

The Planning Commission met on Thursday, June 18, 2020, at 6:30 p.m. for a meeting held electronically in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Gary Herbert on March 18, 2020.

Present: Phil Markham, Chair  
Scot Woodbury, Vice Chair  
Travis Nay  
Maren Patterson  
Sue Wilson  
Ned Hacker  
Lisa Milkavich  
Jared Hall, Planning Division Manager  
Susan Nixon, Associate Planner  
Zac Smallwood, Associate Planner  
Briant Farnsworth, Deputy City Attorney

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 May 21, 2020 and June 4, 2020 Planning Commission meeting. Seconded by Scot Woodbury. 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 the Applegate PUD Subdivision. Seconded by Lisa Milkavich. A voice vote was made, motion passed 7-0.

#### CAR DEAL, LLC – 139 West 4500 South #22 – Project #20-031

Sehroz Rayne was present to represent this request. Zac Smallwood reviewed the location and request for a Conditional Use Permit to allow vehicle sales at 139 West 4500 South #22. The property is in the Manufacturing General (M-G) Zone, which allows vehicle sales with a Conditional Use Permit. Staff is recommending approval of this Conditional Use Permit.

Sehroz Rayne, 139 West 4500 South #22 said he understood the conditions associated with this application and would be able to meet those conditions.

The meeting was open for public comment. No comments were given and the public comment was closed.

A motion was made by Scot Woodbury to approve a Conditional Use Permit to allow the operation of a Vehicle Sales Business at the property addressed 139 West 4500 South #22, subject to the following conditions:

1. The property owner shall:
  - a. Provide and implement a landscaping plan that addresses the required landscaping as stated in the staff report.
  - b. Provide and implement a parking plan that indicates where the required six parking spaces will be and implement the plan.
2. The applicant shall:
  - a. Not have more than five (5) vehicles on site for sales at any one time.
  - b. Keep for-sale vehicles in striped parking stalls only.
  - c. Obtain Building Permits for any construction.
  - d. Maintain access to restroom facilities.
  - e. Maintain a Utah Motor Vehicle Dealer's License.
  - f. Obtain permits for any new attached or detached signs for the business.
  - g. Obtain a Murray City Business License prior to beginning vehicle sales operations at this location.

Seconded by Ned Hacker.

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.

VERTICAL BRIDGE DEVELOPMENT LLC – 1044 West Potomac Drive – Project #20-061

This agenda item was withdrawn from the agenda. No action was taken.

YOUTHLINC COMMUNITY CENTER – 346 East 4500 South – Project #20-063

Shannon Moss was present to represent this request. Susan Nixon reviewed the location and request for a Conditional Use Permit to allow a New Building and Youth Community Center at 346 East 4500 South. The property is located in the General Office (G-O) Zone and is approximately .97 acres. The applicant is proposing to construct a new 7,300 sq. ft. office building.

Any new building that is constructed in the G-O Zone requires a Conditional Use Permit. A youth organization is a permitted use in the G-O Zone, so the Conditional Use is for the building. This project did not require a traffic study. The property can be accessed off 4500 South Street.

The building would be for office use with staff onsite from 9 a.m. to 5 p.m. The after-school program for the students would be from 3:00 p.m. to 6:00 p.m. and there may be an adult training program from 6:00 p.m. to 8:00 p.m. Most classes will be held Monday through Friday, but there may be some Saturday classes running for 2-3 hours on Saturdays during the months of December through May. The layout of the building consists of offices, conference rooms, lobbies, kitchens and breakrooms. The building is proposed to be 5,100 sq. ft. which will require 21 parking stalls. The applicant is proposing 23 parking stalls.

The west property line has a steep slope and many large, mature trees. Ms. Nixon stated the adjacent property owner has indicated an arborist has looked at the vegetation and said that the existing mature trees are critical to maintaining the stability of the slope on the property. There is an existing masonry wall to the south of the property that is owned by the adjacent property owner. Big Cottonwood Creek is located to the east of this property. The proposed building would be located outside of the existing flood plain area that is located near the site.

