

Minutes of the Planning Commission meeting held on Thursday, March 5, 2020, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Chair  
Scot Woodbury, Vice Chair  
Travis Nay  
Maren Patterson  
Sue Wilson  
Lisa Milkavich  
Ned Hacker  
Jared Hall, Planning Division Manager  
Zac Smallwood, Associate Planner  
Citizens

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.

Phil Markham opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Ned Hacker made a motion to approve the minutes from the February 6, 2020 and the February 20, 2020 Planning Commission Meetings. Seconded by Travis Nay.

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 Beautiful Fence, Inc. and Utah Education Association Office Building's Conditional Use Permits. Seconded by Scott Woodbury. A voice vote was made, motion passed 7-0.

#### THE DUO BARBERSHOP AND SALON – 192 East 4500 South - Project #20-026

This agenda item was withdrawn from the agenda earlier today.

No action was taken.

#### SPRING CREEK COVE INVESTMENTS, LC – 5091 South Wesley Road & 5070 South 1100 East - Project #20-023 & #20-024

Jacob Ballstaedt was present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit and Planned Unit Development. There are three properties associated with this project. This subdivision proposal is for a Planned Unit Development (PUD). Most of the lots in this plan are greater than 8,000 square feet with some variation of setbacks

to accommodate the large open space on the east end of the property. The 15 lots are arranged around two cul-de-sacs with the principal access coming off Wesley Road. The use of the PUD is to cluster the same number of lots that would be allowed on this property around the road and keep them away from Spring Creek, which is a designated wetland. Several citizens have commented that this is too dense of a development for the area, however, this project is slightly less dense than all the surrounding properties. It is about 2.8 units per acre where a typical R-1-8 subdivision is three to four units per acre. This project seems denser because the homes have been clustered around the road to stay out of the wetlands.

Mr. Markham noted the Planning Commission received a couple of letters from citizens prior to this meeting. He has asked Mr. Hall to address those concerns in his presentation.

Mr. Hall explained that builders of PUD's are required to provide the city with the kinds of units that are going on the lots. Garbett Homes will be building all of these units. The lots will be compatible with this area which has a steep slope and limitations on the land that can be used. Because of that, the city also requires home placement plans. Spring Creek and the area around it will be preserved in a conservation easement that will be recorded along with the subdivision. The subdivision Home Owner's Association (HOA) will own that area, but it will be in a permanent conservation easement so no one can build on it or carve it into lots.

There was some concern that the increase in storm drainage would damage the creek or the wetland. The Corp of Engineers will have to approve and sign off on the plans before the city can approve them and subdivide the property. The Corp of Engineers will have to accept the conservation easement and that it is large enough to protect the wetlands. They will also have to sign off on the way the storm drainage is being outfall to the creek. Because of the slope on the property, there is no way to provide storm drainage for the development of this property unless it goes down to the creek. That means that Garbett Homes will have to fully treat the stormwater as it flows to the creek. The Corp of Engineers, the City Engineers, the State of Utah, the Department of Environmental Quality and the Salt Lake County Flood Control will all require that as well. All these entities will have to review this plan, they all require permits and all of those permits will have to be in place before the city can finalize and record the subdivision.

The road to the entrance of the property will be landscaped. There will be sidewalks and park strips throughout the property. PUD's are allowed setbacks as approved by the Planning Commission. In order to keep the homes out of the steeper slope, homes have been pulled towards the street. A typical R-1-8 subdivision has a 25-foot front yard setback from the back of the sidewalk. In some cases, these homes will only have a 15-foot front yard setback, however, none of the garages are closer than 20 feet to the sidewalk. The street is wide enough to park cars on it so there shouldn't be parking problems. This is a standard 49-foot public right-of-way for single-family neighborhoods.

There were some questions about the utilities. This project is on Rocky Mountain Power. Murray Power would like to review the location of the street lights as Rocky Mountain Power will be providing those. Rocky Mountain Power will be providing power to these lots and will have to provide a Will Serve letter for that. There have been some concerns from citizens that this will affect their existing power by causing brown outs. Rocky Mountain Power will have to deal with that and if it means extra service needs to be brought in, that will be required for the subdivision. Gas service that will be provided to this property should not affect gas service to the properties

on Wesley Road. Dominion Energy will have to review the plat and sign off on it as well. There will be several types of houses approved, but which exact one gets put on which lot may change. Colors and materials will have to be defined more clearly and be provided to the Planning Commission so they can be attached to the final subdivision approval.

Staff is recommending approval of the Conditional Use Permit and the preliminary planned unit development subdivision subject to a series of conditions that are coming from the City Engineers office and other city departments that will need to review the plan.

