

The Planning Commission met on Thursday, May 21, 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 – Excused  
Sue Wilson  
Ned Hacker  
Lisa Milkavich  
Jared Hall, Community Development Supervisor  
Melinda Greenwood, Community & Economic Development Director  
Susan Nixon, Associate Planner  
Briant Farnsworth, Deputy City Attorney  
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, welcomed those present and excused Maren Patterson. He read a statement concerning the electronic meeting.

#### APPROVAL OF MINUTES

Ned Hacker made a motion to approve the minutes from the May 7, 2020 Planning Commission meeting. Seconded by Scot Woodbury. A voice vote was made, motion passed 6-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest.

#### APPROVAL OF FINDINGS OF FACT

There were no findings of fact.

#### SACRED ENERGY LLC – 296 East 4500 South – Project #20-047

Janet Wall was online to represent this request. Jared Hall reviewed the location and request for a Zone Map Amendment from G-O (General Office) to C-D (Commercial Development). The Future Land Use Map shows this property as General Commercial. The request fits the Future Land Use Map and meets the goals and intents of the General Plan. Mr. Hall went over the allowed uses in the C-D and G-O zones. Staff is recommending that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation of the property located at 296 East 4500 South from General Office to Commercial Development.

Ms. Milkavich said this business came to the Planning Commission held a few weeks and asked for a Conditional Use Permit for a Bed and Breakfast. She asked if all those conditions in that process would remain. Mr. Hall replied the conditions of approval would remain.

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

A motion was made by Scot Woodbury to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation of the property located at 296 East 4500 South from G-O (General Office) to C-D (Commercial Development).

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Hall.

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

Motion passed 6-0.

MURRAY BURTON ACRES AMENDED – 349 East Wilford Avenue and 412 East Afton Avenue  
– Project #20-048

Raymond Poole was online to represent this request. Susan Nixon reviewed the location and request for a Boundary Line Adjustment. The two properties are located in the R-1-8 Zone. In 2000, Mr. Poole purchased approximately 5,200 sq. ft. from the owner of the property at 412 East Afton Avenue (Lot #18) and built a sports court on the property. Mr. Poole recently asked the Planning Division if he could make the lot with the sports court a buildable lot in hopes to construct a new home. Staff informed him that the lot did not meet the zoning requirements. The property line would need to be adjusted and he would need to get approval from the Planning Commission. Since the property did not meet the minimum area required of 8,000 sq. ft. per lot, he applied for, and received, a lot area variance. With the variance, the lot at 349 East Wilford Avenue will be 7,388 sq. ft. and the lot at 412 East Afton Avenue will be 8,119 sq. ft. Based upon obtaining the variance and needing the lot line adjustment, staff is recommending approval of this boundary line adjustment subject to conditions.

Raymond Poole, 341 East Wilford Avenue, said he is able to meet the conditions of approval.

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

A motion was made by Sue Wilson to approve the proposed lot line adjustment for Lot 18 of the Murray Burton Acres subdivision at the properties addressed 412 East Afton Avenue and 349 East Wilford Avenue, subject to the following conditions:

1. The adjustment of lot lines is allowed by Utah State Code Section 10-9a-608(2)(iii), and with conditions this proposal will meet the requirements therein.
2. The proposed lot line adjustment does not result in a violation of the Subdivision Ordinance, the standards of the R-1-8 Zone.
3. The proposed lot line adjustment meets the requirements of the variance granted on April 13, 2020.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Hall.

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

Motion passed 6-0.

APPLEGATE CONDOMINIUM SUBDIVISION AMENDED – 770 West Apple Gate Drive –  
Project #20-052

Public comments for this item and the Applegate Townhomes P.U.D Subdivision were taken together. See Applegate Townhomes P.U.D. Subdivision for public comments on both items.

Jared Hall reviewed the location and request to amend the subdivision. The zoning on the property is R-M-15 (Medium Density Residential) and there are a mix of different zonings in the area. This proposed amendment is to carve out 5.07 acres and to dedicate a road to serve the new planned unit subdivision. The existing Apple Gate Drive is private, but it would become a dedicated right-of-way to the City. Mr. Hall explained that as a private road, Apple Gate Drive has to be maintained by the condominiums and used exclusively for the condominiums. The City does not subdivide on private roads, so for this project to go forward, Apple Gate Drive needs to be dedicated to a public road. This means that Murray City will own the road and it will become a public right-of-way.

This particular subdivision is to create a parcel that can be subdivided into townhomes. This item is to break out the property so it can be developed in the future. Staff is recommending that the Planning Commission grant preliminary and final subdivision approval for the proposed Applegate Condominiums Amended Subdivision.

See Applegate Townhomes P.U.D. Subdivision for motion and vote on this item.

APPLEGATE TOWNHOMES P.U.D. SUBDIVISION – 780 West Apple Gate Drive – Project #20-039

Quinn Millet, Matt Loveland and George Cowan were online to represent Fieldstone Construction & Management Services (Fieldstone) for this request. Jared Hall reviewed the location and request for preliminary subdivision review for a P.U.D. subdivision noting this item will also need Conditional Use approval. The zoning is R-M-15, which allows for townhomes. Part of the proposal for this subdivision is to dedicate Applegate Drive and shift the roads alignment during the dedication. The entrance and exit to this subdivision are from 700 West. Engineering and subdivision requirements require a second exit from the project. The proposal to meet that requirement is to extend Rome Beauty Drive out to Glendon Street which will provide a second access to the condominiums. There is a service road by the cul-de-sac that can be used for utility maintenance or emergency access if it were ever needed. The road would not be open for vehicles, but pedestrians could use it. There will be a new private loop road that will run from Applegate Drive to Rome Beauty Drive.

