

The Planning Commission met on Thursday, May 6, 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 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/pc050621> or submitted comments via email at planningcommission@murray.utah.gov.

Present: Maren Patterson, Chair
Ned Hacker, Vice Chair
Travis Nay
Sue Wilson
Lisa Milkavich
Jeremy Lowry
Jake Pehrson
Jared Hall, Planning Division Manager
Susan Nixon, Associate Planner
Zac Smallwood, Associate Planner
Briant Farnsworth, Deputy City Attorney
Citizens

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

APPROVAL OF MINUTES

Ned Hacker made a motion to approve Minutes from April 1, 2021 and April 15, 2021 and Lisa Milkavich Seconded. A voice vote was made, motion passed 7-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Sue Wilson made a motion to approve the Findings of Fact for a Conditional Use Permit for ProVue Windows 4649 S Cherry Street and Stroker Diesel for Auto Sales at 364 West 6100 South #A. Seconded by Jake Pehrson. A voice vote was made, motion passed 7-0.

LAND USE ORDINANCE TEXT AMENDMENT – Project #21-040

The applicant, Brad Lambert, was present to represent his request to amend the text regulating the allowed height of accessory structures in residential zoning districts in the Murray City Land Use Ordinance. Susan Nixon presented the request, stating that there are regulations for the height of accessory structures in the A-1, R-1-6, R-1-8, R-1-10, R-1-12, R-M-10, R-M-15, R-M-

20, and R-M-25 Zones. The requested amendment is applicable to Sections 17.92, 17.96, 17.100, 17.104, 17.108, 17.112, 17.116, 17.120, 17.124, and 17.128. Mr. Lambert applied for a detached garage in his rear yard. The current code allows accessory structures to be either 16 feet or 20 feet in height as related to the height of the main dwelling. Prior to 2019 the code allowed up to 20 ft. in height but stated that no accessory structure was to exceed the height of the main dwelling. In 2019 the code was amended *“An accessory structure may consist only of a one-story building and may not exceed sixteen feet (16’) to the peak of the roof if the primary residential dwelling is less than twenty feet (20’) in height. If the primary residential dwelling is greater than twenty feet (20’) in height, an accessory structure is allowed at a height of twenty feet (20’) to the peak of the roof.”* The text amendment proposed by the applicant would fully remove any consideration of the height of the primary dwelling in determining the allowable height for accessory structures on the property. The amended text would simply read: *“An accessory structure may consist only of a one-story building and may not exceed twenty feet (20’) to the peak of the roof.”* Ms. Nixon added that many Americans like their recreational toys like boats, trailers, and motorhomes which do not fit in a garage with a shorter height and there are numerous homes in Murray that were built many years ago with heights ranging from 12-17 feet high. Ms. Nixon stated that Mr. Lamberts home is approximately 16 feet in height and that the only other option for Mr. Lambert, aside from this text amendment, is to raise the roof of his home to a minimum of 20 feet in height. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed text amendments in the stated chapters of the Murray City Land Use Ordinance regarding Accessory Structure Height.

Brad Lambert stated his address 980 East Searle Avenue and stated he agrees with the proposal and believes it makes more sense to have a set height for residents as well as staff.

Ms. Patterson opened the meeting for public comments. No comments were made and the public comment portion was closed. Ms. Nixon stated that since this is a text amendment that would apply city-wide and therefore mailings were not mailed to residents surrounding Mr. Lambert’s property. Mailings were sent to the affected entities as required with all legislative actions.

Mr. Hacker asked for clarification that this is for accessory structures and whether it includes sheds and would they also include accessory dwelling units. Ms. Nixon stated that it does include accessory dwelling units, but that accessory dwelling units do have a limit of 1,000 sq ft. and also a limit of 40% of the main dwelling square footage.

Travis Nay stated this is a very practical solution to a problem, the idea of having to raise the roof on his home in order to build a garage is government getting in the way of what people need to do to live in the modern world.

Travis Nay made a motion to forward a recommendation of approval to the City Council for the proposed text amendment in the stated chapters of the Murray City Land Use Ordinance regarding height of accessory structures in residential zoning districts. Seconded by Jeremy Lowry.

Call vote recorded by Mr. Smallwood.

 A Maren Patterson

 A Lisa Milkavich

- A Travis Nay
- A Sue Wilson
- A Ned Hacker
- A Jeremy Lowry
- A Jake Pehrson

Motion passed 7-0.

