

Minutes of the Planning Commission meeting held on Thursday, September 2, 2021, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

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 may submit comments via email at planningcommission@murray.utah.gov.

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

Excused: Travis Nay

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

No Minutes to be approved.

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 BMW of Murray at 4700 South State Street, for Orion Auto at 32 East Fireclay Avenue and Design Review for Kimball Investments at 4670 South 900 East. Seconded by Ned Hacker. A voice vote was made, motion passed 6-0

ALMA & KAREN HANSEN and MARK MCDONOUGH – 5829 & 5837 South Majestic Pine Drive – Project #21-089

The applicant is requesting a Zone Map Amendment from R-M-10 to R-1-8 at the properties addressed 5829 and 5837 South Majestic Pine Drive. Susan Nixon presented the request. The parcels are behind residential properties and are technically landlocked. The McDonough's own lot #12 with a home there and next to them is Lot #13 which is jointly owned by the McDonough's and Hansen's. Lot #14 is owned by the Hansen's. The properties involved in this request are to the rear of Lots #13 and #14. These parcels are the remnant result of four previous subdivisions developed over the years. The area is heavily wooded with a creek at the northerly boundary. The applicants want to keep and maintain the area for their enjoyment.

They also intend to combine the two parcels with their lots within the Ereksen Subdivision and if this is approved they will need to apply for a subdivision amendment and lot consolidation. R-M-10 zoning allows for single family homes. This request is consistent with the General Plan and Future Land Use Map. Notices were sent to surrounding residents and no responses were made. Staff is recommending approval for a zone map amendment for both parcels and that the Planning Commission to forward a positive recommendation for properties, two separate motions will be needed.

Applicant, Alma Hansen, 5837 South Majestic Pine Drive, stated their willingness to comply with city regulations.

Ms. Patterson opened the meeting for public comment. No comments were made. The public comment portion for this agenda item was closed.

Lisa Milkavich made a motion to forward a recommendation of approval to the City Council for a Zone Map Amendment for the parcel of property generally addressed 5829 South Majestic Pine Drive. Seconded by Jake Pehrson.

Call vote recorded by Ms. Nixon.

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

Motion passed 6-0.

Lisa Milkavich made a motion to forward a recommendation of approval to the City Council for a Zone Map Amendment for the parcel of property generally addressed 5837 South Majestic Pine Drive. Seconded by Jake Pehrson.

Call vote recorded by Ms. Nixon.

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

Motion passed 6-0.

MURRAY HEIGHTS – 5448 South 700 West – Project #21-018 & #21-019

The applicant is requesting a Conditional Use Permit for a Planned Unit Development and Preliminary Subdivision approval for Murray Heights PUD. Zachary Smallwood presented the request. The applicant is requesting approval to develop the subject property into thirty-one (31) townhomes at the property addressed 5448 South 700 West. The zoning is R-M-15 which

allows up to 12 units per acre as a base density. The Planning Division wasn't comfortable with the initial site plan where each unit was 40 ft in height and four floors and very close to the southern boundary. There have been 3 site plans since then. The third site plan has been moved further back from the south property line with better buffers against the residential neighborhood to the south. The units have been changed to two and three stories with rooftop decks. There were 75 notices sent to the public and two comments received. The code requires 78 parking spaces for 31 units and this project will have 80 spaces. The units range from 34 to 40 ft height and have tandem double deep and standard two car garages. Staff is recommending approval for a Conditional Use Permit for a Planned Unit Development and Preliminary Subdivision approval for Murray Heights PUD subject to the nine conditions.

Applicant Bryon Prince, Ivory Development was present to represent the request and stated his address as 978 East Wood Oak Lane. He indicated his willingness to comply with all the conditions. There was a meeting on site with the neighborhood which produced a better understanding of their concerns. One of the items in question was the fencing and if Ivory would be installing a fence along the south side and asked the type and height. Mr. Prince indicated there would be a 6 ft tall solid surface pre-cast or hardy board fence. Many asked if it is possible to build an 8 ft fence. Mr. Prince stated that Ivory Development is open to an 8 ft tall fence but were not sure if it is allowed. The buildings have all been oriented to the north to allow for more space and buffering and that is the reason for the adjusted setbacks. The space of the buildings on the south side is 58 ft from the existing homes to the south. The design was driven around providing the spacing and safe access for emergency vehicles.

Mr. Hacker asked if there will be fencing on the west and north side. Mr. Prince verified that the fencing will wrap along the west edge and on the north side there is an existing UDOT fence that is chain link. He stated in the future there may be a wrought iron fence installed. There is no plan for any fencing along 700 West. There is some allowance along 700 West to expand the road but still have 20 ft setbacks.

