meets eight of the nine required zoning goals within the VMU land use pattern for life-cycle housing and moderate-income households.

Ms. Dominguez led a discussion regarding the definition of "moderate" income housing. Mr. Hall said the State defines it as less than 80% of the median income in the area, which is often a moving target. Ms. Dominguez confirmed \$75,000 per year is the median income in the area. Mr. Hall said it is assumed that people do not spend more than 30% of their income for housing costs.

Mr. Hall reviewed that developments in a VMU zone require MSP (Master Site Plan) approval. He explained if the Council approves the rezone, the project will then go back to the Planning Commission where a request is made for MSP approval. He said this process provides a certain level of security in knowing that a traffic study, parking analysis, adequate public utilities and facilities are reviewed. In some cases a public service review is required for needs like a park, police, fire, schools, and other services. If the MSP is approved by the Planning Commission, the project returns to the City Council for final MSP analysis and approval.

Mr. Hall said VMU density allows between 25 and 35 units per acre, and the parking requirement had increased because the project would not be like M-U projects next to TRAX stations. He explained the density would look different than larger projects in Sugarhouse due to outer buffering and the spreading out of buildings. He pointed out that higher density would be allowed by providing two amenities and a minimum of 15% of open space on the site. There was a brief discussion about how a variety of amenities would create a sense of community.

Mr. Hall said 119 public notices were sent to property owners within 500 feet of the parcel, prior to the public hearing held during the October 21, 2021 planning commission meeting. The Planning Commission voted 5-2 to forward a positive recommendation to the City Council after many phone calls and in-person public comments were received. Most of the concerns were related to crime, low-income housing issues, parking, utility capacity and increased traffic.

Mr. Hall reported representatives from the Boyer Company were present at the planning commission meeting to hear all public comments and concerns. As a result information was provided to explain

changes made to their vision. Mr. Hall shared the information which included new conceptual drawings depicting 277 units in a clustered fashion and a letter to neighbors of the property and the City Council. It was noted that parking would be located on the north and west and commercial space would be to the east area along 900 East and on Winchester Street at the ground floor level. Conceptual drawings of the proposed project were displayed.

Ms. Martinez asked what the minimum requirements were for commercial space. Mr. Hall did not have the exact amount for this parcel but thought it could be between 13,000 and 16,000 square feet. He said after a rezone is approved, Boyer was willing to enter into a development agreement to ensure that what is proposed matches what will be constructed. Mr. Hall discussed the findings which led staff to recommend a favorable recommendation of approval to the City Council to approve both amendments. The City Council would consider the rezone at the December 7, 2021 council meeting during a public hearing.

Ms. Dominguez asked for a review of the MSP process, what the property is currently zoned, and what zone was requested. Mr. Hall said the property is currently zoned for C-D (Commercial Development) and the Council would consider changing it to the VMU zone during the December 7, 2021 council meeting. He said if the rezone is approved Boyer would come back with a definite project application, which is the MSP. For this application Boyer must provide a traffic study, parking analysis and a public utilities review before applying to the planning commission.

Ms. Dominguez asked how many condominium units would be available for purchase versus how many units would be rentals. She led a conversation about why apartments are offered everywhere instead of affordable homes for purchase. She questioned the concept that millennials do not want to buy a home and would rather rent and felt it was based on one biased market research. Mr. Hall confirmed Boyer's plan is to offer rental units only. He said in the last decade there was a shift where apartments are more in demand than before, which is why developers choose to offer that product. He believed the reasoning was due to financing and coming up with a down payment for a house. Ms. Dominguez wondered about new down payment assistant programs that could help potential homeowners. She pointed out that house mortgages could be less than apartment rentals, which are as high as \$2,200 per month. She asked how this current market would help to create generational wealth among Murray's citizens by only providing apartments for future residents. Mr. Hall stated with apartments that would absolutely not happen.