GENERAL PLAN AMENDMENT AND ZONE MAP AMENDMENTS – 935 West Bullion Street – Project #20-034 and #20-035

The applicant, Michael Brodsky, was present to represent this request. The applicant would like 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 townhouses. Jared Hall reviewed the location and request for a General Plan Amendment and Zone Map Amendment. An exhibit of the proposal was presented showing they are in the A-1 Zone. They are in 2 different Future Land Use Categories of Parks & Open Space and Low Density Residential. The applicant is applying to re-designate the properties on the Future Land Use Map from Low Density and Open Space to Medium Density Residential because he is also applying to rezone the back 4.64 acres to R-M-15 and the front 3.36 acres to R-1-6. The reason he is making this change is a result of a neighborhood meeting he held where many comments were made about the density. He has dialed back the project based on those concerns. The resulting overall density is about 9.2 units per acre. The application is for the zone change not the project. The development of the property will require additional applications and another public meeting with the Planning Commission even if the zone is changed as requested. There were significant numbers of comments in the first round of applications as well as the current round. Many commenters asked why there is a General Plan if it is not being followed and remarked about how the General Plan took a long time to put together. Mr. Hall agreed that it did but stated that the plan is not intended to be static regardless. They are reviewed every 5-10 years and in a growing city it is expected that such applications for changes will be considered. The city should work to ensure that the zoning of residential areas does not prohibit compatible types of housing as recommended in the General Plan. Mr. Hall reviewed the buffers that surround the site of power corridor and utility uses for Murray City. A slide of the Balintore Subdivision near 900 East on 5600 South was displayed to give a visual idea of the type of density and housing mix that this zone change would represent. Mr. Hall went over the requirements for parking stating 2.5 parking spaces are required per unit. The traffic study findings resulted in no significant impacts to the streets or traffic in this area. Planning staff had met with school district personnel, and there were not concerns with this application and possible project. This change represents an opportunity to add the missing middle housing components.

Ms. Milkavich asked about the traffic study stating that according to the report there may be some impacts. Mr. Hall stated that the level of service does drop a little but not in a significant way. The traffic calming study did suggest better sidewalks and filling in some missing space and moving the flashing speed signs to different locations. Bullion Street has what traffic engineers refer to as visual cues that at times can entice drivers to speed. It is a fairly wide street with open space around it. The traffic calming study does mention narrowing the lanes with the striping which visually helps people remember to slow down. Ms. Milkavich read from the report that the current average daily trips is 1,900 and that road is built to handle 4,000-6,000 average daily trips, so it is not at full capacity currently or with the development. Mr. Lowry asked why different types of housing is desirable in developments. Mr. Hall explained that as a

a variety of housing types in a project or area makes it a more interesting place rather than the massing of larger structures all together. We are in the business of creating good communities. Where we need missing middle housing, it makes better sense to integrate it into projects and have it interspersed throughout. Ms. Milkavich stated she agrees with the idea of a mixture because it creates a better sense of community. Ms. Patterson asked if it creates more stability when there is a variety of housing. Mr. Hall stated it provides life cycle housing which lets people stay in Murray and creates better communities over time. Mr. Pehrson asked why the General Plan is not set up for intermixing the densities. Mr. Hall replied that in some ways it is, but this request represents an opportunity to do a mix of densities in a place where it wasn't anticipated at the time the General Plan was updated because it was in use by a big company with satellite dishes, etc. As a result of the General Plan we only created 2 new zones, the Professional Office Zone and Business Park Zone. Staff has come to feel that we should have created an infill housing zone or overlay. Mr. Pehrson stated that a common theme pointed out by many people was the General Plan states medium density was to be used along corridors with transit and should serve as a transition between mixed use or multi-dwelling designations. Mr. Hall agreed the wording is there but emphasized that nearby 700 West is minor arterial, which represents a corridor and that 9-12 units to the acre is not density at the scale that would need to be near transit. Mr. Pehrson asked about the height of the property and Mr. Hall explained that will be measured to see if it needs to be adjusted if the grade is too high. Ms. Milkavich asked Mr. Hall to review the uniqueness and buffering of this site. Mr. Hall verified that in transit corridors there would be much higher density, and that medium density is ideal near the 700 West corridor. Mr. Pehrson asked if staff would have recommended this zone change if the contamination wasn't a factor. Mr. Hall explained that it is a combination of contamination, excessive demolition, cell tower, and the isolation of the property due to the boundaries of the property, and that they all factor into the consideration.

The applicant Michael Brodsky stated his address as 84 West 4800 South, Murray City. He clarified the request is to re-zone the 8.6 acres to R-1-6 and R-M-15. The request came from a suggestion at the neighborhood meeting to provide a zoning mix that limits the maximum density of what can be built here. He changed the plan significantly, removing a 2-acre park along Bullion Street and reduced the density from 90 townhouses to 20 single family homes in the front and townhomes in the back. Some provisions for privacy were made for the Walden Hills subdivision which is behind the property to the south. Transom windows are being considered for the third story of the townhomes for privacy needs. There is an 87 ft power corridor adjacent to the property and the set back from our houses to property line will provide 125 ft from house to house which is a significant separation. After surveying the entire property and measuring the grade, the existing grade is approximately 5-8 ft below the Walden Hills subdivision. One of the challenges of the site is the way the satellite facility was built into a very deep depression. There is some very extensive grading to do. Additionally, there will be a fence along the property line. There are environmental problems on this site. It is heavily contaminated with lead and arsenic and we have recently been accepted into the Department of Environmental Quality's voluntary clean-up program. The traffic engineer had some traffic calming suggestions which will be implemented into the development plan. Mr. Brodsky briefly explained the buyer demographics, stating that this neighborhood could provide the younger children growing up an opportunity to buy. 34% of the buyers in his townhome projects are empty nesters who can afford to stay in the neighborhood as they scale down. The percentage of young children is less than single family homes, so the impact on the schools is very mild. Mr. Pehrson asked if the sequestering of the contamination clean-up will be done in the radius of the cell tower where it is unbuildable. Mr. Brodsky explained there is a significant water table depth that will allow them to build a repository that will be more than sufficient. Ms. Wilson