Under this proposal, the amenities of Applegate Condos will be shared with the new townhome development. Planned Unit Developments require an amenity. The townhome developers will be participating in a rehabilitation of the clubhouse and pool area.

There are two phases of this project. Phase 1 includes the installation of the private loop road, addition of parking, the extension of Rome Beauty Drive to Glendon Street, and the new alignment of Apple Gate Drive. In Phase 2, the existing Applegate Drive that was realigned gets removed and the remainder of the units are built.

Ms. Wilson said she noticed the developer is proposing to name the street “Rome Apple”. She asked if they could choose a different name because Rome Beauty Drive could easily be confused with Rome Apple. Mr. Hall replied Salt Lake County usually dictates whether or not there is a problem with a street name.

Mr. Hall said Applegate Drive will still end in a cul-de-sac. The units that are at the end of the cul-de-sac are to the side of a large area that is used for water retention. The grading and drainage plans are currently being reviewed, but right now the plan is for storm water retention to be in the area behind those homes.

Applegate Drive is a 60-foot wide standard city street with sidewalks and curb and gutter. Mr. Markham asked if a 60-foot wide street would allow for on-street parking. Mr. Hall replied it would. The units that are being proposed are front loaded, two-car garage, two-story units. Fieldstone will build all the units. Ms. Milkavich asked if the two-story condos would have to meet the same height requirements as the two-story houses around them. Mr. Hall replied the height allowance in this zone is 40 feet. However, planned unit development allows the Planning Commission to vary different requirements or impose other requirements. The units that get approved, are the units that have to be built. If the Planning Commission feels that two-story units are more appropriate than three-story units, then two-story units are what will be allowed. Staff felt that two-story units are more appropriate.

Mr. Hall said the Water Department is asking for an eight-inch waterline to meet the main waterline on 700 West. There is a utility line in the existing Applegate Drive that is broken. Several residents have expressed concern about that line. That line will be replaced when Apple Gate Drive is realigned. There is an existing cell tower on the property. There has been a variance granted by

the Hearing Officer to move that cell tower to its old location which is near the intersection of 5400 South and 700 West. The cell tower has not been moved yet, but it must be moved before either of the two final phases are recorded. Staff is recommending that the Planning Commission grant Conditional Use Approval to allow the proposed Applegate Townhomes P.U.D. Subdivision.

Ms. Wilson asked if the City has leeway to request that these be for-sale units. Mr. Hall replied the City doesn't have the authority to demand that units be owned or rented. Ms. Wilson said her concern is these homes becoming apartments which would defeat the neighborhood aesthetic of Applegate. Mr. Hall said the project, as proposed, is a conditional use to allow the P.U.D. Subdivision, not to allow multi-family apartments. If the developer wants to change that, they would have to come back to the Planning Commission and make the case for a conditional use to allow rental units.

Mr. Nay asked what the widths are of the side roads.

Mr. Markham said this item was discussed within the HOA three years ago which was when the vote was taken to pursue this project. How does the City know that the HOA is representing all the property owners and this is what they want? Mr. Hall said staff asked this question when they were processing the application. The legal opinion they received was to accept the application at face value and the risk was assumed by the applicant. The HOA has authority to act on the homeowner's behalf but the City has no way to know whether the homeowners voted for this or not.

Mr. Woodbury asked if staff has heard feedback from residents in the Applegate Condos saying they do not agree with this. Mr. Hall said they have received some.

Quinn Millet, 1441 East Redondo Avenue, Salt Lake City, said he has driven through the Applegate Condominiums and has seen the open space as well as the need for repair. He presented this plan to the HOA Board three years ago where 80% of the residents who voted, voted in favor of it. At that point he put together a team that included a civil engineer and a surveyor to do some of the initial entitlement work for the cell tower issue. At this point, Fieldstone is in charge of the project.

Matt Loveland, 12896 South Pony Express Parkway, Draper represents Fieldstone. He said he is aware of the conditions of approval but had some questions on some of the conditions. He asked for clarification on the requirement for sufficient access to the development. Mr. Hall explained this is the engineer's condition, however his understanding is that the engineer is alright with two full accesses out and one partial access with emergency access only. He advised Mr. Loveland to check with Trae Stokes, City Engineer for further clarification. Mr. Loveland asked if the restriction on recording the plat was specific to the residential Phase 1. Mr. Hall replied it is specific to either of the two townhome phases, not the initial 5.07-acre parcel to be subdivided first.

Mr. Woodbury asked Mr. Hall to expand on the cell tower relocation condition. He is concerned that the responsibility for completing that actually falls on the HOA. Mr. Hall replied staff did understand that the HOA would be moving the cell tower. There are a lot of moving parts involved in the agreement for the sale of this property. The HOA not performing on the relocation of the cell tower will negate the sale of the property. Staff has processed the Hearing Officer's variance to allow for the moving of the cell tower. The only thing that would keep them from performing on the required relocation would be not being able to pay for it. Mr. Loveland added that Fieldstone

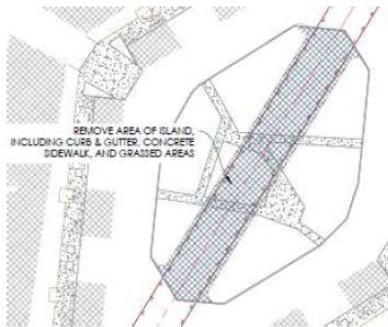
has similar concerns around the moving of the cell tower. The funds to move the cell tower will be held in escrow and will go to the cell tower directly.