Ms. Patterson opened the meeting for public comment.

Rex Morry, 684 West 5465 South

A few years ago the city and state put an island in to prevent left turns into the Smith's shopping center which forced all that traffic down our street. That same island is going to prevent people from being able to access this property which will force them down our street which will have a negative impact on our community and neighborhood. There are many kids on the street and I have 20-30 cars a day turning around in my driveway making it a dangerous situation. The suggestion is to extend that island past 5465 South so the people needing to turn to go north out of this project be forced down to Anderson which is a wider street and designed for that level of traffic. What is going to be done to mitigate this?

The following emailed comment was read into the record:

Lorelei Romney

We have the following grave concerns over the traffic ingress and egress from this project onto 7th West:

- 1) The only way cars can exit this subdivision is by turning right onto 7th West and going south.*
- 2) There is no access to this subdivision for cars that are traveling north on 7th West unless these cars make a U-turn at the traffic light on 5400 South and 7th West to be able to turn back south onto 7th West and access their subdivision.*

3) *There is no way for cars exiting this subdivision to travel north on 7th West. Currently cars frequently make U-turns on 7th West at the end of the concrete lane divider ending about 5465 South to return traveling north back to the Smith's parking lot entrance on 7th West. This will also be the only means by which cars exiting this subdivision can possibly travel north on 7th West, or to access the traffic light at 5400 South. These U-turns create a traffic interruption and hazard especially during rush hour traffic. In the morning, traffic is backed up almost to Bullion Street waiting for the light at 5400 South to change. Traffic on 7th West is also very heavy during the late afternoon rush hour. Cars turning south on 7th West from 5400 South are going to suddenly be backed up significantly while waiting for someone to complete a U-turn against cars traveling north on 7th West. There should be absolutely no U-turns allowed at this point on 7th West, and signs prohibiting such U-turns should be clearly posted at this location.*

4) *This then brings up the practical matter that many of the people living in this new subdivision will then exit by turning right onto 7th West and then immediately turning right into the Walden Hills subdivision at Aspen Heights or Walden Hills streets and following those streets back around to 7th West, where they can then turn left or north onto 7th West. Alternatively, they will turn left onto 5465 South and then turn north onto Allendale Drive in order to access and cut through Smith's parking lot to then turn north on 7th West or to continue straight to exit onto 5400 South. In summary, the entire traffic flow from this new subdivision as it currently exists is a ridiculous solution that will create a major problem not only for those who live in this subdivision, but also for the entire 7th West traffic flow both north and south, and for the neighboring subdivisions by causing increased traffic on these side streets. This plan could not possibly be approved by the Murray City Traffic Planning Department. We would request that the Planning Commission not approve the plans for this subdivision until the traffic problem is suitably addressed by the developer.*

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

Mr. Smallwood stated that the city engineering department has been made aware of these traffic concerns. UDOT controls the intersection for 300 ft into the Murray City right of way side and we have worked with them on that median. Mr. Hacker asked if UDOT could extend that median farther to the south. Ms. Patterson asked about the deceleration lane and asked about the traffic study done for this project. Mr. Smallwood indicated there will be a deceleration lane added and there was a traffic impact study done. Ms. Milkavich agreed with many of the traffic suggestions and asked when would those requests occur? Mr. Smallwood verified those requests would go through the traffic and safety committee which is attended by the City Engineer.

The commissioners agreed to add a condition to allow up to an 8 ft high fence along the south side.

Sue Wilson made a motion to approve a Conditional Use Permit for Planned Unit Development and grant preliminary subdivision approval for Murray Heights PUD Subdivision on property addressed 5448 South 700 West, subject to the following nine conditions with the addition of a 10th condition to read: applicant will work with staff on the installation of a fence up to 8ft tall on the south property line.