In 2005, this property received a Conditional Use Permit from Hamlet Development for a two-story office building. During that process, Hamlet Development applied for a variance to not install the required solid masonry wall along the west property line. That variance was approved by the Board of Adjustments in 2005 to not install the required solid masonry wall, but rather to install a vinyl six-foot high fence. That building was never built, but the variance remains with the property. If the applicant wishes to not install any other fences/walls, they would have to apply for a separate variance.

Ms. Milkavich asked if there were concerns about a masonry wall effecting the stability of the slope so that is why a less aggressive wall was suggested. Ms. Nixon said that was the reason. The location of the wall would require eliminating some of the mature trees and would compromise the integrity of the steep slope. Ms. Milkavich asked if the mature trees encroach on the property that is being purchased or if they are on the property line. Ms. Nixon responded the large trees are on the property line.

Mr. Hacker asked if the ordinance states that a solid wall must be masonry or if it could be another solid material. Ms. Nixon replied the ordinance requires a solid masonry wall. Ms. Wilson said masonry walls require a dug footing and rebar before the blocks are set. That would be disruptive the trees and vegetation in the area. A vinyl fence just requires digging post holes and cementing them in, it is not nearly evasive as a masonry wall.

Mr. Nay said it looks like there will be some land disturbance to the fencing on the west side of the property for the parking. He asked if the applicant was proposing a retaining wall. Ms. Nixon said because the applicant is proposing more parking than is required, the two parking spots that are encroaching the west side of the property could be eliminated. Ms. Milkavich asked if the slope was stable and if there were concerns about the aging trees causing the slope to become unstable. Ms. Nixon said she believes the slope is stable. Mr. Hall said this location is an example of a native slope. One of the conditions of approval is that the applicant will have to submit a formal landscape plan from a licensed landscape architect.

Ms. Nixon said the vinyl fence and buffer landscaping is what is currently required along the west property line. If the Planning Commission wishes to impose the solid masonry wall along the south

property line, there would be a new buffer wall adjacent to the existing solid buffer wall. There is no fencing on the east side.

Shannon Moss, 1166 Brickyard Road, Salt Lake City, said she has met with the neighbors who live to the west and south of this property. If the trees are taken down, it could affect the land of the other property owners. She wants to do as much as possible to preserve the mature vegetation, therefore, she would like to avoid a masonry wall. She stated she has seen the conditions of approval and will be able to comply with them.

Mr. Markham asked if the kids in the program are scheduled to go to it at certain times. Ms. Moss replied yes. The program has six core programs with the largest being their service year program where the students sign up to go on a Capstone International trip. In order for students to travel, they must complete 60 hours of local service prior to traveling. Their afterschool program is called Real Life and it is currently being run in 12 other centers throughout the valley. They want to involve the students in Murray City in their program. Mr. Markham stated it will not be like a Boys and Girls Club model where kids are constantly coming and going. Ms. Moss replied that was correct. She added the program has strict guidelines and students who don't follow those guidelines will be dismissed from the program.

Mr. Nay asked about the parent programs that are being offered. Ms. Moss replied this is a new program they are going to offer. Most of the kids in their programs are refugee and immigration status. As parents pick up their students, there will be a computer lab available to them where they can do job training, resume building and English classes. Ms. Milkavich asked about the other programs that are offered. Ms. Moss replied they offer a service year program, real life program, global community service, a local service directory, a young humanitarian award program and a virtual volunteer program.

Ms. Milkavich asked about the south side of the property where the retaining wall is. She asked Ms. Moss if she has discussed that wall with the property owner on the other side of it. Ms. Moss said she has talked to them. David Baranowski added as part of this plan, there will be no earthwork or grading changes along that perimeter. They are hoping the wall can remain as is.