asked if there would be a grid system and water trucks to keep the dust, dirt, and particulates from getting airborne or onto Bullion Street. Mr. Brodsky verified the Environmental Protection Agency and DEQ will very closely monitor the situation, and the SWPPP (storm water pollution prevention plan). Mr. Hacker stated there are still some significant concerns about the 4.64 acres moving to the R-M-15 which could be up to 69 units. Mr. Brodsky explained the bonus density that you can provide is not economically feasible and in 27 years of development hasn't been able to use it. Mr. Hall clarified there are three columns of requirements you have to meet to get the maximum density which is nearly impossible.

Ms. Patterson opened the meeting up to public comment. The emails were read into the record.

Joyce Jones - 5647 Blue Barn Circle

I am writing to you about the zone change on Bullion. I really disagree with changing it to RM 15. It would allow way too many homes to be built on this small land. It just isn't right. There is never enough parking planned or grassy areas planned to make it really nice. I understand the change to R-1-6. They would be small lots, but would give more people a chance to have a home. Three story townhomes are just too many homes on too small of an acreage. They would look right down on the backyards of the beautiful homes behind them. To say the zone change is needed to make the project financially viable to remove the smelter tailings at this superfund site is false. There will be other developers that will have the know how to deal with these tailings and they will still make a fortune with homes in an R-1-6 zone! We are making a concession to agree to R-1-6! These townhomes do not fit in the middle of a nice neighborhood! In looking up what a townhome is, I read that "In general, townhomes tend to be located in large cities and urban areas, where single-family homes are more expensive or nonexistent. This means the location of a townhouse is ideal for those who love living near urban centers, great restaurants, a slew of entertainment options, parks and public transportation." This description does NOT match the description of our townhomes. Ours are not near a city center. It is not near great restaurants or public transportation. It is also not like the land that you just rezoned by Fashion Place Mall for this reason! Parking in this area is also a huge concern to me. Everything that is going up in Murray lately seems to be lacking in parking! We do not want the cars parked up and down our street! One hundred more cars going up and down Bullion would definitely make a difference in our traffic situation no matter what new gimmick you come up with to tell us it will work. I live on Bullion and my daughter with 4 children under the age of 8 lives across the street on Bullion. These children and I cross this street every day. Trying to walk out between parked cars to cross a street is just not safe when it is as busy as this street will become. This street should not become a main thoroughfare. And the neighborhoods below cannot handle this much traffic either if 55 townhomes go in. I am not in favor of the way this developer wants to handle the soil contamination issue. I do not like the idea of just burying and capping it. I think it needs to be removed from the area. I don't know too much about this as most people don't. But I think further studies should be made on how this should and could be contained. The RM 15 zone change is against the general plan that we all worked so hard to help develop and is not at all congruent with the present R-1-8 zoning. Allowing the RM 15 zone change just doesn't make sense and it isn't right. We need a zone change that will limit this developer even more from putting in 55 three story townhomes. It is just too many and makes no sense at all. It would be an atrocity. There has to be other options. Please do not change the city's plan to benefit ONLY the developer! Other landowners around here will want the townhomes as well if you give into this developer. Please say no and listen to the local community. We all want a beautiful city that we can enjoy. Be brave and do the right thing! Thanks for listening

Michael & Janet Myers – Murray City

To Whom it may concern, we have lived on Walden Hills for 35 years and we strongly disagree with the building of these units. This is a single home subdivision and it should remain that way. The school's will be overcrowded, there is not parking for that many place's, we feel it will decrease the value of our properties. With that many unit's the traffic alone will be tremendous!!! So, in our option we vote NO!!!! We feel like there was not enough notice, posting and like it was being done under the radar!! We feel like so many units are just to many!!!!!! Why can't you just build single family home like the rest of the neighborhood. I believe all of the neighborhood feel's the same.