There was also a question about the sewer. The sewer is going out to Wesley Road and will have to be pumped uphill until it can gravity flow out. That should not cause a problem with other homes in the area. Cottonwood Improvement District will have to provide a Will Serve letter for the subdivision which means they have looked at that issue and they can handle the capacity. If they need to upsize lines, they will let Garbett Homes know. In the initial reviews, Cottonwood Improvement District, has not called out any problems. The same goes for water which is provided by Jordan Valley Water. Other concerns were related to flooding. The channel where Spring Creek is, needs to be cleaned up and dredged so it can provide more storm flow and handle more water. There is more water in it than it should be handling. It needs to be dredged and cleaned to provide a better waterway and a better wetland. Cleaning up the waterway will be part of the requirements as well. There is an irrigation ditch in the area so Tanner Ditch will have to approve the subdivision plan as well.

Scot Woodbury asked Mr. Hall about things such as fault line, snow removal, car lights, park, and water table. Mr. Hall said there is a high water table in the area which is common in east and west Murray. The homes are sitting on slopes to an extent that the water table probably wouldn't be an issue, but foundation drains might be required. That will all be looked at by engineering. Landscaping will be provided for the front yards for all of the homes as they are built. There will be trees to buffer car lights as the project is built. A fence will be installed around the property which should minimize some impact from headlights. The fault line will be addressed in the geotechnical review. Snow removal is a challenge in every subdivision. This will be a public road, so Murray City will plow the roads. Clearing the sidewalks is the responsibility of the homeowner. This subdivision will provide the required sidewalks. There are areas, nearing the school, the sidewalk drops out of existence. It is difficult to get sidewalks in place 45 years after a subdivision is put in, however, they will approach that topic with Public Works. It is not in the purview of this subdivision to provide sidewalks that have been missing for a number of years.

Mr. Woodbury asked Mr. Hall to address the suggestion of a park, wetlands or nature center. Mr. Hall said they have looked at that and the City Parks Department said they don't have the funds to acquire this property and turn it into a park. Mr. Woodbury clarified that the city would purchase the property, develop it and maintain it and as of right now, as well as in the past, there are not sufficient funds to do that. Mr. Hall replied that was correct.

Lisa Milkavich asked if the city has checked with the school district. Mr. Hall said PUD's are required to contact the school district. Granite School District has signed off and said they can handle the influx of students from the 15 homes.

Mr. Markham asked why the previous projects that were planned in this location did not happen. Mr. Hall said he does not have information on that. He knows that engineering costs on a site

like this are significant and there are monetary costs that Garbett Homes may be able to deal with better than other developers have been able to.

Ned Hacker said one of the comments was about how these homes may have an impact on the value of the other homes in the area. He asked Mr. Hall to address that. Mr. Hall said he didn't have a way to speak to what that might do except to say that property taxes are adjusted based on a lot of things happening city and valley wide. Ms. Milkavich said you could most likely say that this project would not bring down the property value. Mr. Hall said he didn't see a way that the project would lower the property values. These are going to be expensive homes; it is a nice plan and does a lot of great things that people are looking for in a conservation area.

The meeting was open for public comment.

Steve Strong, 5096 South Wesley Drive, said he lives across from where the road will come out from this development. He is concerned about headlights and taillights coming into his window, the snow coming across to his yard or driveway, and how many trucks will be going in and out of the site as its being built.

Barbara Nielson, 4941 South 1021 East, stated when other people have tried to develop this property, they have had retaining walls as part of their site plan, but retaining walls have not been addressed with this proposal. She has also heard about too much water in the wetlands. She lives downstream from this development so this water will flow to her property. She wants to know what the unintended consequences are of them receiving more water from the wetlands than they do now.

Brent Platt, 1119 East 5190 South, asked what is going to be done to protect the wetlands. All the wild places in this valley are going away because of developers. It's not about friendship or the environment, it's about money. This area has all kinds of wild animals in it and we need to save places like it.

Leah Garvey, 5065 South Wesley Road, said if they lower the land, they cannot have a vinyl fence, they will need a retaining wall. She believes the City Council is voting on a budget for parks in the next few weeks. There are no parks on the eastside of Murray and they would really like a park. The houses the developer wants to put in are high density which is a problem for the current residents. She asked who will be in control of the HOA and what is their training to filter the water. If the land is lowered, the water from Wesley Road will dump down the hill to a new storm drain. Currently, the water from Wesley Road goes into a ditch, not the wetlands.