The meeting was open for public comment.

Susan Nixon read the following comments.

*Jason Lynn and Jenn Kikel-Lynn, Shamrock Drive, wrote, "We received a letter regarding this potential property because our property is directly west of this land. We own the house up on the hill at 331 E. Shamrock Drive and it's been in my family for close to 100 years. The property, the trees and the memories are all close to my heart and those of us that live here adore this neighborhood. Everyone that has lived at this house in my family is deceased other than my brother and me. My husband and I were able to purchase it back into my family recently and we are now in the process of cleaning up the yard and working towards trimming trees and getting the yard back to its original beauty. The yard was professionally landscaped over 38 years ago, but it hasn't been maintained\ so now that we own it again, we're excited to have it amazing once again.*

*First of all, I want to say that I've heard wonderful things about Youthlinc so if someone is going to build behind us, I'm grateful that it's an organization like this and thank you for proposing to build a two story building so it's not giant like the others. We appreciate that!*

Our main concerns are as follows:

1. *Trees and root system of our trees- we've had a handful of arborists looking at our yard to preserve the trees and they've all said DO NOT cut down the trees on the east side and DO NOT take out the roots. They're holding up our entire hill. As you can see, we're the only hill. If some branches need trimming, that's fine but we're incredibly concerned about our trees. They're full & beautiful as you'll see now that everything is in bloom and give us protection from the upcoming parking traffic that you're about to build. They also provide established greenery for you as well. It's hard to tell by the plan the intent for the trees. We're assuming some are on our property & a few maybe on the border. Can you explain the plan for this side? This is an area that's really worrying me, as well as, item #2.*

2. *Retaining wall- again we're concerned that when digging starts near these trees and our hill that we'll have an issue with the stability of our hill/property. Very concerned about this. Can you explain the plans for this side? How far back?*

3. *Entrance into parking lot- will you be building a wall/fence on our side from the existing parking lot into your parking lot? The commercial building to the north of us built a short wall between their building and us- curious if that's the plan?*

4. *More info- Curious about the hours of the program (mainly evening?), ages of kids, etc..*

5. *South side- I'm concerned for LouAnn Anderson (south side) and the stability of her wall and also kids jumping over her wall as well. It's been an issue recently with trespassing on that vacant land*

6. *Parking-I had originally heard that the majority of the parking would be shared with the next door office buildings to reduce impact on the area- why are there so many parking spaces on this project being added right next to residential? Seems excessive.*

7. *Lighting- will there be lights where the parking spaces & basketball court are or what's the plan? Keep in mind that this borders residential on three out of four sides and none of us want bright lights, especially if there are a lot of night activities.*

*Thank you for listening. We all love our quiet & beautiful community."*

Bonnie McCallister, Salt Lake County Flood Control, wrote, "Any activity within 20 ft. of the top of bank, or any discharge, will require a Flood Control permit. This would include fences or walls along the creek. Flood Control will also want to ensure that access is maintained in case of an emergency and for general maintenance.

*I am attaching an application for a permit as well as a guide that explains the process. Thank you for reaching out, and please let me know if there are any questions."*

Robert and Larene Wyss, 4638 South 345 East, wrote, "As a resident and property owner near the proposed Youthlinc Community Center I have some serious reservations regarding the proposed Conditional Use Permit they have requested. I, along with several neighbors I have spoken with, are concerned about the impacts this facility will have on traffic in our residential neighborhood.