1. The applicant shall meet all requirements of the Murray City Engineer, including the following:

- a. Meet City subdivision requirements.
 - b. Dedicate right-of-way along 700 West for future widening – show on plat.
 - c. Install taper and right turn lane into subdivision (concrete).
 - d. Provide grading, drainage, and utility plan & profile drawings
 - e. Meet City storm drainage requirements, on-site retention of the 80th percentile storm and detention is required. Implement Low Impact Development (LID) practices.
 - f. The HOA will need to maintain the stormwater retention/detention system. Maintenance language should be included in the HOA declaration. There will also be a maintenance agreement require with Land Disturbance Permit.
 - g. Meet City utility standards requirements and provide PUE's on lots and in common areas. Provide a 10' wide PUE along the 700 West frontage for future power relocation.
 - h. Meet City overhead utility clearance requirements for the 700 West access. The low underhanging communication lines may need to be raised or relocated.
 - i. Provide a bond for dedicated public improvements.
 - j. Install sidewalk along 700 West frontage and pedestrian access ramps at Street A connection to 700 West.
 - k. Street A connection to 700 West must meet AASHTO sight distance requirements.
 - l. Obtain a City encroachment permit for work in City right-of-way.
 - m. Replace any damaged curb and gutter and sidewalk along the 700 West frontage.
 - n. Provide a site geotechnical study and implement recommendations.
 - o. Develop a site SWPPP and obtain a Land Disturbance permit prior to beginning any site work.
2. The subdivision shall meet the requirements of the Murray City Fire Department including the width of the access drives must meet International Fire Code (IFC) 2018 appendix D.
 3. The developer shall meet Murray City Water Division requirements including connecting to the 14" water main on 700 West not the 6" main. The applicant shall follow city specifications for materials.
 4. The developer shall meet all requirements of the Murray City Wastewater Division.
 5. The developer shall meet all Murray City Power Department requirements and meet to discuss planning the new power service.
 6. The subdivision improvements shall include the installation of street trees as required by Murray City Code.
 7. All units within the subdivision shall comply with the requirements of the R-M-15 Zone as outlined in Chapter 17.120, Chapter 17.62, Condominiums, and Planned Unit Development as outlined in Chapter 17.60 of the Murray City Land Use Ordinance.
 8. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
 9. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.

10. The applicant will work with staff on the installation of a fence up to 8ft tall on the south property line.

Seconded by Lisa Milkavich.

Call vote was recorded by Mr. Smallwood.

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

Motion passed 6-0.

BULLION PLACE – 935 West Bullion Street - Project #21-091 & #21-093

Michael Brodsky was present to represent this request. The request is for Conditional Use Permit approval for Planned Unit Development and preliminary subdivision approval for Bullion Place at 935 West Bullion Street. Jared Hall presented the request. Mr. Hall identified the zoning was changed earlier this year from A-1 to R-1-6 on the north side of property and R-M-15 on the south part of the property. The development will include a mix of 54 townhouse units on the south and 20 single family lots on the north along Bullion Street. The setbacks on the single-family portion are standard for the R-1-6 Zone, no variations in the setbacks required. The single-family homes have 5' side yards, 20' front yards and 25' rear yards. The PUD was used to deal with the lot sizes, there are some variations in the lot sizes and are identified in the table. The single-family portion has an average of 6,000 sq ft per lot excluding the public right of way. The PUD allows for some clustering to utilize the property better in this case the street needed to be aligned with Walden Meadows across Bullion Street which leaves larger lots toward the back. The overall density is 9.24 units acre. The multi-family units will have some muted earth tones with darker accents, 2 different style of townhomes are proposed: gabled roof style and shed roof style with garages on the back side of the units. The single-family homes incorporate several designs. Along Bullion Street they plan to keep many of the trees if possible. All the homes on Bullion will face Bullion which will maintain the same single-family appearance. The park space will include a pergola, benches and playground. The cell tower site will remain and need to be maintained. Parking in the multi-family portion will include 2.5 spaces per unit. On the south property line there is a 15 ft setback to add additional buffers to the south. There is a planned 6ft vinyl fence around the perimeter of the project. The top floor will have transom windows placed high up on the wall to let light and air in, but visibility out and are proposed for privacy purposes. The traffic impact study was done as part of the zone change and that study remains the same for the PUD. Environmental clean-up is underway. Staff is recommending approval for the Conditional Use Permit allowing the PUD and preliminary subdivision approval that will come back for a final.

Ms. Milkavich asked about the five houses at the end and the easement. Mr. Hall stated the easement is separate from the property and not part of this project. Ms. Patterson expressed

her appreciation of the diagram showing the way the townhomes will align those properties. Ms. Milkavich asked how close this project is to requesting final subdivision approval. Mr. Hall stated the siting of these homes is done but may see small changes in materials, or home plan for fit purposes. The diagrams are based on the current grading and drainage plans.

Michael Brodsky, as 84 West 4800 South, Murray, stated his willingness to comply with the conditions. Mr. Brodsky addressed the proximity and height and added that the closest existing neighborhood house is 92 ft. from this project. There are two different house footprints with multiple exterior elevations. One has a three-car garage, four-bedroom house, the other a three-bedroom house with a two-car garage. By staggering the widths of the houses gives a more attractive street scape. In order to save the many mature trees along Bullion Street they increased the front yard setback. There were many concerns about the traffic speeds along Bullion, and requested some traffic calming recommendations and did submit those to the city engineer. Jacob Ballstaedt with Garbett Homes will be building the townhouses and Hamlet Development will build the single-family homes.