Max Reese, Secretary of the Little Cottonwood Tanner Ditch Company, said they have entered into a contract with Pat Vasher who put together the Spring Creek Cove. There are easements that are already recorded, grants of right-of-way, pipe specifications and all aspects that the ditch company has agreed to. They have not been contacted by Garbett Homes. Last June, Mr. Reese received a phone call from Jacob Ballstaedt who said he would follow-up, but he never did. On February 22, 2020, he set up a meeting at the Murray Library. All the neighbors were invited but the ditch company wasn't. Last night, Mr. Ballstaedt left a message for Mr. Reese, but Mr. Reese hasn't been able to reach him yet. Mr. Reese attended the meeting on February 22, where Mr. Ballstaedt stated they were going to drag the ditch down six feet. He doesn't see how the ditch can continue being pulled down six feet. People use that water and need to be able to get to it. Garbett Homes has no approval from the ditch company and the ditch company

will not be put in a position where they have increased liability because of this development.

Lucy Batey, 5053 South Wesley Road, stated a diagram of the project shows that the property being built will go right up to her property. If they are going down six feet, she needs to know. She uses water from the ditch and she wants to know how she will continue to get that water. She doesn't believe that cars will be able to be parked on the street. These homes will be nice, but they are not million dollar homes with million dollar owners who can handle the excess cost of pumping the sewer up and taking care of the wetlands.

Max Parkin, 1103 East 5190 South, stated he has been a strong advocate for the 60 years that he has resided in his home. He thinks this property would be a good place for a park, but the city has not done that for some reason. He is also an advocate for the improvement of the area and establishing this new community. He thinks it will be an upgrade to the existing community and people have the right to develop on the land they own if it is done responsibly. He noted there is still some property to the south of the potential development which the city can still acquire to develop a park.

Jane Garvey, 5066 South Wesley Road, said everyone keeps referring to the water as a ditch, and it's not. There are artesian wells throughout the land, and there will be trouble with water. She mentioned Cobble Creek, Three Fountains and the property in front of the trailer park entrance, which are all near this project area, and have all had issues with water throughout the years. The homes that are next to this proposed development also have problems with water.

Sophia Palmer, Three Fountains East, stated they had to build up the back of their property because the creek flooded. They built a berm so it won't happen again.

Lynn Griese, 5075 South Wesley Road, said her property is right next to this proposed development and it has flooded. Even though these lots will be 8,000 square feet, most of that square footage is in the back which makes this project seem like it has a higher density and is disproportionate with the existing community.

Donnell Reed, 5248 South Wesley Road, asked what the HOA will do about parking on the streets and snow removal during the winter when there are cars parked on the road. She is also concerned about the wetland.

The public comment portion was closed.

Mr. Hall responded to the public comment and stated that the density of this PUD is 2.8 units per acre and there are 15 lots that are proposed for this subdivision. He realizes the density may feel different because they are putting those lots on a smaller portion of the property. The density is not more than the area it's near, it's slightly less. No individual properties extend into the designated wetland. There will be a conservation easement that will be owned by the HOA. The HOA will not be managing the wetland. The conservation easement is for the Corp of Engineers who will be managing the wetland. The property owners in the Spring Creek Cove subdivision will own the property through which that easement runs, but they will not manage that easement or the quality of the water, that will be done by the Corp of Engineers. Mr. Hall said he does not doubt that there are water issues on this property. The geotechnical reports and studies that will be done will address that. The geotechnical studies will address: hydro logics, the steepness of the slope, and retaining walls. It is important to remember this is the

preliminary stage of this project. The applicants have to obtain a certain level of certainty about a project before they can spend a lot of money on a project like this. This item won't be back for final approval until all the questions have been addressed to the satisfaction of a lot of engineers who work for a lot of different departments. Ms. Milkavich verified that the professionals will look at the water and the land and then give Garbett Homes directives on what they have to do to address it. Garbett Homes would then determine if the project is cost effective. Mr. Hall replied that is correct.

Mr. Hall said the smallest side yard setbacks are 5 feet per lot, or 10 feet between homes. Plowing snow will happen the same way it already happens throughout the city. Mr. Markham said cul-de-sacs are where the snow always ends up. These two cul-de-sacs have a considerable area where there is not a house fronting on each of those cul-de-sacs. That will be the area where they push the snow to. More water will be put into the wetlands, but the channel should contain more water as well. That will all be looked at by engineers. The Corp of Engineers will look at what the channel looks like downstream from this property as well as the potential for flooding. Mr. Markham added there is probably a county flood control permit that entails numerous things that need to be taken care of. Garbett Homes still has work to do with the ditch company.