*One neighbor said that they had been told there would be only eight (8) parking spaces for this building. However, in studying the site plan there are 25 parking spaces shown, including those in the outdoor basketball court. In addition to this being a small office building, they are proposing*

*it as a community center and facility for after school programs; it will have the potential of drawing a significant amount of traffic. In addition to office and community center staff, it will draw parents dropping off and picking up youth at various times of the day and possibly on weekends.*

*Our greatest concern is that with increased traffic, there will be a desire to create access to the parking lot directly from Atwood Blvd. There is already significant traffic on Atwood, most of which travels above the posted 25 mph residential speed limit. Allowing access to Atwood Blvd. from the office complex, of which this proposed building is a part of, must not be allowed. We must have written assurances that there will NOT be any additional access to Atwood Blvd. from the office complex parking lot. Thank you for your attention and consideration of this matter.”*

Jason Lynn wrote, *“Can we have the property line staked and meet with Youthlinc after to discuss Westside specific landscaping in regards to our concerns with our trees and tree roots?”*

Trisha Empey wrote, *“This one acre parcel has been a natural area for decades. No trees should be cut down!”*

Jenn Kikel-Lynn, Shamrock Drive, wrote, *“Murray City and Youthlinc, thank you for working with us to preserve the trees, field, and landscape. We appreciate it.”*

The public comment portion was closed.

Mr. Markham asked the applicant to address the issue regarding the lighting on the site. Mr. Baranowski replied the code minimum requires .5 foot candles of lighting. There is no intention to provide lighting for nighttime basketball.

Mr. Woodbury said there was a comment about wanting written assurance for no access along Atwood Blvd. However, there is a condition for no access along Shamrock Drive. He asked why the engineer didn't feel like putting in a condition for no access along Atwood Blvd. Mr. Hall replied there is no access allowed from Shamrock Drive because the property doesn't have any adjacency to Shamrock Drive. That condition was an assurance that the applicant wouldn't try to get access to Shamrock Drive. The property also has not adjacency to Atwood Blvd. It would be inappropriate for the Planning Commission to add that condition because this building is not directly next to Atwood Blvd.

Mr. Nay said he doesn't see any reason for buffering on the eastside of this property. There is a creek there and he believes it would be better to not buffer it. If the land is elevated along the south property line, that will decrease the height of the wall that is currently there. The south property line is where the buffering should be. Ms. Milkavich agreed and asked if the Planning Commission should require the applicant to put some type of buffering in, or work with the neighbors to put some type of buffering in on the south side. Mr. Markham said he doesn't think it's fair to have the applicant work with the neighbors, but the Planning Commission needs to have a definitive solution. Mr. Woodbury said he would like the applicant to work with the City rather than the neighbors on the south side buffering.

A motion was made by Travis Nay to approve a Conditional Use Permit allowing construction of a new building for the Youthlinc Community Center on the property addressed 346 East 4500 South, subject to the following conditions with a modification made to Condition 6:

1. The applicant shall meet all requirements of the City Engineer, included but not limited to the following;

- a. Meet City storm drainage requirements, on-site detention/retention is required. Implement Low Impact Development (LID) practices where applicable and avoid directing drainage onto adjacent properties.
  - b. Obtain a City Floodplain Development Permit and meet all permit requirements.
  - c. Show the base flood elevation of the site and grading plans.
  - d. Provide a preconstruction and post construction elevation certificate for the proposed building. The building finish floor elevation must be at least 1 foot above the base flood elevation.
  - e. Obtain Salt Lake County Flood Control Permit and a State Stream Alteration Permit for the proposed storm drain discharge to Big Cottonwood Creek.
  - f. Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site work.
2. The project shall comply with all applicable Building and Fire Codes.
  3. Provide complete stamped/sealed plans, structural calcs, soils report at time of building permit submittal.
  4. The proposed trash enclosure shall comply with the requirements of Section 17.144.110 of the Murray Land Use Ordinance.
  5. The applicant shall provide a formal landscaping plan to meet all requirements of Section 17.68 of the Murray Land Use Ordinance and prepared by a licensed Utah Landscape Architect to be submitted with building permit applications.
  6. The applicant shall work with the City staff to determine the appropriate location for the required fencing along Big Cottonwood Creek and south and west property lines.
  7. No access will be allowed from the project area to Shamrock Drive.
  8. The applicant shall provide a minimum of 21 parking stalls, appropriately surfaced and striped, and including a minimum of one ADA, van accessible space.
  9. The applicant shall obtain a Murray City Business License prior to beginning program operations on the site.