Gary and Barbara Strang – 1082 W Walden Park Drive

After decades of a master plan limiting residential development to 8,000 sqft or larger lot size, it seems inconsistent to take a parcel right in the middle of an established conforming single-family neighborhood & allow a multi-family development. It's impact on an area not master planned for this type of development creates many problems for area residents. Other developments Like Walden Ridge adjacent to this parcel were required to conform to the master plan. I would hope the planning commission & city council will resist outside pressure to change their master plan particularly on this parcel.

Chris Burnett and Annie Yu -981 West Walden Ridge Drive

First, I want to say thank you for all that you do to help make Murray a great place to live. My wife and I are new to the city and thus far we have loved our experience in this great city. That being said, as a Murray citizen, we would like to voice our opposition against the R-M-15 zoning. We are however in favor of the R-1-6 Single Family zoning.

Jim Brass – Murray City

I am very concerned about the precedent that could be set if this zone change is approved. The four year old general plan, and the future land use map both have A-1 Zones transitioning to R1-8 within the city boundaries. If you make this change it can and likely will impact any A-1 zone in the city. This is a precedent that could have serious implications for existing neighborhoods throughout Murray. By denying the change, you are not saying that development cannot happen on this property. You are simple saying that we should stick to the plan and vision for that neighborhood and others that may be impacted in the future. Single family homes would be a nice addition to the area. While I like Hamlet Development as a developer, it is not the city's place to assure that a project "pencils" for a developer. I recognize that there are environmental issues that affect the profitability of anything built here, but again, not the city's problem. Finally, once the zone is changed, anything allowed in an RM-15 zone can be built on this parcel in the future. We have seen vastly different project built after a zone has been changed. My personal favorite is the Mountain Medical building on Woodrow. The original request was for a single story drive thru bank, instead the neighbors got a two story medical office building, and eventually that whole Woodrow neighborhood disappeared. Thank you for your time and consideration.

Preston Andrew – Murray City

As many other residents have expressed, I'm not comfortable breaking with the general plan to accommodate such a wide jump in the requested zoning proposal. Let me further elaborate how dangerous a precedent this would set for the city of Murray. For those that are not familiar with the general plan or even understand what it is I'd like to give some color to what went into the

development of it. Here are some high level bullet points: The plan took 2.5 - 3 years to complete. The total expense of the plan was over 100k, not including the internal man hours associated. Multiple town hall meetings and ten or more public input hearings took place. There needs to be a strong basis for such a drastic change and I haven't heard it from our city officials. This isn't an issue that should be driven by real estate development groups, Murray should be grounded in its approach when dealing with our complex growth demands. If the general plan isn't leading the way then what is? Is the voice of a developer or select Murray officials greater than the consensus of the broader majority? I'm in full support of high density development in the appropriately zoned areas. That's what has always made Murray a special and unique community. There has always been a balanced and thoughtful blend for all types of development. This would be breaking with that approach and would open the floodgates to amend zoning throughout the greater Murray city. This decision shouldn't be made lightly as it will have broader impact for our officials that have plans to run again in their current capacity or otherwise. We want to vote for officials that represent and reflect the opinions of its residents. Please respect the agreement that was made between Murray City and its citizens when creating the general plan.

Ashley Clark - 774 W Anderson Ave

Thank you for taking the time to represent us in the planning meeting. I am concerned with the building project 935 Bullion Street. We need to maintain some single-family communities in Murray. That is why Murray people love Murray and want to stay. There are other places to build multi-family homes where there are currently multi-family homes. North of 5300 south and 300 west. There is empty property. We can be creative on places to build multi-family homes. Thousands of people bought homes in the neighborhood surrounding Bullion street knowing we are in a single-family home zoning. Please let us keep our neighborhood single family home. We have protected our single-family home neighborhoods up to this point. Let's keep doing it. We love Murray because we love our single-family home community.

Sharlee Laidlaw – Murray City

As many other residents have expressed, I'm not comfortable breaking with the general plan to accommodate such a wide jump in the requested zoning proposal. Let me further elaborate how dangerous a precedent this would set for the city of Murray. The plan took 2.5 - 3 years to complete. The total expense of the plan was over 100k, not including the internal man hours associated. Multiple town hall meetings and ten or more public input hearings took place. There needs to be a strong basis for such a drastic change and I haven't heard it from our city officials. This isn't an issue that should be driven by real estate development groups, Murray should be grounded in its approach when dealing with our complex growth demands. If the general plan isn't leading the way then what is? Is the voice of a developer or select Murray officials greater than the consensus of the broader majority? I'm in full support of high density development in the appropriately zoned areas. That's what has always made Murray a special and unique community. There has always been a balanced and thoughtful blend for all types of development. This would be breaking with that approach and would open the floodgates to amend zoning throughout the greater Murray city. This decision shouldn't be made lightly as it will have broader impact for our officials that have plans to run again in their current capacity or otherwise. We want to vote for officials that represent and reflect the opinions of its residents. Please respect the agreement that was made between Murray City and its citizens when creating the general plan.