The meeting was open for public comment.

Susan Nixon and Melinda Greenwood read the following comments.

Natasha Whitaker wrote, *“To whom it may concern, The proposed development within Applegate townhouses is something that will greatly benefit our community. It will allow us the income to do much needed repairs so that our community can again be proud of our townhouses. The building and selling of this land is essential to improving this community.”*

Nick Grangroth and Johnathan Agosto wrote, *“1. Why is the grassy area in the middle of our circle (Rome Beauty Park) being removed? See screenshot of the site plan below. This area is used often by existing residents, and it is a great amenity for us and our dog. There is already an asphalt road that goes around the grass area in front of our carports, so why would the grass be removed for a road? I understand the road will connect to Glendon Street, but again, we already have a road that goes around the grass. We are losing other grassy areas around in our community with the construction of these new units, so this grassy circle will be even more important to us.*

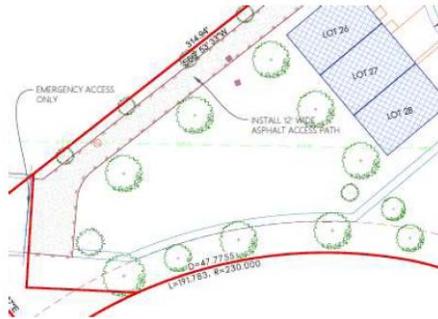


*2. We have concerns of privacy with the location of the parking lot and new condo units. For your reference, our home is highlighted below. The parking lot would be directly behind our back deck with direct view into the windows in the back of our home. We're not comfortable knowing that our windows would be in constant view of future residents and their guests. Have other locations/configurations been considered to maintain our privacy?*

*3. Also, there is a large tree directly behind our home (marked below with a green "X"). We do not want this tree to be removed. Are you able to confirm that it is not in the plans to be cut down?*



4. Lastly, what is the function/purpose of this open area in the back corner of the property? We are losing some common areas in the middle of our community, so why aren't units being built back there instead of in the middle of the community where we currently have amenities (grass, playground, tennis court)? This open area in the back corner seems less accessible to the majority of the community.



We appreciate your time in reviewing and addressing our concerns. Should you have any follow up questions feel free to email or call us.”

Ron Dunn, 5320 Majestic Village Circle, wrote, “The Applegate development project has taken quite a path to arrive at this stage where the non-resident dominated HOA has requested both the preliminary and final approval to occur simultaneously. This began as a supposedly harmless HOA request to change the zoning in case a fire occurred and the landlords need to rebuild their rental units. Insurance would not pay for the rebuild if the zoning was out of compliance. That was the cover story the HOA gave to the Planning Board at the time in a somewhat contentious meeting. The Planning Department employees claimed that the zoning request for the reasons stated was all that they could consider. No one publicly believed it except for the HOA who, as time as shown, had an ulterior motive. The poorly run HOA has had three major embezzlement scandals over the years. The last one immediately before the rezoning request resulted in a loss of more than \$100,000 in which the treasurer needed money to pay for his wife’s cancer treatments. After the embezzled money was spent for medical treatment, the cancer patient still died.

Applegate ranges from a third to over half rental units depending on who is talking, an HOA board member or the residents that I have met after the meetings held at city hall or in chance contact at church. The HOA, according to my church member friends, is dominated by non-Murray resident landlords who are unwilling to reimburse any portion of the embezzled funds originally intended for badly needed exterior improvements to this poorly maintained condominium complex.

The unhappy landlords developed a different plan beginning with the zoning change under the pretext of a possible fire. The truth finally emerged when the two well compensated suits from the Kirton McConkie law firm stated at a hearing before a Planning Department employee that the unsightly cell phone tower had to be moved from its current location to its original location for the development project to continue. Now what we suspected but never acknowledged previously became part of the official record. Although I and several others spoke against the cell phone tower move, the request was rubber stamped in record time. The two suits prevailed even though they don’t live in Murray and the unidentified developer at that time was not Murray based. For reasons that the Planning Department can best provide, Murray voters / taxpayers who live next

*to or near the proposed project and who tried to be initially involved beginning with the smoke screen zoning change have been sent to the locker room before the game has ended. At the beginning, many of my neighbors joined me in attending the meetings. I have attended all of them and spoken when permitted. The number of neighbors in attendance has decreased considerably. When I ask why, they respond that there is no point. The decision has already been made but just not officially announced. Even if they are correct and the fix is in, I will optimistically, albeit perhaps naively, spend time preparing my input for the Thursday evening meeting although I may go to bed Thursday night thinking that the time spent opposing this project really was a waste of my time.*

