

Minutes of the Planning Commission meeting held on Thursday, October 19, 2023, at 6:30 p.m. in the Murray City Council Chambers, 10 East 4800 South, Council Chambers, Murray, Utah.

The public was able to view the meeting via the live stream at <http://www.murraycitylive.com> or <https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item may submit comments via email at planningcommission@murray.utah.gov.

Present: Lisa Milkavich, Vice Chair
Ned Hacker
Travis Nay
Michael Henrie
Susan Nixon, Senior Planner
Zachary Smallwood, Senior Planner
Mark Richardson, City Attorney's Office
Russell Platt, Project Architect
Members of the public per sign-in sheet

Excused: Jake Pehrson, Chair
Maren Patterson
Jeremy Lowry

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.

CALL MEETING TO ORDER

Vice Chair Milkavich conducted the meeting, in the absence of Chair Pehrson.

BUSINESS ITEMS

APPROVAL OF MINUTES

Commissioner Hacker made a motion to approve the minutes for September 7, 2023 and September 21, 2023, with minor corrections. Seconded by Commissioner Henrie. A voice vote was made with all in favor.

CONFLICT(S) OF INTEREST

There were no conflicts of interest for this meeting.

FINDINGS OF FACT

There were no findings of fact for this meeting.

CONDITIONAL USE PERMIT(S) - ADMINISTRATIVE ACTION

Fairbourne Townhomes - 4429 South Fairbourne Avenue - Project #23-094

Mr. Smallwood presented the application for Destini Cao of Truong Properties for conditional use permit approval for a 5-unit rental townhouse project to be constructed on a 0.27-acre parcel. The property is situated just north of 4500 South and east of State Street in the R-M-20 Multi-Family Residential Zoning District. This zone permits up to 17 dwelling units per acre as a base density. With the size of this lot, it would allow approximately 5 units which is what the applicant is proposing. The plan is to demolish the existing single-family home and detached garage on the site in order to construct the 5 new townhomes. The submitted site plan indicates that the proposed development meets all setback, height, and other zoning requirements specified in the R-M-20 district. This includes a front yard setback of 25 feet, a rear yard setback of 25 feet, an interior side yard setback of 8 feet on one side and 12 feet on the other, and a maximum height of 40 feet versus the proposed 30 feet 9.5 inches. Elevations have been submitted showing the exterior design of the townhomes. Though no specific architectural style is required, it was suggested that relocating the front door of the end unit facing Fairbourne Avenue could improve the curb appeal of that façade. Floor plans depict the units as 3-story buildings with living space on each level.

Vice Chair Milkavich asked the applicant to come up to the podium. Russell Platt, the project's architect, spoke on behalf of the applicant. She asked if he had read and can comply with the conditions. He said they have no problem with the conditions. He stated that he liked the suggestion of having the front door on the street and will be happy to do that.

Commissioner Nay asked the square footage of each unit.

Mr. Platt said they are 1,550 square feet – three bedrooms with three baths.

Vice Chair Milkavich confirmed with Mr. Platt that the square footage is divided between three floors. She stated that she is concerned about building three stories at thirty feet being challenging to build and she wants to make sure they can stay within those parameters and if the story height meets the land use code. Mr. Smallwood responded that the project meets the height regulations.

Mr. Platt stated they can do that.

Vice Chair Milkavich opened the public comment period.

Sonia Jensen spoke. She had some concerns initially when she thought this project involved apartments rather than townhomes. She lives near the apartments across the street that have frequently required police, fire, and ambulance responses, which is not only disruptive but costly for the city. Renters are often just passing through and not invested in the community. However, now that she's learned these will be owner-occupied townhomes instead of rental apartments, her concerns have eased. Owners tend to be more invested in the neighborhood and Murray overall since they plan to live there long-term. She did mention that Murray lacks entertainment options and venues that would keep residents spending locally instead of leaving town. We have no movie theater, live music or festivals, and limited dining compared to other nearby cities. As

Murray looks to the future, attracting more businesses for entertainment, culture, and nightlife would help keep money local and also draw in visitors. She feels this would improve the quality of life while benefiting the local economy.

Vice Chair Milkavich closed the public comment period.

Commissioner Hacker stated he feels this is a good project and should do well for the neighborhood.

Commissioner Henrie asked for clarification that these are rental units, even though they are townhomes.

Mr. Platt stated that they would like to have them individually sold. It's up to the buyer what they do with it.

Vice Chair Milkavich clarified that the buyer could live in the unit or rent the unit out.

Mr. Platt said that's the owner's choice.

Mr. Smallwood said if the applicant decides they want these to be for sale, they'll have to come back with a subdivision application. This application is just approval of the conditional use permit. Mr. Smallwood stated that the planning commission can't dictate whether the units are for sale or for rent. He stated that the project meets the height limitation for the zone.

Vice Chair Milkavich called for a motion.