Ali Lyddall - 869 Walden Hills Drive

I wish to register a comment for tomorrow's zoning committee meeting. I am opposed to the proposed zoning change. The property in Murray is so valuable right now that there is no way someone won't find a way to develop the property with the existing zoning. Residents surrounding the property, including myself, bought homes here because of the kind of neighborhood it is single family homes. I don't believe the results of the traffic study were accurate (conducted in an artificially low traffic time during covid) and I ask the commission to deny the zoning change.

Lisa Hullinger – Murray City

I remember sitting in a choir class at Murray High School and Mayor Lynn Pett walked in. I was stunned, but I felt his love for us as high school students. I was honored he cared enough to attend our choir class. He was excited to announce the new Jordan River Trail that day, now one of my favorite amenities in Murray City. Worth noting, as one who traverses that trail often, Murray City is the BEST city in terms of trail maintenance. It is commendable. Murray is a little slice of suburb right next to downtown SLC. Many who arrive in Murray never leave. However, it's no secret that with locations like Daybreak, Riverton and Saratoga Springs exploding, people are leaving Murray and heading south. It's alarming on some levels. I am told from parents with children in Murray schools that many good teachers are also leaving, trends to be observed and analyzed. If Murray City changes the master plan and puts townhomes on 935 Bullion, more Murray City residents will depart. People are already threatening to move. It saddens me. I was disappointed in the Planning Commission meeting held Thursday, April 1, 2021 with Murray City residents. Murray City officials were so deferential to Mr. Brodsky (as they should be), but I was waiting for someone to say, "Thank you Murray City residents for spending an entire evening—very valuable time—to join in the dialogue and participate with us." Perhaps, I missed it, but I heard nothing remotely close to that, especially at the very end of the meeting. Murray City officials talked and laughed and then took a break right at the beginning of the meeting. Residents were given no time to speak because of the unexpected outcome. That long meeting could have been streamlined to take care of Mr. Brodsky and residents alike. That kind of organization makes people not want to participate in city politics. We loved Mayor Pett because he took time for and cared about high school students. I hope that still holds true. Please show you care for your people by sticking to the master plan for 935 Bullion. This sets a dangerous precedent to start re-zoning things. I know Murray is short on housing. The whole valley is that way right now. But there are other locations in Murray (AISU? We have not been able to keep a business there very long since the 49th Street Galleria closure). Why not put townhomes or condos there? That area is already a sea of apartments and townhomes, and a current Hamlet development already exists right there. If there is pressure from some outside (or inside) source to re-zone this land (or a sense of acting on fear that Mr. Brodsky is the only person who will develop that land), it's time to think bigger. The city's reputation is on the line. And no one seems to think that the Mash Farm Estate lots for sale on Murray's east side should have been re-zoned as townhomes. Those lots are selling between \$350-\$500K as I understand it. So, if not there, why put townhomes on 935 Bullion? This could be viewed as an east side/west side bias. Please do not cave to the pressure to build townhomes there during this unprecedented pandemic. Other lucrative options exist for the city.

Sachi & Nate Jepson - 858 Bullion Street

We are opposed to building condos or townhomes on Bullion street. Hearing the responses from the applicant and the planning commission so far, we appreciate everyone's hard work on this issue. However, the commission's consideration of constituent concerns has felt somewhat dismissive. The message to Bullion residents seems to be "come up with a concern that we can't refute with a study, and maybe we'll consider not changing the zoning." That is confusing.

These decisions certainly feel poignant to those living on Bullion (as we do) and immediately surrounding it. Traffic is going to increase, our lives will be impacted in many ways, and our concerns remain valid, but the commission finds these changes such as the level of traffic increase "acceptable" according to the studies they've seen. This really seems to put the burden on the constituents, as if to say "it's your duty to convince us not to change the zoning, and if you don't succeed, we're changing it." That seems backwards. And that attitude would require constituents to express a concern that the commission cannot refute with a study. That is just not possible. There is a study out there to refute any concern. We are not claiming these studies are inaccurate, but that is how studies work. If we constituents and voters who are represented by the city council, who live right adjacent to this property, are saying "we bought into this neighborhood and brought our families here in reliance on the common scheme, and we don't want it rezoned," it seems to us that this should carry significant weight. We have spoken to many neighbors about this issue. Our neighbors have overwhelmingly expressed that they are not opposed to development, but they feel strongly about it being in keeping with the common scheme. If someone is trying to change that scheme, we do not understand how it should be the burden of the residents--who are most dramatically impacted by such a change and, again, who put their life savings and hopes and dreams into this neighborhood in reliance on the common scheme--to convince everyone to refrain from rezoning. We are expressing our valid concerns that this is not a positive change in our view, as the people who live immediately around the property. We support the development of single family homes here.

