

The Planning Commission met on Thursday, April 1, 2021, at 6:30 p.m. for a meeting held electronically in accordance with Utah Code 52-4-207(4), due to infectious disease COVID-19 Novel Coronavirus. The Planning Commission Chair determined that conducting a meeting with an anchor location presented substantial risk to the health and safety of those who may be present at the anchor location because physical distancing measures may be difficult to maintain in the Murray City Council Chambers.

The public was able to view the meeting via the live stream at [www.murraycitylive.com](http://www.murraycitylive.com) or <https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item at the meeting registered at: <https://tinyurl.com/pc040121> or submitted comments via email at [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov).

Present: Ned Hacker, Vice Chair  
Travis Nay  
Sue Wilson  
Lisa Milkavich  
Jeremy Lowry  
Jake Pehrson  
Melinda Greenwood, Community & Economic Development Director  
Jared Hall, Planning Division Director  
Susan Nixon, Associate Planner  
Zachary Smallwood, Associate Planner  
Briant Farnsworth, Deputy City Attorney  
Citizens

Excused: Maren Patterson

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

Travis Nay moved to approve minutes from February 18, 2021 and March 18, 2021 and Lisa Milkavich seconded. A voice vote was made, motion passed 6-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest. Sue Wilson read a statement that she has not made up her mind on agenda item #4 prior to the meeting and added that her decision will only be made based on the packet and presentations during the meeting. She mentioned that her comments on social media should not be interpreted otherwise.

#### APPROVAL OF FINDINGS OF FACT

Sue Wilson made a motion to approve the Findings of Fact for Conditional Use Permit for Gene Chavez Accessory Dwelling Unit (ADU). Seconded by Travis Nay. A voice vote was made, motion passed 6-0.

GENERAL PLAN AMENDMENT & ZONE MAP AMENDMENT – 935 West Bullion Street -  
Project #21-015 & 21-016

Michael Brodsky of Hamlet Development was present to represent this request. Jared Hall reviewed the request to amend the Future Land Use Map designation and Zoning of the subject properties to facilitate a planned residential development of single-family detached homes and townhomes at 935 West Bullion Street. An exhibit was presented showing that both properties are located in the A-1, Agriculture Zone. There are two different applications for the subject property being reviewed together. Mr. Hall clarified the process by stating the only applications being considered at this time are for amendments to the Future Land Use Map and Zoning Map, and that the residential development of the property will require additional applications and another public meeting with the Planning Commission if the zone change is approved. The Planning Commission is a recommending body for the applications being considered and forwards a recommendation to approve or deny the request to the City Council, and the City Council makes the final decision. Mr. Brodsky had previously held a neighborhood meeting to show his concept development plan and to receive input and hear concerns from the community. Even though the development project is not the item being reviewed it is a reference to show what the developer is hoping to do if he receives the amendments. Many comments have been received and have common themes. Many comments questioned why there should be a General Plan if it's not going to be followed. Mr. Hall clarified that General Plans are not meant to be static documents and displayed a table of Wasatch Front Cities and the frequency in which General Plan & Zoning amendments have been made.

An exhibit of the Future Land Use map was displayed to show that each of the properties in the city have been assigned a different future land use category. Each designation includes corresponding zones to use as a guide for what zones are appropriately applied to properties in those categories. The two properties being reviewed are in two different categories: one in the Open Space and Parks designation and the other in Low Density Residential. The Low Density Residential designation has a density range between 1 and 8 dwelling units per acre. A typical R-1-8 subdivision is 4 to 4.5 units per acre and Medium Density Residential designation that is proposed has a density range from 6 to 15 dwelling units per acre. Mr. Hall showed the list of corresponding zones for those density levels and reminded the commission that both properties being considered are currently zoned A-1, and the request is to rezone to R-M-15. The Low Density Residential designation does not include R-M-15 as a corresponding zone, which is why the General Plan amendment request has been made. There are elements of the General Plan that should be evaluated for such requested changes. Staff has focused on the Land Use and Urban Design, Housing and Neighborhoods, and Moderate-Income Housing elements of the plan. The Neighborhoods and Housing element states that Murray's housing stock is dominated by single-family homes and condos with large apartment complexes. It shows that the type of housing most needed is what is termed "missing middle" housing, such as duplexes, townhomes, and row homes which appeal to a diversified demographic. The proposal by Mr. Brodsky does allow for that range of housing. The next few slides showed the natural buffers that exist around the property that can help to manage and absorb the impacts of the additional density on the site.