Mr. Pehrson pointed out how helpful the elevations are in displaying the property doesn't sit as high as it seems to. Ms. Milkavich asked about the timeline of the project. Mr. Brodsky stated for the single-family homes, less than one year. Ms. Wilson asked if the townhomes would be owner occupied. Mr. Brodsky verified they will be owner occupied and are not condominiums.

Jacob Ballstaedt, Garbett Homes at 273 North East Capital Street. Garbett has two other projects in the city, both single family residential. The design of the townhomes has taken into account the neighbors concern about height and they are able to build about 25 units per year but that is based on market, labor and materials.

Ms. Patterson opened the meeting for public comment.

An email was received and read into the record:

Flint Mollner, 5760 South Bullion

I object to the proposed change in the current zoning to the current proposal. The objections are as follows;

- 1. Bullion street is a two lane street and it cannot handle the increased traffic that 54 Townhomes would generate.*
- 2. There is no mass transit transportation nearby.*
- 3. It is only in the interest of Hamlet Homes to be granted this change.*
- 4. The neighborhood is currently only single-family homes and such a change would negatively impact the area.*
- 5. There is no provisions in the proposed change to eliminate the desire for well heeled investors to purchase and then rent the dwellings.*
- 6. There has already been excavation on the site and that is indicative that the proposal is a done deal.*

If the change is granted, it is hoped that an amendment be added that requires a minimum of 5-year moratorium be added to prevent the purchase and then renting the units. I understand that hands have been somewhat tied because of recent state

legislation but it is within your power to deny the proposal. Finally, I will be watching the hearing and the decision will impact my vote in the upcoming elections, if that even matters to the commission.

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

Mr. Hall pointed out that the traffic study showed no impacts and that the developer will implement the calming suggestions. He mentioned this will have a Homeowners Association (HOA) and HOA's can restrict rentals but the City cannot make any stipulations on renting units. He verified that the zone change has been finalized and the excavation may have something to do with the environmental clean-up.

Mr. Brodsky verified that the project has been accepted into the Voluntary Environmental Clean Up Program, part of the program is an extensive investigation of the contamination on the site. There have been a variety of borings, test pits, surface investigations to determine the nature of the soil contamination. The heavy equipment on the site has been for that purpose alone.

Ms. Patterson expressed how a mix of housing types and the way the project is oriented, laid out and the overall connection is very appealing. Facing the single families to front on Bullion Street and then placing the higher density to the south (rear) is a great way to use this property.

Jeremy Lowry made a motion to approve a Conditional Use Permit for the Planned Unit Development and grant preliminary subdivision approval for the Bullion Place PUD Subdivision on the property addressed 935 West Bullion Street subject to the eleven conditions:

1. The applicant shall meet all requirements of the Murray City Engineer, including the following:
 - a. Meet City subdivision requirements.
 - b. Provide grading, drainage, and utility plan & profile drawings.
 - c. Meet City utility standards.
 - d. Provide an HOA declaration for the common area maintenance and ownership.
 - e. The HOA will need to maintain the stormwater retention/detention system. Maintenance language should be included in the HOA declaration. There will also be a maintenance agreement require with Land Disturbance Permit.
 - f. Obtain utility easements in the City's name from Rocky Mountain Power (RMP) for sewer and storm drain that extends we to Bullion Street.
 - g. Meet City storm drainage requirements, on-site retention of the 80th percentile storm and detention is required. Implement Low Impact Development (LID) practices.
 - h. Provide standard front rear and side yard PUEs on lots. Window well encroachments into 5' side yard PUEs will not be allowed.
 - i. Provide an updated site geotechnical study based on the proposed fill, site grading and building plans and meet requirements of the study.
 - j. Develop a Remedial Action Plan (RAP) and obtain UDEQ approval for any site clean-up. A Certificate of Compliance will be required prior to recording a plat and City acceptance of any dedications. Storage of contaminated material within proposed ROWs will not be permitted.
 - k. Overhead utilities crossing along Bullion Street at the entrance to the subdivision will likely need to be raised to meet current clearance standards.