Nasinu – Murray City

Within 800-1000 feet away Project #20-058 requested medium to high density housing. The decision to re-zone was denied less than a year ago on July 16, 2020. This new Hamlet Development project if it were to approve any medium to high density housing would be discrimination. Equality in the decision of these developments should remain intact with previous precedence set, especially given the close proximity of like housing and zoned areas. To be clear the developer on Project #20-058 requested medium to high density housing. That request was denied and I request that this new project also be denied for the same reasons. This along with the many other concerns expressed. I urge this planning commission to vote no, remain consistent, and stick to the Murray City general/master plan.

Dan and Shannon Mechling - 789 Shadow Wood Drive

*Dear Maren Patterson, Ned Hacker, Travis Nay, Sue Wilson, Lisa Milkavich, Jake Pehrson, Jeremy Lowry, We are emailing to let you know that we are adamantly opposed to changing the zoning on Bullion Street. We would like to go on the record as stated **OPPOSED TO THIS ZONE CHANGE**. Changing the master plan for this rezoning and requested building project sets a precedent that we are not comfortable with (for a variety of reasons that have been stated previously by many others). Please note our voices as a **NO TO CHANGING THE MASTER PLAN** on Bullion Street.*

Katie McLaws – Murray City

I am opposed to the change of the zoning on Bullion street. I don't think a group of structures of that size would fit into the landscape or be in the best interest in the City of Murray. I think a few houses built on the 7 acres would be ok but I am opposed to changing this into a medium density housing development. I think the impact would not be good from a safety perspective, it would also over crowd our schools and doesn't impact Murray or the neighborhood in a good way. I hope this is reconsidered.

Court McLaws – Murray City

I am opposed to the zoning change on Bouillon Street in Murray, Utah. These structures being purposed don't match our current landscape and would cause too much traffic in an area that is already congested. I think it should be developed with a few family homes that would fit into the neighborhood and add to the beauty of Murray. If we allow this change it could affect future change as well that isn't in the best interest of Murray or its residents.

Darrell Lopez - 998 West Bullion Street

I know I have commented in the past in this issue and I would hope that the concerns I expressed in the past would still be considered and I would not have to restate them. Having said that, I want you to know that I was beginning to somewhat soften my position in consideration for the minor adjustments the developer has made. However, something happen last night that has cause me to stiffen my position again. Last night I had the misfortune of having the back window broken out of one of my vehicles. I did the right thing and reported the issue to the police. Office R Black of the Murray City Police responded and we had a nice and informative conversation. As the conversation went on we discussed the rise in property crimes over the past little while. Officer Black remark that whenever these high-density developments come into Murray the crime in those area's DO RISE. He went on to say that Murray Keeps telling the PD that they won't do anymore be then here comes another one and another headache for them. Now I don't know who he is referring to as the party's speaking from Murray City or the PD, But the point being an officer is concern like most of the Bullion residences are that crime WILL INCREASE with the INCREASED Population. I would also like to again express my concern as to who Jarod of Murray City is representing. I feel it is unacceptable for him to ask you to approve the rezoning as he did in the last meeting. He is a Murray City employee working for the all the citizens of Murray not just the developers. He should simply present the facts as they exist without using his leverage to sway the commissions opinions. I believe he should simply comment on the legal a function aspects of the project. He should definitely not recommend any decision one way or another. He should be reprimanded on this issue.

Dawna Blackett – Murray City

My position has not changed on this issue.

Stacey Garcia – 940 Chesterbrooke Cove

I live directly behind the project and when Mr. Pehrson was talking about the height as I look out my window the fence now is above my fence line so these will be too tall unless they are hauling a lot of dirt away. I also work for the school district and this project will impact those nearby schools as there will be no online school next year. I am also concerned about the contamination and how that will be dealt with.

Joe Christensen – 1184 West Hickman Cove

I have owned 4 homes in this area and it was Mayor Pett who brought me to this area with his vision of the area. Gary Strangs email comes from someone who knows what they are talking about. I want to speak for 100 of the Murray citizens who are opposed. Jared stated this has become more palatable but the opposition according to the stop 935 Bullion Facebook page has not changed. The city should not put profitability over the General Future Plan and over the interest of the community. Three points to end with are: The City has a contract from leased land from UP&L on Chesterbrook and if Mr. Brodsky builds this project it will encroach on that leased land that the city. The City made a social contract to us which has been that way for

more than a half century, we are asking the board to honor that promise, because when this project is approved we are not going to have a leg to stand on.