Commissioner Nay made the motion for the Planning Commission to approve the conditional use permit to allow the proposed Fairborn townhomes, located at 4429 South Fairbourne Avenue, subject to the following six conditions:

1. The project shall meet Murray City Engineering requirements including the following:
 - a) Dedicate the portion of property that extends into Fairbourne Avenue as public right-of-way.
 - b) Install sidewalk along property frontage.
 - c) Meet City storm drainage requirements, on-site detention with a max. the release rate of 0.2 cfs/acre to the storm drain in Fairbourne is required.
 - d) Provide a drainage summary report.
 - e) Obtain a City excavation permit for work in Fairbourne.
 - f) Develop an erosion control plan and implement it prior to beginning site work.
2. The project shall meet all applicable Fire Code standards including the number and placement of hydrants, adequate fire flow, and appropriate emergency service access.
3. The project shall meet all Water, Wastewater, and Power Department requirements.
4. The applicant shall provide complete plans, calculations, and soil reports for building permit submittals and to meet all Building Code requirements.
5. The applicant shall meet all of the R-M-20 Zone (Section 17.124) requirements.
6. The applicant/property owner shall obtain a business license for the rental units.

Seconded by Commissioner Hacker. Roll Call Vote:

A Milkavich
A Nay
A Hacker
A Henrie

ANNOUNCEMENTS AND QUESTIONS

Announcement of EPA Assessment Grant

Ms. Nixon made an announcement that Murray City intends to apply for an EPA Brownfield Assessment Grant of up to \$500,000. The grant would be used to conduct environmental assessments, cleanup planning, and community outreach in the highlighted 520-acre area from beginning at I-15 and 4800 South going east to State Street, south to Vine Street, east to 5300 South and west to I-15, north to the point of beginning at 4800 South Street. This area was selected because it contains many known contaminated properties and aligns with the city's vision to revitalize the downtown area around the new City Hall. It also follows Little Cottonwood Creek and associated trails leading from the park west toward the freeway. The demographics of this region also fit EPA grant requirements. The city must submit the application by November 13th and will find out in spring 2024 if awarded. If successful, there will be opportunities for public input and meetings to guide the assessment process. Brownfield grants provide funding to inventory, characterize, assess, and conduct planning and community involvement related to contaminated properties. Assessment may include site investigations, cleanup planning, and determining future uses. This allows the city to promote awareness of brownfields, alleviate uncertainties about contamination, and make informed decisions about redevelopment opportunities.

Ms. Nixon asked if the commissioners had questions.

Commissioner Henrie asked if there is a limit on the area that can be included.

Ms. Nixon said there isn't, but they went along 5300 South as a general cut-off, but are aware there are also many contaminated properties south of 5300 South Street. The Ore Mill is one of them.

Commissioner Henrie asked what was going on with that site. Ms. Nixon replied not much was happening, but they recently completed their Voluntary Clean-up Program.

Vice Chair Milkavich asked if that means future grants might cover areas further south.

Ms. Nixon acknowledged that if funds are available, the city should apply for grants related to contaminated or brownfield sites. She noted that many people have a stigma against having their brownfield properties assessed because they are afraid restrictions or conditions will be imposed. However, she explained that assessment is actually beneficial for property owners because it helps identify what is present on the site without imposing any conditions. She added that if owners want to eventually sell commercial or industrial brownfield properties, environmental studies will need to be done anyway, so it is advantageous to know this information upfront, especially if grants can cover the costs. Ms. Nixon stated that this initiative to

assess brownfields and make people aware of available funds will help diminish the stigma associated with brownfield sites and incentivize owners to take advantage of the assessments.

Commissioner Henrie asked if Ms. Nixon expected to receive the full \$500,000 grant, to which she replied yes, that is the maximum they are hoping for, but they may not end up spending the entire amount if the full \$500,000 is not needed. When Commissioner Henrie inquired if the assessment area could be expanded further south, Ms. Nixon responded that they had selected the current area for now, but she could take the recommendation back to the committee for consideration, as the boundaries were somewhat arbitrarily designated.

The commissioners and Ms. Nixon had further conversations regarding the grant. Vice Chair Milkavich asked if the size of the proposed assessment area and the expected \$500,000 cost reflect the level of need in that area. Commissioner Nay inquired if multiple applications could be submitted for different zones, but Ms. Nixon said Murray City was restricted to just one application. Commissioner Nay noted the funding equates to less than \$1,000 per acre, so he would be cautious about expanding the area. Ms. Nixon explained they consulted with DEQ and others who recommended this area, including expanding it west along I-15 from 5300 South to 4800 South based on DEQ's suggestion. Commissioner Henrie asked if existing data could be aggregated rather than re-assessing the whole area, but Ms. Nixon said only small pieces have been assessed before, so this would be more comprehensive. When Vice Chair Milkavich asked about the process for landowners to utilize the funds if awarded, Ms. Nixon clarified the city and consultants would administer the spending, but they want landowner input. She added that private properties are included, but this is just for assessment, not implementation. Vice Chair Milkavich indicated guidelines should be developed to prioritize properties. Ms. Nixon welcomed any commissioners to join the grant committee and noted they won't know if they are approved until spring.

ADJOURNMENT

The next scheduled meeting will be held on Thursday, November 2, 2023, at 6:30 p.m. in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

Commissioner Henrie made a motion to adjourn the meeting at 6:56 pm. Seconded by Commissioner Hacker. A voice vote was taken, with all in favor of adjournment.



Philip J. Markham, Director
Community & Economic Development Department