Seconded by Ned Hacker.

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.

QUICK QUACK MURRAY 900 EAST – 5565 South 900 East – Project #20-064

Joseph Earnest was present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow the construction and operation of a new carwash at 5565 South 900 East. This property is located in the Commercial Development (C-D) Zone. The area on the eastside of the property is large enough for 20 cars to be queued. The parking on the property is provided in the vacuuming stations along with a few additional parking spots outside of the vacuuming stations. In addition to the queuing lines, there is an exit lane to help with the traffic flow. The dumpster enclosure is to the front of the main building. Staff is recommending keeping it there so it can be easily accessed by the garbage truck. Mr. Markham added it also keeps the dumpster away from Olympus Ranch and minimizes the noise to them.

Mr. Hall added the property line will be buffered with landscaping. Staff is recommending approval of the Conditional Use Permit.

Ms. Milkavich said she is worried about the queuing area for the car wash. Currently, people will park in that property and walk into Swig and there is a car mechanic that is using part of this property to park cars on. She's not sure if people will use the queue line off 5600 South. Mr. Markham said if the other businesses in the area are utilizing this property, they have no right to be doing that. Mr. Woodbury said he feels like the queuing has been addressed adequately by the applicant.

Mr. Nay asked why it wasn't considered to flip the plan and put the building on the south side of the property and moving the entrance to the north side of the property. It worries him that there are two egress points within 10 to 20 feet of each other. Mr. Markham said the Utah Department of Transportation (UDOT) does not want any new ingress or egress points on their roads. Mr. Nay said he understands that, but he thinks UDOT would be willing to do that with a property like this one. Mr. Hacker said the applicant is actually decreasing the amount of access onto 900 East because he feels like people will learn to use 5600 South rather than 900 East.

Ms. Milkavich said she supports this car wash and thinks a better job has been done with the queuing. She's concerned that people won't be able to get out of the car wash onto 900 East. If there isn't much space for queuing leaving the car wash, everyone will be backed up. Mr. Hacker reiterated there is room for 20 cars to queue off 5600 South.

Joseph Earnest 492 West 1200 North, Springville, said he has reviewed the conditions of approval and will be able to meet them. This location offers significantly more queuing than they typically have because of all the land on the lot. From the time a customer is greeted until they exit the car wash tunnel is about three minutes. Mr. Earnest does not anticipate they will need most of the queuing off 900 East or 5600 South. Many of the Quick Quack locations are located next to residential homes. They have a single vacuum engine that powers all the vacuum stalls that is in an enclosure that matches the building. This is a sound abatement measure that increases the customer experience. They have three reclaim tanks for water that are located under the car wash tunnel. They have wanted to open a location in Murray, and they feel this location will work well for them.

Mr. Earnest said they cannot put the building to the south side of the building because the accesses wouldn't work with the turning radiuses that have to exist for safety. Also, with UDOT, the access already being there is crucial. They have also found that having the vacuums visible is extremely important for the economic viability of the site. The exit of the tunnel is the loudest point of the car wash and was strategically put towards 900 East.

Mr. Hall said he received a call from the Seibert's, who own Fishers Car Care and the lot behind it. There is a gate behind their lot they have traditionally used and will contact the applicant to see about keeping that access.

The meeting was open for public comment. No comments were given, and the public comment portion was closed.