*My neighbors and I purchased homes built between 1978 and 1984 in what was assumed to be an established neighborhood. Now Applegate, complete with its self-inflicted financial issues, wants to change that concept by imposing a construction zone environment on its neighbors. Applegate was built in the mid 1970's and all was well until the last two years or so when the non-resident dominated HOA sought a way to bring in revenue to improve their units at no expense to the landlords. Besides the noisy construction from the two phases, the proposed two-story units, to be built on the top of a small incline, will overlook the existing homes. The 'packet' described how zoning rules will be altered where needed. What is the purpose of zoning, especially when Applegate was just rezoned, if the rules in question are easily violated? Case in point, the setback requirement from the property line specified in the zoning classification will be waived, apparently at the builder's request.*

*The free lunch that the landlord dominated HOA seeks will come at the expense of the surrounding neighbors whose quality of life and property values will decrease although their property taxes won't. The Packet did not include any mention of the impact on the neighborhood schools, specifically Horizon Elementary School which already has three portable classrooms and serious traffic congestion at the beginning and end of each school day. Incidentally, Horizon is no longer a neighborhood school but more of a commuter school with the attendant problems such as the congestion that was never factored in when it was built. What impact will the proposed development have on Horizon and traffic congestion on already busy 700 West? The packet contained no mention of either concern. The packet fails to mention if the Murray City police department will have the resources required to intervene in the congested 700 West area where additional traffic will be problematic.*

*For reasons that the Applegate HOA and its developer patron can best answer, the request for both preliminary and final approval seems rushed but convenient. To allow input from Murray citizens and voters requires a deliberate process in which the approvals should be separated. Puzzling as well, the developer and the Planning Department have had months to collaborate on this project while the neighboring citizens / voters have all of four days before the Planning Commission meeting to submit comments since the Packet was first posted to the Murray City web site. That seems conveniently hurried with the intent to minimize critical input from the adversely impacted neighbors.*

*Such a development would work in the Fireclay neighborhood where no long-term residential neighbors exist to be affected. That is not the case for the Applegate's proposed 48 townhouse unit addition. Therefore, the request as proposed in the packet should be denied. Thank you."*

Gerald Andersch, 5335 Majestic Village Circle, wrote, "To: Murray City Planning Commission and Murray City Attorney Civil Division

*The public meeting of the Murray City Planning Commission scheduled for Thursday May 21, 2020 at 6:30 PM violates the Utah Open Public Meeting Act.*

*We contend that closing the meeting to the public while not providing space and adequate facilities for allowing monitoring and public comment, violates sections 52-4-201/52-4-202 of the act.*

*Simply inviting the public to view streaming of the meeting and/or email questions to the commission does not meet the acts compliance requirements. There are a number of Murray residents who do not have access to the internet nor have the capacity to view streaming video.*

*One of my neighbors, who lacks those resources, called the city and asked how he could participate. They suggested finding a neighbor who has an internet connection. That is unacceptable. This is an open public meeting that clearly excludes a critical portion of the public.*

*This planning meeting will be approving subdivision of a large urban property and green lighting a huge 48-unit, multi-story townhouse project. A project that will profoundly affect property owners like my neighbor whose back door is literally yards from this proposed construction.*

*Past meetings on this issue have drawn large, capacity crowds of concerned Murray residents. To simply say "Covid-19" fears allow the city to ignore the Open Public Meeting Act and the legitimate right of the Public to participate is more than unfair, it's a violation of law.*

*We demand the meeting and decisions on this issue be postponed until either the threat of the virus has subsided or required accommodations for public are provided.*

*To exclude citizens from monitoring and participating in this meeting invalidates the democratic process. A process which the Open Public Meeting Act was clearly designed to protect. No threat of from any virus should set aside the rule or spirit of law."*

Ms. Greenwood read the response that Mr. Andersch received from G.L. Critchfield, City Attorney.

*"Dear Mr. Andersch:*

*We are in receipt of your email dated May 18, 2020 and an undated hand-delivered letter (delivered May 19, 2020) regarding the Planning Commission meeting scheduled for May 21, 2020. You indicate your belief that because this Planning Commission meeting is scheduled to be held electronically, the meeting will violate the Open and Public Meetings Act and should either be held as an in-person meeting or postponed until citizens can attend in-person.*

*We appreciate the civic passion that is evident from your message and your desire for the Planning Commission to hold an in-person meeting. We are aware of the interest generated by the agenda item to which you are referring. Land use matters are very important to our residents and equally important to City staff. We take these matters very seriously.*

*However, we do not share your opinion that holding an electronic meeting, under the current circumstances and given Governor Gary Herbert's executive order 2020-5, violates the Open and Public Meeting Act. In fact, Governor Herbert has specifically authorized public bodies (this includes the Planning Commission) to meet through electronic means throughout the duration of the public health emergency.*

*On March 18, 2020. Governor Herbert issued an executive order pursuant to his authority under Utah Code Annotated §53-2a-209(l)(b) and (4). suspending enforcement of portions of the Open and Public Meetings Act directly related to and necessary to address a public health emergency. As a government entity, we have the obligation to be compliant with applicable health orders and guidelines. Holding the meetings in the electronic format allow us to be compliant.*

*Electronic meetings are not unique to Murray City. The Utah Legislature passed a joint rules resolution authorizing the legislature to meet electronically during the current public health emergency. Based on the Governor's executive order, it is our understanding that most counties and cities in the state, are temporarily holding meetings and public hearings remotely via electronic means. It should also be noted that most courts, including the United State Supreme Court, are currently holding court hearings electronically.*