Dan Fazzini – Murray City

I live in this neighborhood and was a commissioner with Taylorsville for 5 years, we never saw this level of opposition to any application. Having more than 5 residents oppose a project was highly unusual. In general, I appreciate the applicant's efforts to listen and mitigate the concerns, I have to give him credit, I have not seen that before. The overall project is for a density of more than 3 times of that of the surrounding homes when you overlay those 8 acres onto the adjacent homes to the north. Buffers are meant to be incremental zones not just 75 ft of space, there may be additional space as well as was mentioned in the pre-meeting just west of the power lines which is about 2.2 acres that could be built there. The R-M-15 requires a 25 ft setback for both the front and rear, they are sharing a setback between the buildings there is only 25 ft between the buildings on the non-driveway side and the driveway is 26 ft per the plan to get that density. If the City is truly interested in addressing the low medium housing issue they would not have put a moratorium on mixed uses just a few months ago. The legislation proposed that was mentioned at the previous meeting and later amended a couple of years ago never required all areas of the city to support higher densities or focus more on low moderate income housing which this proposal clearly is not. The staff report talks about moderate income housing and in the General Plan regardless the context is for city wide not every acre in the city. I respectfully disagree with what Jared said earlier I don't think this will be compatible with the neighborhood. Make no mistake this will be a significant increase in traffic for Walden residents most will go out through hallow springs unless going to Midvale and I love off that road. The closest bus stop is a mile away. I asked for the city to make a recommendation for the entire property to R-1-6 as that is a smaller incremental change. Thank you.

Heidi Bryan – 5555 White Springs Drive

With all the negative comments and the number of comments of so many against this how can the commission go forward with this, I don't understand that and if someone can help me understand this.

No additional public comments were made. The public comment portion for this agenda item was closed.

Mr. Hall addressed the last comment, questioning why this is still being considered since so many residents don't like it. He stated that the commission hasn't made any decisions and there might be a consensus among the community that it's a foregone conclusion but that is never the case, and that the Planning Commission is considering the application frankly because under the 14th Amendment an applicant is guaranteed this process, that we will consider his applications. Mr. Hall stated that even if there were 4,000 negative comments and the planning staff was recommending denial it would still be brought forward because that is the process. Mr. Hall addressed traffic concerns stating that the city looks to the traffic study and we have to make our recommendations based on that study. Mr. Hall referred to one of the comments referencing application item #20-058 as a zone change that was similar for high density or medium density, and that was turned down. He clarified that item #20-058 was actually an application for preliminary subdivision approval and that it was granted. Mr. Hall stated that he did not find that approving this request for zone change created a precedent for all A-1 Zoning; requests are considered individually and on their own merits and this situation was unique. There was mention of Mash Farm Estates and this being potentially viewed as an east-side, west-side consideration. Mr. Hall said that had not been a thought at all until the comment was

made. Addressing comments about affordability, Mr. Hall stated that home price or lot price is not the only consideration, and that there are many other factors in determining housing affordability. Mr. Hall stated that he respectfully disagrees with the comment that there is not a strong enough case from the General Plan to make this decision if you consider the many objectives of the General Plan that support that this kind of zone change. Considering those this request has merit and can do a lot of good supporting some objectives that are tough to meet. Mr. Hall addressed the comment made that he as a staff person needs to look out for the city not the developer. He clarified that as professional staff they do not get involved in the profitability of the developer and that his job is to represent Murray City. If the application meets the goals of the General Plan and carries enough weight, he will recommend for it regardless of the popularity. Ms. Patterson clarified that there is a sense among the community that the General Plan is rigid and may not understand that it is only a guide and the Commission deals with changes to the plan on a regular basis. Mr. Hall agreed and reiterated they are meant to be guiding documents and as a City and that staff rejects many more potential applications than are brought forward. Mr. Lowry asked about the leases of the property along the back side of the property. Mr. Hall did not know about the leases but displayed the slide showing where some of those homes in Chesterbrook appeared to be using some land beyond their lot line, saying that they may be leasing. Mr. Hall added that if this property is developed, he doesn't see how or why it would impact that area or those leases. Ms. Wilson added that if those properties are leasing land, the property owner could cancel that lease at any time regardless of this project or zone change and the only way to control a parcel is to own it. Ms. Patterson asked for clarification regarding the moratorium for mixed use and why this doesn't fall under the moratorium. Mr. Hall stated that mixed-use is much higher densities at 40 plus units to the acre, and that the existing zone and requested zones are not part of the moratorium. Ms. Wilson wanted to address some of the comments implying that the commission is dismissive. She wanted to let the public know how much research and time goes into being a commission member and staff. Ms. Patterson added that developers are also held to many regulations as well as the staff. Ms. Milkavich agreed and added that as appointed commissioners they are serving as Murray residents. The residents and the commission want the very best for Murray City. She asked if Mr. Hall could delineate the difference between the Planning Commission and City Council. Mr. Hall verified that the commission is the city's Land Use Authority, and makes many decisions in that role, but with zone changes the commission's role is to recommend the best decision they can to the Council and then the City Council makes the final decision. Mr. Lowry pointed out that the commission is not made up of elected officials who are accountable directly to the population. He added that he felt the system is a great one, starting with a staff of professionals who have the education and broad experience in land use and zoning, then a group of citizens who largely volunteer their time and get to see many different projects in the city and will look at whether it meets the ordinances and zoning requirements, and added that in this case the ultimate decision is up to the Council. Ms. Milkavich clarified that it will go to the Council whether the commission recommends approval or denial. Mr. Hall confirmed.