Mr. Hall stated the road is not as wide as other roads, but people can technically park on both sides of this road. It's not ideal, but it can be done. Subdivisions today are not exactly like they were ten years ago. What people are looking for today has changed. These homes are different than what is on Wesley Road, but that is not what the market is looking for. This is a tricky development because there are a lot of moving parts and factors to consider.

Mr. Hacker asked about potentially making this property or the property to the south a park. Mr. Hall replied there is a need for parks in this area, but this isn't land that the city can use to fill that need. Mr. Markham said everybody wants more parks and it is critical in the east Murray area. That was county land that didn't get a lot of services or planning. When Murray annexed that area, it was pretty much built out. For the past year and a half, the Parks and Recreation Department has been developing a Parks and Recreation Master Plan. Unfortunately, they are not going to throw the Master Plan they've been working on for the past year and a half and consider a vacant piece of property like this for a park. The long-term financial planning for the city won't allow for that.

Ms. Milkavich stated there has been a lot of discussion about lowering the property six feet. Mr. Hall replied that would be addressed by engineering. Ms. Wilson said one of the comments was about the wildlife in the area. She lives near the Jordan River Parkway and as Ivory Homes has been building homes in that area, she hasn't noticed a decrease or impact on the wildlife in that area. She doesn't think there will be a lessening of wildlife in this area because according to the plan, the wetlands are scheduled to be preserved by the Corp of Engineers.

Jacob Ballstaedt, 273 North East Capitol Street, Salt Lake City, said he had a meeting with the neighbors on February 22, 2020 where they talked about this plan. Mr. Markham asked Mr. Ballstaedt if he had a timeline for this project. Mr. Ballstaedt replied it would be about three months before they have the final plat. There is quite a bit of work to do as far as the Army Corp of Engineers is concerned. His goal is to have asphalt before winter. He addressed the comment about truckloads of dirt noting the way they have designed the plan they have intentionally tried to minimize the impact of the site. They intentionally stayed out of the

wetlands and kept the homes on the hill. He explained the six foot drop stating the intention of that is to bring that shelf down to minimize the amount of slope to make the development work. The benefit of developing this site as a PUD is they will be able to maintain nearly 1 ½ acres of open space. The HOA will not be responsible for the streets. They will be maintaining the open spaces at the entrance and making sure the filtration system for the storm water is cleaned and maintained. Mr. Woodbury verified that the HOA would hire a separate company that has expertise and understands what they are doing to maintain the filtration system. Mr. Ballstaedt replied that was correct.

Mr. Ballstaedt stated the storm drain on Wesley Road will stay on Wesley Road. The only water that will be collected and discharged to the creek is water that is collected from this new development. When Garbett Homes purchased this property, Mr. Ballstaedt was given a copy of an agreement that the ditch company entered into with the previous property owners. His intention is to make sure the ditch works and that the people who currently use the ditch to have water will continue to use that water. They will work with the ditch company and the neighbors to get it right. There was a geotechnical study done by the previous developer relating to the water table. Mr. Markham noted that water tables tend to change from year to year. Mr. Ballstaedt said these houses are far enough from Wesley Road that they can't gravity flow the basements; therefore, they will need to use ejection pumps for the basement.

Mr. Woodbury asked Mr. Ballstaedt if there was anything Garbett Homes was going to do to help mitigate any of the flooding that the current residents are experiencing. Mr. Ballstaedt said he wasn't sure which homes are experiencing flooding. He thinks the open ditch likely raises the water table in the area and once they enclose it, it will improve. As you put pipes in the ground, it helps de-water the site.

Mr. Woodbury expressed his appreciation to the residents for their comments. As Garbett Homes works on this project for the next few months, they will be able to factor in the comments that were expressed during this meeting. Mr. Markham stated he sees great benefit in this project. This property is an eyesore and a dumping ground. Anytime this is a change to an established neighborhood, it can be scary. He reminded everyone that this is preliminary and before there is a final approval for this project, all of the questions will have to be answered to the satisfaction of the Planning Commission.

A motion was made by Scott Woodbury to approve Conditional Use Permit to allow the proposed Spring Creek Cove PUD Subdivision for the property located at 5091 South Wesley Road and 5070 South 1100 East, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
  - a. Meet City subdivision and PUD requirements.
  - b. Provide grading, drainage and utility plan and profile drawings.
  - c. Meet City Drainage standards.
  - d. Provide standard PUE's on lots – window wells cannot extend into PUE's.
  - e. Delineate and protect on-site wetlands, provide delineation documentation.
  - f. Obtain any required County, State or federal permits for encroachments into Spring Creek.
  - g. The Spring Creek channel needs to be cleaned, dredged and improved to convey 10 year storm flow without flooding subdivision and neighboring properties.