*During this public health emergency, the City still provides appropriate resources to allow the public to participate in meetings. The meetings can be viewed online, and public comment is able to be provided to the Planning Commission. The public notices also included contact information for City staff who can take comments verbally over the phone and relay those comments back to the Planning Commission. The City is seeking for inclusion and participation in these meetings while seeking to protect the health, safety and welfare of the public during this temporary public health emergency.*

*I will recommend that your email be read into the record at the planning commission meeting so that your objection to holding the meeting electronically is duly noted.”*

*Laurel Brown wrote, “My single concern about the proposed plan for the Applegate Condominiums is regarding the name of the proposed new road. Naming the road Rome Apple Drive when there is already a Rome Beauty Drive seems very confusing. To continue with the apple theme, one would think that there might be dozens of other apple varieties from which to choose. The proposed names will cause confusion for package deliveries, and the postal service, not to mention residents and visitors.”*

*Jane Andersch, 5335 Majestic Village Circle, wrote, “Here is a photo of the land to be used for the proposed development. This lush green urban forest of mature trees will be bulldozed to make way for 48 townhouses. My question to you is, how does this planned development fit with Murray's Masterplan that promises to preserve and expand green spaces within the city?”*



Laura Haskell, 5287 Clover Meadow South, wrote, *"Regarding Agenda Item #7 Conditional Use and Preliminary Planned Unit Development (PUD) Subdivision*

*1. PUDs must provide an open space amenity. What is the open space amenity in this PUD? The only open space appears to be a detention area required for storm water control. The existing clubhouse, if being considered, is outside of this development in the Applegate Condominiums development.*

*2. Staff Recommendation 1d states that the triangular area that extends into Spring Clover Drive be dedicated to the city and that area be removed from the density calculation. If public roadways are removed from density calculations how does the dedication of Applegate Drive affect the density? If that right of way is removed does the density exceed the allowed 12 units per acre?*

*3. Several questions regarding traffic. Where is the existing irrigation ditch in relation to the proposed Rome Beauty Park connection to Glendon Street? What is the spacing to existing accesses, including those into Glendon Way Condominiums across the street? What is the spacing between the proposed roadway and the existing Church of Jesus Christ of Latter Day Saint parking access? In regard to Applegate Drive, Staff Recommendation 1-0 requires a traffic impact study. If the study makes recommendations on proposed or current accesses how does granting Preliminary Approval now affect the ability to require those recommendations be followed? Applegate Drive is proposed as a Minor Collector, which according to Murray City standards is 1500 to 3500 Average Daily Trips. If Average Daily Trips are found to be less than 1500, at least beyond the intersection with Rome Beauty Drive, the road could be narrowed to a residential 50-foot right of way. Doing this would gain 10 feet. This would allow for a rear yard setback of the required 25 feet rather than the proposed 15 feet.*

*4. In regard to the proposed setback variances. The proposed rear setback on the southwest, against the existing R-1-8 homes, is smaller than the proposed rear setback on the northeast, against the existing Applegate Condominiums development. This is likely due to road alignment and/or grades; but is it possible to shift the road northeast to reach the required setbacks on the southwest against existing homes? If grading is an issue have walk out basements instead of a second story been considered on those units? Have these and all other options been fully explored before recommending a variance in setbacks?*

Applegate Homeowners: George Cowan, President; Lyndi Reed, Vice President; Alex Higham, Secretary, Natasha Whitaker, Treasurer, and Lisa Hoffman, Member at Large, wrote, *"If you have driven through Applegate at any time in the past few years you have probably wondered what has happened to the beautiful complex that once was. Applegate as it currently stands has some major repairs both structurally and cosmetically that need to be addressed. However, due to past circumstances the complex is unable to fully address these needs without some sort of intervention; so instead of letting Applegate deteriorate further the HOA found a solution.*

*The proposal to sell 5 acres of our land came over 3 years ago and was voted on by the Applegate community through a special vote. Nearly 80% of the Applegate residents who cast a vote did so in favor of this project. This proposed development, known as Community RRR in Applegate, will enable our community to improve the structural safety of our homes while simultaneously improving the cosmetics of the property as a whole. While the HOA Board understands that the loss of land as an open space will be hard for the community and surrounding neighbors it will ultimately lead to an improvement in the lives and safety of Murray residents both inside and outside the complex. It may be hard to see now but addressing these safety issues and cosmetic*

*eye sores will lead to increasing property values to all homes in the area while providing yet another beautiful and well maintained neighborhood for Murray residents to call home.*

*The HOA Board fully supports this project and have worked tirelessly to see its success. We as the HOA Board of Applegate Condominiums ask that you vote in favor of this project and help us restore Applegate to the beautiful complex it is meant to be."*

*George and Marsha Redd, 5326 South Majestic Village Circle, wrote, "From the summer of 2018 until the present time, we, as homeowners living within "500 feet" of the proposed expansion, residents of our neighborhood, have attended meetings, protested and opposed the proposed development project known as Applegate Townhomes PUD.*

*Our efforts have been ignored in favor of a few non-resident owners of units in the Applegate Condominiums.*

*I have attended many of the meetings regarding the changes requested. It is my observation that the vast majority of attendees have opposed the requested changes in zoning and yet they have proceeded to be approved.*

*My feelings and opinions have always been that most of the federal government officials are mostly corrupt and driven by money and influence. I have been of the opinion that local governments are an exception and are responsive to the needs of their local constituents.*