Many of the comments that were received included concerns with density and parking, and several cited problems in the Fireclay area. Staff pointed out that the Fireclay area is zoned for mixed-use, (the Transit Oriented Development, or TOD Zone) which does not limit density. Multi-family projects in the Fireclay area range in density from 60 to 78 units per acre and have very minimal parking requirements because they are within close proximity to the TRAX station.

By contrast the proposed R-M-15 Zone allows a base density of only 12 units per acre. The Balintore Subdivision (5600 South 900 East) was displayed to show an example of the same type of density.

The Traffic and Parking report shows Bullion Street as a Minor Neighborhood Collector and 700 West as a Minor Arterial. The Traffic Study recommends no changes based on the traffic count.

Other issues include environmental contamination which the applicant will explain during his presentation, impact to schools, and property values. Notices were sent to the Murray School District generated no response, which is not unusual unless it is a significant impact. The number of units will not be a significant increase in students. Staff does not expect a negative impact to property values. Mr. Hall cited a recent University of Utah report by the Kem C. Gardner Policy Institute which found that apartments built between 2010 and 2018 in suburban Salt Lake County had no adverse effects on the value of nearby homes. Mr. Hall added there is no evidence to suggest declines in property values due to new construction.

Mr. Hall summarized that the General Plan provides flexibility in implementation and execution of the goals and policies based on individual circumstances. The requested amendment to the Future Land Use Map of the 2017 Murray City General Plan represents a change which will allow potential redevelopment of the site that can accommodate the needed demolitions and environmental mitigation which otherwise limit traditional lower density subdivision. Staff recommended approval of both requests. Mr. Hall reminded the commission that although the requests were reviewed together in the Staff Report and presentation, and the findings and conclusions apply to both the Planning Commission must take actions on each request individually. The two separate recommendations of Staff are:

Based on the background, analysis, and the findings in this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the Future Land Use Map, re-designating the property located at 935 West Bullion Street from Low Density Residential and Open Space to Medium Density Residential.

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation of the property located at 935 West Bullion from A-1, Agriculture to R-M-15, Multi-Family Medium Density Residential.

Travis Nay asked about the open space on the site and how these were missed in the general plan update and if there are any other examples of parcels that were missed that have come up in other projects. Mr. Hall responded affirmatively and described an example from last year at 388 & 398 East 4800 South, where there were slivers of parcels around the property that had never been combined to the larger lot. When the zoning districts were assigned in the area, the smaller parcel was mistaken as pertaining to adjoining lots in a cul-de-sac behind the property in a different zone. In the current case, one of the subject properties was mistaken as a part of the power corridor because it is vacant and bordered on the west and south by properties that are part of the corridor. Mr. Nay asked about the parking requirement. Mr. Hall explained multi-family units are required to have 2 to 2.5 parking spaces per unit. Mr. Nay asked whether mitigation

efforts to clean up in the past were held to the same requirements of contamination removal. Mr. Hall stated that requirements weren't as stringent as they are today.

Mr. Pehrson asked if the landowner is the one asking for the zone change, Mr. Hall replied that the applicant Hamlet Development has the property under contract.

Ms. Milkavich asked for clarification about the traffic study at Bullion and Auburn. The report describes that intersection as performing at a Level C currently and remaining a Level C if the zone change is approved and the project built. She asked if there are plans or recommendations now that we know it is a Level C. Mr. Hall said that the traffic study does not recommend changes to any of the intersections, but that a traffic calming study had also been done and showed that the top 85<sup>th</sup> percentile of speeding was only 5 mph over the posted limit. The traffic calming study suggested moving speed indication signs and even narrowing lanes to help reduce speeds since the hill, open space and wider lanes visually indicate higher speed. Mr. Hall clarified that those are recommendations from the traffic calming report, but the traffic study itself does not recommend any changes to intersections as a result of the development. Ms. Milkavich asked who the recommendations are made to and when are they triggered. Mr. Hall said that they are made to the City and would be forwarded to the Traffic and Safety Committee to determine if they should be implemented.