Ms. Dominguez said her desire was to understand decisions being made for her generation and future generations affecting everyone in Murray, the State, and the Country. She struggled with believing that M-U projects are the only in thing right now just because that is what is proposed. Ms. Martinez commented that apartments are not a fad. They are constructed because it is the phenomena we are in because of low wages and environmental choices of millennials not wanting to be responsible for a yard, broken fences, or replacing broken appliances. Ms. Dominguez replied people working for minimum wage would not be able to afford \$2,200 per month in rent. Ms. Martinez said the more apartments there are, the more homes there are, and as supply goes up monthly costs would come down. She said lower rent prices will not happen by not building more housing. Ms. Dominguez hoped that was true, but felt it was important to be mindful as a City, as it seems low-income housing is being phased-out. She understood apartments, unlike houses, do not provide any investment return and apartment complexes are more costly than purchasing a home. She believed purchasing a one-

bedroom townhome could be made more affordable if purchasing programs were available.

Mr. Hales stated younger people like his adult children are buying townhomes that are more affordable than apartment rentals. He believed there were many young people who want to buy and take care of homes and build equity even as market prices increase. Ms. Greenwood said developers decide whether to rent or sell housing units. She explained many factors go into building condominiums. It is a different construction method and they are more costly to build than apartments. Developers would rather mitigate long-term risk of lawsuits from the Homeowners Association. They incorporate costs into their pro forma upfront, which makes condominiums more expensive. She said developers go with what the market dictates, which is apartments.

Mr. Hales said the property was in his district and the beauty in the role of a City Council Member is the importance of listening to constituents. He reported after the initial planning commission meeting many citizens called and visited his home making clear to him their disfavor for the proposal. He said they do not want M-U in this area; therefore making the rezone decision was easy for him. A brief discussion followed about Utah growth, the housing crisis, and growth projections for Murray.

Mr. Cox said developers are not going to build things that are not of market rate value, and subsidized housing programs were controlled at the State and National levels. Ms. Dominguez clarified she was not suggesting government subsidized housing on the parcel - but felt that understanding the *why* factor in how come housing costs are so high might help to resolve housing challenges by creating a new kind of assistance program. Mr. Cox said after hearing the number of public concerns at the planning commission meeting, he thought constructing townhomes and single-family units rather than apartments on the property would be more appropriate and fitting to the R-1-8 residential zone next-door. Mr. Hall appreciated the feedback. In Ms. Turner's absence, Ms. Dominguez read a prepared statement from Ms. Turner:

Fellow Councilmembers, I am sorry that I cannot be at the meeting tonight. Although I am unable to attend the meeting, I would like to share my concerns about the RC Willey and Pointe and 53rd properties being changed to the mixed-use zone.

I feel that changing these properties from commercial to mixed-use, whether it be Village Mixed Use or Centers Mixed Use will negatively affect Murray City. The RC Willey property could have as many as 315 units on its 9.11 acre-site and The Pointe at 53rd could have up to 585 units on its 13-acre site. These seem like very large developments.

I am concerned that these projects are very dense and will not have enough parking to accommodate both the residents and consumers who will frequent the retail shops on these developments. Parking that floods out onto our city streets is a big concern to me. Other concerns I have with mixed-use developments include:

- *Straining the city's infrastructure. (power, water, roads, etc.)*
- *Overburdening our police and fire departments.*
- *Increasing traffic in already congested areas within the City.*

I worry that traffic going to and from the Pointe at 53rd will bring an increase to traffic inside Murray Park as people cut through the park to avoid driving along State Street or using the park for parking. Additionally, the cross walk on 5300 South next to Hillcrest Jr. High is not in a great location and the thought of additional foot traffic to the junior high where existing problems occur all the time is troubling.

Finally, I have heard from many constituents that are not in favor of the City adding more mixed-use developments. I would like to see other creative options for what could be done with these properties without changing the zone. Otherwise, I am not sure I can support these zone changes.

The Council would consider the requested rezone during a public hearing at the December 7, 2021 council meeting.

- GP and Zone Map Amendment from C-D (Commercial Development) to CMU (Centers Mixed Use) for the properties located at 5283, 5217, 5157, and 5177 South State Street and 151 East 5300 South. – Mr. Hall presenting. The existing shopping center is located on State Street, known as the Pointe at 53rd. The landowner, Howland Partners made the request to rezone the property because he is interested in redeveloping to a M-U project. Mr. Hall said because the property is located near the Murray Central TRAX station it is appropriate for the new CMU zone. Staff agrees the change will help revitalize the area and noted that Mr. Howland is not interested in tearing everything down to construct only apartment buildings. His desire is to add a few hundred apartment units to the site to keep it viable moving into the future by reinvesting in Murray. The property is currently zoned for commercial use only.