*That has changed as I have witnessed the proceedings of the various meetings. At one of the meetings where the opposition was probably 15 to 20 against to one in favor, as I was leaving the meeting, there was a Murray City official standing in the exit door. I asked him why this meeting was even held as the decisions had obviously been already made in a "Pre-meeting" of the Planning Commission.*

*His response to my query was, "because we have to"! Not so the residents who opposed the actions could be heard, but "because we have to"!*

*Our concerns are many:*

*\*What about the impact on traffic in the area if Spring Clover Dr. is connected to Applegate Dr.?*

*\*What is the impact on property values for those of us who have lived in the area for over 30 years? I feel certain values will go down while property taxes will not!*

*\*What is the impact on an already overcrowded Horizon Elementary and the added traffic congestion on 700 West?*

*\*The proposed two story units will be overlooking the existing homes.*

*\*Rental units, as evidenced by the deterioration of the Applegate condos, drive residential values down, not up. These proposed units will suffer the same fate as the existing ones.*

*\*Murray City seems to be highly in favor of approving high density apartments.*

*\*Fieldstone Construction and Management Services will take their profits and leave us to live, long term, with what they have left behind.*

*It is impossible for ordinary citizens, such as we are, to even begin to decipher the miniature scale "amended" map provided to us. The detail printed is impossible to read and make sense of. I believe this is part of the strategy used to move forward in spite of the objections of the majority of residents.*

*The notice sent by you is calling for Preliminary & Final Subdivision approval at the same time. How can something be preliminary and final at the same time?*

*My fear, as a 37 year resident of Murray, is that certain minority special interests of mostly absentee owners and profit minded contractors, will prevail over the rights of loyal, longtime residents.*

*I ask you to do the right thing and not allow this development to be approved and go forward.”*

*Laurie Giaugue wrote, “I live in Applegate and originally voted for the townhomes. When the residence asked questions about the townhomes, we were told the plans were still getting worked out. All of a sudden I received the plans in the mail from Murray City and I'm now worried about the amount of space that will be taken up. The residents have not been updated and I don't feel many of us would say yes if we could vote again.*

*I'm hoping we will be updated and we can revote before any building takes place. I moved into Applegate over 30 years ago because of the space and green grass. As I look at the map, I don't see a lot of space anymore and I feel the townhomes are being squeezed in to take advantage of the land. I feel it is only fair that we have a final opportunity to see the property plans up close and to have a revote making sure this is what the majority of residents want still. I don't want things sugar coated to find out this is not what we are looking for. Thanks.”*

*Deborah and Paul Ng, 5330 Majestic Village Circle, wrote, “Dear Planning Commission, We are submitting updated formal comments regarding the Applegate Condominium Subdivision Amended, Project #20-052 and Applegate Townhomes P.U.D. Subdivision, Project #20-039 for the May 21, 2020 public hearing.*

*1. We understand that the zoning for Applegate was recently amended however the new designed setbacks of 15' violate the 25' requirement. Many of the homeowners along Majestic Village Circle, including myself, are the original owners. Our homes were built in accordance with the zoning requirements without exception therefore the new development must be held to the same standard. Otherwise it is very clear that the rezoning was a mere exercise to setup the end goal for ignoring zoning requirements.*

*2. We understand that there will be an initial Phase I to be followed by a Phase II as some later date. Due to the growing economic recession with an uncertain future we are requesting that the developer provide safeguards in the event of failure to complete both project phases. Specifically, we are concerned for dust storms from permanent unprotected rough graded bare earth should the development fail and go into bankruptcy. The developer should either 1) leave the unused existing road and landscaping to remain as is 2) provide permanent lawn/landscaping until Phase II is ready for construction.*

*3. Communication Tower needs to be relocated to 5400 South and 700 West by the existing flagpole. This location is situated where property values will not diminish while providing the income Applegate needs.*

*4. We also request that the new exit for the P.U.D off 700 West be the only option. Exits into Glendon Way will create congestion at the stop sign entry onto 700 West. The current condition is already difficult during rush hour.*

*5. The PUD should show the impact from the new facility to the Murray School District. Current*

*urban development in Murray has overwhelmed the local schools. This is evident by the impromptu modular classroom units already in place to solve the existing overflow of students.*

*6. Request eight-foot fence on the boundary be erected to limit visual intimacy into the existing Majestic Village Subdivision from the two-story townhomes. Full description of landscaping on the west side should be provided to include mature trees per Murray City ordinance.*

*7. The Applegate amended plat does not appear to include the land needed to build the new inlet/outlet to Glendon Way, the road is outside the boundary line. Did Murray City sale this land to Applegate? If so, what did the city receive for it?*

*We request written responses to our comments.”*

*Alma Haskell, 5287 South Clover Meadow Drive, wrote, “I request that the planning commission ask the applicant for more information and continue this item. I am supportive of the previous re-zone and can support this application pending resolution of 1) building height/setback impacts, and 2) PUD open space amenity issues evident in the proposal; both of which I will discuss in further detail.*

*1) PUD’s are a tool that developers and cities use to get a better product than the standard zoning requirements allow. The staff report details conditional use review standards; conditional uses should not, “be detrimental to the . . . general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.” Also, “the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, . . . use of appropriate gradation of building height away from single family districts, and density to create privacy and compatibility with surrounding uses.”*