Mr. Brodsky commented on a few questions. The title of the property was researched within 10 days of entering into a contract to obtain the property and a survey of the property boundary was conducted to look at overlaps or encroachments. They were satisfied to be able to purchase the property free and clear of any outside encumbrance. The moratorium does not apply to this property, the Granton Square Community that was referenced was developed in the mixed-use ordinance. There was a lot of discussion about the role of staff and Planning Commission who are frequently tasked with cutting the baby in half. In various experiences with Murray City he has found the staff and commission to be highly skilled and knowledgeable. He thanked them all for their efforts and time.

Mr. Nay asked how many acres of Murray is in the A-1 zone. Mr. Hall stated that most of it is tied up in the Jordan Parkway. Mr. Nay asked if we are close to build-out and Mr. Hall concurred. Mr. Nay clarified that this isn't public space it is private property which comes with developmental rights and they should be able to exercise those rights where appropriate. Mr. Lowry added the public is very passionate about this project, and it is his opinion that the project is worthy to amend the General Plan because the intention of the plan is to provide for positive development that is well thought out, contributes to the cities well-being, and accomplishes the city's goals. He asked Mr. Hall to review the city's objectives. Mr. Hall showed the slide of Neighborhoods and Housing section of the General Plan which states Murray is dominated by single family homes, condos, with large apartment complexes rounding out the primary housing type. The Housing Goal for Murray is to provide a diversity of housing through a range of types and development patterns. The objective is to encourage housing options for a variety of age, family size and financial levels and support the range of housing types including townhomes, row-homes, and duplexes. Mr. Lowry asked how much space is between those homes and the easement. Mr. Hall stated without an actual plan it is hard to know but based on the easement its approximately 80 ft. When there is a plan application, the commission will be able to decide some of those matters. Ms. Milkavich stated it is all speculation, but the commission can place set back and height restrictions when the project comes up for review.

Mr. Lowry stated it is pretty clear the General Plan calls for amendments and this project largely meets those objectives and goals. He appreciates the developer being thoughtful in adding the transom windows and such but wants to weigh the impacts on those neighbors. Mr. Hall displayed the slide with the 12 objectives within the General Plan. Mr. Hall stated that as a professional if he thought this application would harm this neighborhood in the way that a lot of the people feel it will, he would not recommend for it. Ms. Patterson asked how realistic it would be that someone would come in and develop this as all R-1-6 with how long this property has been vacant and with all the complicated aspects of the site's development. Mr. Hall stated a few different developers have looked at the property, considered it and moved on. It's hard to know if that would continue to be the case. Ms. Patterson stated that other developers might look at it and go through this process, whereas it's a difficult property and expensive to develop, they also will likely need a higher density to make it work. When if it doesn't pass the property stays vacant with a dilapidated building and contaminated soil. Mr. Hall agreed that most developers are going to ask for higher density at this site and that in his opinion it represents a good opportunity get it cleaned up. Mr. Nay reiterated that Murray is running out of land and this is one of the last chances to insert this type of development into this city. Mr. Lowry expressed his thanks to everyone on this project as well as the input of the citizens and said he has made his decision.

Mr. Lowry made a motion to 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 to Medium Density Residential. Seconded by Mr. Nay.

Call vote recorded by Mr. Smallwood.

 A Maren Patterson

 A Lisa Milkavich

 A Travis Nay

N Sue Wilson
 N Ned Hacker
 A Jeremy Lowry
 N Jake Pehrson

Motion passed 4-3.

Mr. Nay made a motion that we forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designations the property located at 935 West Bullion Street from A-1 Agriculture to R-1-6 Single Family Medium Density Residential and R-1-15 Multi-Family Medium Density Residential. Seconded by Mr. Lowry.

Call vote recorded by Mr. Smallwood.

 A Maren Patterson
 A Lisa Milkavich
 A Travis Nay
 N Sue Wilson
 N Ned Hacker
 A Jeremy Lowry
 N Jake Pehrson

Motion passed 4-3.

OTHER BUSINESS

Ms. Patterson addressed the option of returning to an anchor location and asked the commissioners about their comfort level. Mr. Hall verified the City Council is meeting together but the public is not in attendance until July. Mr. Lowry asked if the space would allow for distancing or for large crowds. Ms. Milkavich stated she is comfortable with the commission but wants to follow the regulations as the guidance changes. Ms. Patterson stated the next meeting, May 20, 2021 will be at an anchor location and we will also stream live from zoom. Mr. Hall thanked everyone for their efforts, time, and consideration.

Mr. Nay made a motion to adjourn. Motion seconded by Ms. Wilson. A voice vote was made, motion passed 7-0. The meeting was adjourned at 9:42 p.m.



Jared Hall, Planning Division Manager