A motion was made by Lisa Milkavich to approve a Conditional Use Permit allowing the construction and operation of a car wash on the property located at 5565 South 900 East, subject to the following conditions:

1. The project shall meet all requirements of the City Engineer, including but not limited to the following:
  - a. The project must meet City storm drainage requirement, including on-site detention and retention. Implement Low Impact Development (LID) practices where applicable and avoid directing any storm water run-off toward adjacent properties.
  - b. The proposed gravel/drywell sump does not meet City standards. The project shall provide a system of water quality treatment that must be fully maintainable, such as StormBrixx or StormTech systems
  - c. The applicant shall obtain a UDOT access review and permit for the proposed access on 900 East.
  - d. The applicant shall replace any damaged sidewalk and curb and gutter along property frontage, and upgrade sidewalks through accesses to meet current ADA standards.
  - e. The applicant shall develop a site Storm Water Pollution Prevention Plan (SWPPP) and obtain a Land Disturbance Permit prior to beginning any site work.
  - f. The applicant shall obtain a UDOT Encroachment Permit for work in the 900 East right-of-way.
2. The project shall comply with all applicable Building and Fire Code standards and comply with fire department minimum access standards of twenty-foot (20') widths and thirteen-foot six-inch (13'6") height clearances.
3. The applicant shall meet all requirements of the Murray City Power Department.
4. The applicant shall meet all requirements of the Murray City Water Division.
5. The applicant shall obtain plan approval from the Cottonwood Sewer Improvement District.
6. The applicant shall provide a formal landscaping plan meeting all requirements of Section 17.68 of the Murray Land Use Ordinance including irrigation plans and details to be submitted with building permit applications.
7. The applicant shall observe noise ordinance standards regarding quiet hours, ceasing operations no later than 10:00 p.m.
8. The applicant shall obtain a Murray City Business License prior to beginning business operations at this location.

Seconded by Sue Wilson.

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.

VANWINKLE SUBDIVISION AMENDMENT – 5502, 5538, 5562, and 5596 South Van Winkle Expressway – Project #20-062

Jake Tate, Anderson Wahlen and Associates, was present to represent this request. Zac Smallwood reviewed the location and request for a subdivision amendment to add an additional lot at 5502, 5538, 5562, and 5596 South Van Winkle Expressway. This site has a lot of excess parking and is located in the C-D Zone. The proposal is to subdivide lot 5 with the intent of putting in a 7-Eleven Convenience Store. This site can be accessed from 5600 South on the south side and Van Winkle Expressway on the East. The property is largely developed. It has utilities, has been graded, and has adequate drainage. This amended subdivision does not include any development plans. Staff is recommending that the Planning Commission approve the amended plat for these properties.

Jake Tate, 2010 North Redwood Road, Salt Lake City, said they are trying to break a lot off this property to build a 7 Eleven. He said he has seen the conditions of approval and will be able to meet all of them.

Mr. Smallwood said he received a few phone calls from residents wondering what this project was going to be. No one he spoke with seemed to be concerned.

The meeting was open for public comment. No comments were given, and the public comment period was closed.

A motion was made by Travis Nay to approve the requested Van Winkle Subdivision Amended Plat for the properties addressed 5502, 5538, 5562, and 5596 South Van Winkle Expressway, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
  - a. Meet City subdivision requirements.
  - b. Provide standard Public Utility Easements (PUEs) on all lots.
2. The project shall follow International Fire Code (IFC) regulations for fire access and for hydrant locations.
3. The applicant shall prepare a Final Subdivision Plat which complies with all requirements

of Title 16, Murray City Subdivision Ordinance.

4. The applicant shall meet all applicable regulations of Title 17, Murray Land Use Ordinance.

Seconded by Scot Woodbury.

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

Mr. Hall and Mr. Smallwood discussed some upcoming items that will be coming before the Planning commission. Mr. Smallwood encouraged everyone to take the Small Area Plan survey if they haven't already. Mr. Hall said there is a survey on the internet regarding Murray City's Transportation Plan.

Scot Woodbury made a motion to adjourn. Seconded by Lisa Milkavich.

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

The meeting was adjourned at 7:24 p.m.

  
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Jared Hall, Planning Division Manager