*There is a 6-8 foot finished grade change from the new road to the fence on the Majestic Village Subdivision. If the new driveways are approximately level with the road, it likely makes the back a walk-out basement. This, plus what looks to be about 19 feet for two stories, makes for a full row of buildings that form a 25-30 foot tall wall that is 15 feet away from the property line along the whole existing subdivision. This does not take into account the pitched roof on top of the wall. That does not seem like an emphasis to adequate buffering, an appropriate gradation of building height away from single family districts, or compatible with surrounding uses. In fact, it could be injurious to the adjacent property.*

*It is the burden of the developer to show that a 15-foot setback is better than the 25 usually required, and part of that should be the mitigation of the impacts on the existing properties. Has the developer given staff and the planning commission a clear picture of this impact? Is it acceptable to have such a visual impact made worse by having it 10 feet closer to the property line and mitigated only by a row of trees that will take years to mature? If it is not acceptable, other mitigations need to be explored. The trees are a good start. Likely the best mitigation would be to require that these 18 units be limited to one story with a standard walk-out basement instead of the second story. In her comments, Laura Haskell suggests another possible mitigation that involves reducing the public street ROW by 10 feet pending the required traffic study and increasing the back yard.*

*2) The staff report states that, “PUD’s . . . must provide an open space amenity.” Is the open space provided enough of an amenity to meet that condition? The only open areas provided are*

*in fact the retention areas, which are more of a development requirement than an amenity. Additionally, the plan removes a good deal of open space from Applegate (the tennis courts and landscaped open grass areas). Yards are what usually provide open space; the developer should be required to show an open space amenity that is better than the usual yards required in the code. Perhaps a few units should be replaced with an open space that would benefit the families and children of the development and Applegate, such as a playground area or something similar.*

*A PUD is a conditional use, the exceptions that a PUD allow are not a given. It is necessary that the developer show how the proposed exceptions are better than what could be developed in compliance with usual codes. If the impacts I have discussed are mitigated and an amenity provided, this development will benefit the area, the existing Applegate residents, and hopefully the developer as well. Thanks for considering these comments.*

*Additional thoughts for staff that do not need to be read in the Planning Commission meeting:*

- Does the city really want to take dedication of this ROW? As a PUD I don't think it is required that we do. The only real benefit is that the pedestrian connection from the existing neighborhood is made on a public ROW, but an easement could be required for this if the city does not want the ROW. It is fine if the city does want to take it on, as long as it is designed and re-built to city standards.*
- It is probably a plus for existing neighbors that they do not have a street immediately adjacent to their back property lines.*
- What will happen to the existing 'catwalk' path from Lucky Clover to 5300 South? If the new pedestrian connection is made that could likely be vacated to adjacent properties, though it may be worth keeping anyway. If the new ped access is for some reason removed, the existing connection should be kept and maintenance clarified. Scouts have been clearing debris from it as a service project for years, but this is not fully adequate.*
- Does a 12' path meet emergency access requirements? It is smaller than I would have thought is needed, though I have been out of touch with these types of requirements for years.*
- An easement to the city for public access to the path and emergency access needs to be recorded on the plat.*
- This and other new development in the area is increasing the student load on Horizon Elementary. Can planning staff have a conversation with Murray School District about adjusting boundaries so more empty elementary schools to the south or east could compensate for some of that impact?*
- Does this connection to utilities impact the existing neighborhood waterlines? I see that Murray Utilities required new 8" lines. Does this make breaks like the recent one that happened on Lucky Clover any more or less likely? Will it affect pressures or flows? I know utilities has considered all this I am just curious."*

*Kristine Dunn wrote, "The Applegate Development Project has been an interesting experience from this homeowner's perspective. At the first meeting I attended we were told the only reason*

*for the rezoning request was in case a unit caught fire it could then be rebuilt. During that meeting that statement was proven faulty and changed. Since that point I have learned that when money is involved you can pretty much get whatever you want done, accomplished and rules are not that important but are more of a gentle recommendation than a rule. Case in point the cell phone tower. It did not meet requirements when first requested on the corner of 54th S and 7th W. So, a variance was requested and granted. This happened again when it was moved to the center of the property and now for the 3rd time and it is moved back to the original location. So why do we need requirements in the first place? All you do is say those don't meet my needs so give me permission to change them. Then requirements are changed. Easy right?*

*So now the real reason for all the changes is the units to be built. I have accepted that they will be built and the money may or may not end up helping the original Applegate Condo units. However, and this is a major concern for me, the ability to request a change in the setback distance included in the zoning change says to the neighbors the zoning really isn't important it is what the builder wants. To go from 25-foot setback to a 15-foot setback is a huge difference. It will definitely impact the privacy of my neighbors and their property values. The ability to have that kind of impact does not show value to any set standard and that the planning commission seems to dismiss requirements when it is convenient for the builder.*

*Please explain during this meeting why the standard regulations that meet the zoning requirements can be waved to meet the builder's needs."*

*Chantelle Erb wrote, "I am a homeowner in Applegate condominiums, and I have some questions/comments regarding the Applegate subdivision amendments.*

*Will the city still require an additional road into the community? Previously the board told residents we would need to bring a road in where the gully is off of 700 W and we would bear the cost. Who would have to pay for this? Will the city require existing safety issues in the community be brought up to code as part of the redevelopment? Or will code enforcement only ensure new buildings are up to code?*

*Thank you for your time. I plan to watch the public meeting that will be streamed tonight."*