Mr. Hall reviewed GP elements that support the rezone. he said the future of big box stores is less certain now, so it is a good idea to have an M-U residential project. He said the proposal meets two required categories and seven out of nine required goals within the new CMU zone. He agreed Ms. Turners concerns were valid regarding increased traffic to Murray Park and parking issues, but he felt with an increase in walkability, new residents would not want to use their cars to utilize the park.

Ms. Dominguez shared concerns about how redevelopment would affect the park and wondered if closing access to the park by car from the property was an option. Mr. Hall said it could be discussed in the future to alleviate traffic concerns. He reviewed parking requirements and the potential of residential density. He said the property could accommodate 35 units per acre and the maximum number of units per acre allowed in the CMU is 45. He pointed out that Mr. Howland's conceptual vision did not come close to 35 units per acre. He noted similar to the VMU proposed at the RC Willey site, the MSP would be required. He explained to get MSP approval, the applicant must first provide specific information about the project including a traffic study, parking analysis, a public utilities review, and a public services review. Findings were reviewed to justify why the Planning Commission and staff recommend approval of the GP and Zone Map Amendments to the City Council. He reported that the Planning Commission voted 7-0 on October 21, 2021 to forward their recommendation. Businesses in the area were notified about the public hearing and two comments were received. Mr. Hall said staff still maintains their recommendation of approval because they believe the property is an ideal spot for an M-U development where people can live, work, and recreate in one area.

Ms. Dominguez shared the same sentiments she had for the RC Willey property. The Howland property is in her district and she reported receiving many calls from concerned constituents who do not favor M-U coming into the Point @ 53rd. The biggest concern for her and her constituents is the *quality-of-life* factor, in relationship to an already busy Murray Park and congested traffic already in existence. She felt there was a lot of pressure for this rezone and project to happen right now.

Mr. Hall gave push back about a busy park being a negative thing; he said that is what parks are for.

Ms. Dominguez said concerns of Murray's citizens need to be part of the conversation and should be heard and addressed also. Mr. Hall agreed that increased traffic in the park was a legitimate concern, but he believed there were ways to accommodate more people using the park.

Ms. Martinez liked the idea of bringing more housing into Murray and favors M-U developments because of the walkability they provide. She stated the old big box model is not sustainable anymore, it is no longer working, and businesses must adapt to M-U projects to survive. She said by giving businesses less square footage and adding housing options, whether to rent or own, people who want to downsize and transition out of houses would enjoy a safer walk to the park. Currently people walking from the area to Murray Park must navigate through a giant parking lot without benches and walkways. Having a M-U project in this area made sense to her and she was excited about the proposal.

Mr. Cox thought Mr. Howland has shown over the years that he has Murray at heart; he believed Mr. Howland would construct what he says he will construct. Mr. Cox was uncertain if the M-U project would overwhelm the park, but agreed parking was the real issue. He agreed traffic problems in the area might be resolved by limiting park access by car from the property.

Mr. Hales asked if blocking car access to the park from the Howland property was a possibility. Ms. Greenwood said if the rezone is approved, the suggestion would be part of the next phase of planning during MSP negotiations. She said the City Council has a difficult task in balancing concerns of constituents with application requests of property owners, but this commercial area would be more sustainable long-term if residential components were added. If not, the City would see more vacant storefronts and Mr. Howland would face challenges to get new businesses without added density. She asked if Council Members wanted to see long-term failure of a viable commercial development because the residential use was denied; and stated it was huge question the Council needed to think about and had to answer to.

Ms. Dominguez reiterated that citizens are concerned about the amount of density. She reported meeting with Mr. Howland, and she was not wowed by the proposal. She appreciated that he was willing to work with the City, but part of their conversation was about whether the project was meant to capitalize on the location by increasing density or would it be a project that all Murrayites and staff could be proud of. She desired success for the Boyer Company and for Mr. Howland, but the number of increased density proposals coming forward all at once was concerning. She believed the component of coming together to include citizens in the discussion was an important missing piece of their planning.

Mayor Camp commented that over the years and for various reasons, changes were made to the traffic pattern in Murray Park and if needed the traffic pattern could always be changed again. Council Members would consider the rezone in a public hearing during the December 7, 2021 council meeting.

Announcements: None

Adjournment: 5:05 p.m.

Pattie Johnson
Council Office Administrator III