- h. Provide a drainage and maintenance easement along Spring Creek.
  - i. Update site geotechnical study based on the proposed site grading and building plans. The study should include building pad design and retaining. Fill slopes and building pads should not be steeper than 2.5 horizontal to 1 vertical.
  - j. Obtain irrigation company approval and pipe the existing irrigation channel through the development.
  - k. Obtain sewer and water service approval from CID and JWCD.
  - l. Provide any required easements and vacate any unused easements within the proposed building areas.
  - m. Street lighting type and locations need to be approved by Murray City Power.
  - n. Obtain a City Building Permit for all retaining walls over 4' high and for any required building pad preparation.
  - o. Develop a site SWPPP and obtain a City Land Use Disturbance Permit prior to beginning any site grading and construction work.
  - p. Obtain a City Excavation Permit for work within City roadways.
  - q. Restore Wesley Road to new condition.
  - r. Relocate the existing communication line that crosses Wild Spice Lane to meet City clearance requirements.
2. The applicant shall provide complete plans, calculations, and soils reports for building permit submittals.
3. The project shall meet all applicable Building and Fire Codes.
4. Streetlights shall be provided by Rocky Mountain Power as approved for location by the Murray City Power Department.
5. The applicant shall provide color and material indications for all approved dwelling units for the Planning Commission's review and approval upon Final Subdivision application.
6. The applicant shall record Homeowner's Association documents with the PUD Subdivision Plat which adequately provide for the continued maintenance of approved open space areas, drainage and maintenance easements, and conservation easements to preserve the Spring Creek wetlands.

Seconded by Maren Patterson.

Call vote recorded by Mr. Hall.

  A   Ned Hacker  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Maren Patterson  
  A   Scot Woodbury  
  A   Phil Markham

Motion passed 7-0.

A motion was made by Ned Hacker to approve Preliminary Subdivision approval for the property located at 5091 South Wesley Road and 5070 South 1100 East, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
  - a. Meet City subdivision and PUD requirements.
  - b. Provide grading, drainage and utility plan and profile drawings.
  - c. Meet City Drainage standards.
  - d. Provide standard PUE's on lots – window wells cannot extend into PUE's.
  - e. Delineate and protect on-site wetlands, provide delineation documentation.
  - f. Obtain any required County, State or federal permits for encroachments into Spring Creek.
  - g. The Spring Creek channel needs to be cleaned, dredged and improved to convey 10 year storm flow without flooding subdivision and neighboring properties.
  - h. Provide a drainage and maintenance easement along Spring Creek.
  - i. Update site geotechnical study based on the proposed site grading and building plans. The study should include building pad design and retaining. Fill slopes and building pads should not be steeper than 2.5 horizontal to 1 vertical.
  - j. Obtain irrigation company approval and pipe the existing irrigation channel through the development.
  - k. Obtain sewer and water service approval from CID and JWWCD.
  - l. Provide any required easements and vacate any unused easements within the proposed building areas.
  - m. Street lighting type and locations need to be approved by Murray City Power.
  - n. Obtain a City Building Permit for all retaining walls over 4' high and for any required building pad preparation.
  - o. Develop a site SWPPP and obtain a City Land Use Disturbance Permit prior to beginning any site grading and construction work.
  - p. Obtain a City Excavation Permit for work within City roadways.
  - q. Restore Wesley Road to new condition.
  - r. Relocate the existing communication line that crosses Wild Spice Lane to meet City clearance requirements.
2. The applicant shall provide complete plans, calculations, and soils reports for building permit submittals.
3. The project shall meet all applicable Building and Fire Codes.
4. Streetlights shall be provided by Rocky Mountain Power as approved for location by the Murray City Power Department.
5. The applicant shall provide color and material indications for all approved dwelling units for the Planning Commission's review and approval upon Final Subdivision application.
6. The applicant shall record Homeowner's Association documents with the PUD Subdivision Plat which adequately provide for the continued maintenance of approved open space areas, drainage and maintenance easements, and conservation easements to preserve the Spring Creek wetlands.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Hall.

  A   Ned Hacker  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Maren Patterson  
  A   Scot Woodbury  
  A   Phil Markham

Motion passed 7-0.

**OTHER BUSINESS**

Scott Woodbury made a motion to adjourn. Seconded by Maren Patterson.

A voice vote was made, motion passed 7-0.

The meeting was adjourned at 8:00 p.m.



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Jared Hall, Planning Division Manager