- I. Street lighting type and locations need to be approved by Murray City Power.
 - m. Provide a bond for subdivision improvements.
 - n. There will be at least 10 utility cuts into Bullion Street. The asphalt surface will need to be restored to current or better condition.
 - o. Provide sidewalk along the east side of the west private road – west side of Parcel A.
 - p. Develop a site SWPPP and obtain a Land Disturbance permit prior to beginning any site grading and construction work.
 - q. Obtain a City Excavation Permit for work within City roadways.
2. The subdivision shall meet the requirements of the Murray City Fire Department. All accesses must meet the requirements of International Fire Code (IFC) 2018 appendix D.
3. The developer shall meet Murray City Wastewater Division requirements including the following:
 - a. The applicant shall relocate and adjust positions for manholes and laterals per notes of the Wastewater Division.
 - b. The applicant shall include a note on plans indicating that all laterals must include a minimum of one clean-out.
 - c. No laterals may be run beneath driveways.
 - d. The required ten-foot (10') separation between water and sewer lateral will be maintained.
 - e. The applicant shall work with the Wastewater Division to provide an appropriate plan for sewer laterals serving the townhomes.
4. The developer shall meet all requirements of the Murray City Water Division.
5. The developer shall meet all Murray City Power Department requirements including the following:
 - a. Meet with Murray City Power to plan the new power service and equipment placement, including line extension costs.
 - b. Provide easements for equipment and lines as needed.
 - c. Maintain the easement for the underground power line on the south side of the project.
 - d. Remove the underground vault, transformer, and line feeding the satellite facility prior to development.
6. The applicant shall work with Planning Division staff to include sidewalk connections and crosswalks to complete pedestrian circulation and include those connections on the Site Plan.
7. The applicant shall prepare and submit draft Home-Owners Association documents appropriately providing for the continued maintenance and care of commonly held property and improvements in the project for review and approval by City staff.
8. The subdivision improvements shall include the installation of street trees as required by Murray City Code.
9. All units within the subdivision shall comply with the requirements of the R-M-15 Zone as outlined in Chapter 17.120, Chapter 17.62, Condominiums, and Planned Unit

Development as outlined in Chapter 17.60 of the Murray City Land Use Ordinance.

10. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
11. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.

Seconded by Sue Wilson.

Call vote was recorded by Mr. Hall.

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

Motion passed 6-0.

GENERAL PLAN AMENDMENT – Land Use & Urban Design Element – Project #21-097

The Murray City Planning Division proposes amendments to the existing “Mixed Use” land use category and the addition of a “Village Mixed-Use and Centers Mixed Use” categories. The City Council recently amended all three of the existing mixed-use zones and added two new mixed-use zones. The 2017 Murray City General Plan has a “land use element” which is often referred to when considering changes of zoning. The element itself includes the Future Land Use Map, which applies a “future land use category” to each property in the city. The suggestion that was made is that we take the existing Mixed-Use category and retitle it Transit Mixed Use which will be indicative of zones near transit stations. The new category Village and Centers Mixed Use will have its own description and tie the two zones to it.

Ms. Patterson asked if anything currently designated as those zones would now be transit or the new mixed-use zones? Mr. Hall verified it could be either and displayed a map identifying the purple area as being retitled transit. Ms. Milkavich asked to review why these new zones were created and if the existing zones were a fitting zone and if this is a way to control density? Mr. Hall verified that the densities in VMU and CMU is 25-45 dwelling units to the acre. The commissioners had more discussion and questions about density and defining clearer boundaries for the zones. Mr. Hall specified TOD has been applied to the areas in the Fireclay District and the boundary for that zone is 4500 South, any farther from transit results in less connection to transit making VMU or CMU more appropriate and allows for lower density. He indicated that creating harder boundary lines limits flexibility in the zones. The commissioners provided some examples of different areas and buildings that exhibit the need for these changes. Ms. Milkavich stated its typically the landowners who request zone changes. There was some discussion about nodes and Ms. Patterson stated the park is a good example of a neighborhood node and if there could be a consideration to have something different in that area.

Ms. Patterson opened the meeting for public comment. No comments were made. The public comment portion for this agenda item was closed.

Ned Hacker made a motion that the Planning Commission forward a recommendation of approval to the City Council for the request to amend Chapter 5 the Land Use and Urban Design element of the 2017 Murray City General Plan. Seconded by Jake Pehrson.

Call vote was recorded by Mr. Hall.

 A Maren Patterson

 A Ned Hacker

 A Lisa Milkavich

 A Sue Wilson

 A Jeremy Lowry

 A Jake Pehrson

Motion passed 6-0.

OTHER BUSINESS

There will not be a September 16, 2021 meeting. Mr. Hall informed the commissioners they will be receiving some links for trainings. There was no other business.

Sue Wilson made a motion to adjourn. Motion seconded by Ned Hacker. A voice vote was made, motion passed 6-0. The meeting was adjourned at 8:32 p.m.



Jared Hall, Planning Division Manager