Mr. Smallwood interjected regarding Mr. Pehrson's previous question to let him know there is an agent authorization in the packet that US Satellite Corporation has authorized Hamlet Development to proceed with this request.

Ms. Milkavich asked about the contamination of the soil and if that is currently contaminating through rainwater and if it is harming anyone if it isn't developed. Mr. Hall stated he does not believe there is any contamination through rainwater and added that Mr. Brodsky will give more information in his presentation with the environmental report.

The applicant, Michael Brodsky stated the meeting was originally scheduled for February, but he elected to postpone in order to offer a community meeting for the neighbors which resulted in a number of changes to the proposed project. He indicated he had a presentation to go over but asked if the committee would permit Ryan Hales of Hales Engineering who conducted the traffic study to add some clarification about the traffic study.

Ryan Hales, Hales Engineering, stated that the level of service overall at peak period indicates 1900 cars daily on Bullion Street adding there is additional capacity available on this road. The levels of service at the intersections are D or better and at that level they do not make recommendations to increase the level of service as it would over plan the roadways, overbuild the intersections which adds too much infrastructure and maintenance to the roadway systems. The speeds are slightly higher than the speed limit but not enough to raise the speed limit. Adding some electronic speed indicators will help with visual cues. Mr. Brodsky stated he would be willing to implement the measures the City Engineer recommends.

Mr. Brodsky introduced himself as the owner of Hamlet Development. Mr. Brodsky stated over the last 25 years he has developed several neighborhoods in northern Utah. He explained they are headquartered in Murray and have developed several neighborhoods in Murray. Their location on 84 West 4800 South is a Mixed-Use and was also a contaminated site that required clean-up through the Department of Environmental Quality.

Mr. Brodsky presented his request to re-zone the project property to an R-M-15 zone. He originally suggested a development agreement that would restrict a specific use of the property but found that Murray City does not have a provision in place to legislatively regulate the total number of homes he builds on this site. He stated there have been a lot of objections to that issue which will be addressed. He added the request is based on the unique issues surrounding the property. The property is approximately 8.8 acres and contains a 24,000 sq foot office building with an array of satellite dishes that were designed to provide Albertsons with a communication facility. There is also a cell phone tower on the property. The current building is a non-conforming use on the property and cannot be re-used and must remain there dilapidated until someone tears it down and his company will need to demolish it in order to develop the property. Prior to entering into a contract to purchase this property he was provided a phase 1 environmental assessment. There have been several previous developers, including Murray City, that when they discovered the extent of the contamination, they all backed out. The phase 1 identifies the property with lead and arsenic, vermiculite was used to insulate the walls but was analyzed by a lab and found that no asbestos was in the vermiculite. The lead and arsenic contaminants are on the ground but are not soluble, they do not dissolve or spread with rain but are exposed on the surface which is a hazard.

Mr. Brodsky stated Hamlet Development will enter into a voluntary cleanup program and since the cost is so significant, they have asked the city to consider additional density to help absorb the cost.

Hamlet had originally proposed a community park to be publicly accessed but there were a lot of objections to the community park. They have eliminated the park and reconfigured the unit count from 90 to a total of 75, including 20 single family homes that would border Bullion Street and 55 townhomes that would be in the middle of the property. The re-design includes an interior park with many amenities which will be surrounded by homes. The concern for traffic along Bullion was addressed by the traffic study and signifies how the applicant intends to mitigate the flow of traffic along Bullion Street.

The phase 1 report identified that the site was originally the Highland Boys Smelter in the 1800's. The property was left with lead, arsenic and slag waste. Additionally, Geo Engineers discovered illegal dumping on the property before the perimeter fence was installed, further supporting the likelihood that this would result in a highly recognized environmental condition placing the property at high risk of regulatory impacts. Hamlet hired Wasatch Environmental for investigation of the impacts. Hamlet has worked with the state sponsored program for a Voluntary Clean-Up Process, or VCP. Over the last 10 years Hamlet has done four other VCPs including several in Murray, and they consider this a unique strength they possess. The benefits of the VCP for the developer and community are extensive. There would be ongoing test borings that need to be done in a tight grid across the entire 8 acres, along with invasive testing of the building and soils to determine what is needed. The clean-up requires consistent on-site supervision by the State. Ongoing testing needs to be done as debris leaves the site and monitors are placed around the perimeter of the property to determine any airborne contaminants. Mr. Nay asked about the other contaminants Hamlet has had to deal with on other sites. Mr. Brodsky cited a project on 4800 South and 300 West with lead and arsenic, and another project called Birkhill in which 15 acres were contaminated with lead and arsenic. Another project contained lead arsenic as well as radio-active material; the radio-active material was tens of thousands of dollars to dispose of. Mr. Nay said it's fair to say Hamlet has had broad experience in this area.

Mr. Lowry asked about an estimation of time for the clean up on that property. Mr. Brodsky explained the investigation and approval process takes longer than the clean-up but with his most recent project the clean-up itself took two months which is record time according to the DEQ.

Ms. Milkavich asked for clarification of what the repository consists of, who is responsible for the clean-up, and who maintains it. Mr. Brodsky explained there is a hole in the ground about 2 feet deep between the water table and the repository and then is capped with various materials, such as clay and a layer of visqueen. He added that the price of the property was likely discounted due to the contamination. Ms. Greenwood clarified Ms. Milkavich's question stating that financial lending institutions require the clean up to be done prior to lending the money to sustain the value. She added that Murray has a lot of contaminated soil and when you do have the opportunity to have the site cleaned up and it doesn't involve funding from public agency or taxpayer funding, and this is an ideal situation. Ms. Milkavich wanted to clarify her thoughts by adding how she appreciates the applicant and feels he has gone out of his way to listen to and respond to the community which is very respectful of this developer and wants to also respect the community. She believes he is the very best applicant to develop this site but finds herself and the commission in a difficult situation.

Mr. Brodsky stated he is proposing fencing on the south side with 6-foot high vinyl fence. They want to install driveways where possible. They will make every effort to save the trees around Bullion Street. He wanted to remind the commission and public that these are townhomes and single family detached homes which will be individually owned. He stated the homes are not low-income homes. Garbett homes will be building the homes and at the neighborhood meeting they were told very bluntly that they were ugly, and Garbett Homes has since redesigned them to look more traditional.

Mr. Brodsky wanted to discuss the buyer profiles of the average buyer of Hamlet Homes. He described them as 25-55 years old, having an average earned income of \$55,000.00 to \$95,000.00. 66% have an undergraduate degree and 18% have advanced degrees. Within townhome neighborhoods 67% of households have no children.

Mr. Brodsky stated that lastly, he wants to suggest that his request be tabled. He explained the reason is due to one of the major concerns from the public if the R-M-15 is received then there is nothing to stop them from building out the full density. He stated that a suggestion was made by Dan Fazzini, a former Taylorsville Commissioner and current Murray City resident, to re-zone a portion of the property to R-1-6 and a portion of the property to R-M-15, and that doing so will limit the maximum density that anybody is able to build in this neighborhood. Ms. Milkavich stated she respects the applicant's decision to consider this change and wanted to know from staff what this means for the commission. Mr. Hall clarified that what the applicant proposed would require a removal of the current application, and for new applications to be filed. Mr. Pehrson asked how zoning works with the current property lines. Mr. Hall stated that it could be done by keeping the two parcels separate and using the lot line adjustment process to line the two parcels up north to south rather than east to west as they are currently. Ms. Nixon clarified that the applicant would need to withdraw his application and then apply for the separate zonings, and that the boundary line adjustments would require a parcel/boundary line adjustment process.

Mr. Brodsky reiterated the concerns that were expressed through comment and then made an official statement to withdraw his application. Mr. Hacker expressed his thanks to the applicant for his willingness to make the adjustments from listening to the public and neighbors and closed the agenda item.

OTHER BUSINESS

There was no other business.

Travis Nay made a motion to adjourn. Motion was seconded by Sue Wilson. A voice vote was made, motion passed 6-0. The meeting was adjourned at 8:08 p.m.

  
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Jared Hall, Planning Division Manager