*Jane Andersch, 5335 Majestic Village Circle sent in a second comment and wrote, "My central concern about this project is the lack of adherence to the MINIMUM setbacks for the proposed townhouses. As you can see in the enclosed Fieldstone Homes Overall site plan, Lot # 48 is clearly located only 12 feet from the property line. This is less than half of the required minimum distance of 25 feet. Do the zoning requirements mean anything? Why are they not being enforced?"*



Jonathan Agosto, 5292 Rome Beauty Park, wrote, *"Why is the parking lot on Rome Apple extending further than the area that would be purchased?"*

Chantelle Erb sent in a second comment and wrote, *"The voting outcome was 87% of the votes cast were in favor but we were never told if 67% of the weighted vote of all owners was met. As a homeowner I have been unable to view the vote on selling the property. I was instructed to contact SEB legal. I contacted SEB legal and they had no idea what I was talking about."*

The public comment portion was closed.

Mr. Hall said the City requires PUD's to be reviewed by the school district. On May 15, 2020 the City received a Letter of Accommodation from Rock Boyer, Director of Support Services with the Murray City School District. Mr. Hall read the letter that was received. There is not a school district in the valley that is not under pressure from population growth.

Mr. Hall stated the new road has to go through the landscaping because of the engineering requirements for a certain number of exits to accommodate a certain number of units. Staff looked at other options and decided this was the best way to handle it. The road will divide the landscaping but won't take it out entirely. Mr. Hall added that the width of the private roads is 26 feet of asphalt plus curb and gutter. The property in this area is owned by Applegate. The City never owned it and did not sell it to Applegate.

Regarding the density of the project, the R-M-15 Zone allows for 12 units per acre. The City does not vary densities or uses in any zone. The property is 5.07 acres, about an acre has been removed to dedicate the road, leaving 4 acres for the 48 units. The roadway was removed for the density calculation.

Mr. Hall explained that a 15-foot setback is very common for townhomes. Mr. Markham stated in the packet, it states that the standard setback is a 25-foot setback. Mr. Hall explained that in a PUD they are able to modify the setback if staff feels it is appropriate. Ms. Milkavich stated that tonight is not the final say on the setbacks. Mr. Hall replied that is correct. The decision being made tonight is for preliminary approval.

Mr. Markham asked about the Planning Commission's ability to address fencing. Mr. Hall replied it is common in subdivisions for staff to require some sort of physical barrier which is generally a masonry wall. Fencing hasn't been discussed for this project yet, but it will be.

Mr. Hall said this project has been zoned in a way that the City felt comfortable with the kinds of density and height of buildings that would come in. Mr. Markham said there has been some talk tonight about the units being one-story with walk-out basements. He asked Mr. Hall if that is something that is being considered. Mr. Hall said he isn't sure that the grading in the area would allow for walk-out basements if the units were one-story. A lot of the first floor is being used for the garage. He added he didn't know if that would be a viable option. Ms. Milkavich asked where height standards are set from. Mr. Hall replied height standards are set from the grade of the home.

Mr. Nay asked if the guest parking was a shared amenity with the two projects. Mr. Hall replied the guest parking is a shared amenity.

Mr. Loveland said they pulled the plat for Majestic Village Circle when they were trying to figure

out the best way to lay this project out. That's when they discovered that those homes had a 15-foot setback. They are just matching the setbacks that are currently in Applegate. If there was an opportunity to get sufficient utility access and have a smaller right-of-way to increase the setback, he would be happy to look at that. Mr. Markham said eliminating on-street parking would create a better situation for the road as well. Mr. Loveland agreed, there is a lot of parking in this project.

Ms. Milkavich asked if the plat for the homes on Majestic Village Circle showed the setback regulations at being 15 feet or were the setbacks on the homes 15 feet. Mr. Loveland said they varied. Mr. Hacker asked Mr. Loveland if they have explored the option of one-story homes with a walkout basement. Mr. Loveland replied they have not, but they will look into it.

Mr. Markham said the first item the Planning Commission will be dealing with is carving out a section of their existing plat and designating that as a PUD. The vote for that item will be for both preliminary and final approval. After that has been resolved, the Planning Commission will move onto preliminary approval for the design that has been submitted for the development.

Mr. Markham asked what could change between the preliminary and final approval. Mr. Hall said if the developer did something like add more units, the project would have to go back before the Planning Commission, but other changes like the road alignment or adjustments to the parking would not.

Mr. Woodbury stated his biggest concern with this is with the process. The original proposal was from three years ago and there are questions regarding the vote that the HOA took. He understands the Planning Commission cannot do much about that, but he empathizes with the residents of Applegate. He feels the process with those residents could have been done better. Mr. Markham agreed.

George Cowan, President of the Applegate HOA, said this process started before he became a member of the Board. There was a vote taken and any resident can look at the actual votes. The Board has been pushing for this project because of what it will do for Applegate. Ms. Wilson asked how many members on the HOA Board live in the condominium. Mr. Cowan replied he is the only one that does not, the other four members do. He has been the president for 2 ½ years and this project is talked about at every Board meeting. There is also a newsletter that is available to the residents with the information. Ms. Milkavich said the discussion and vote with the HOA is outside of the Planning Commission's jurisdiction. Mr. Woodbury agreed.

Mr. Hacker asked Mr. Cowan if he has gone through an analysis on what it costs to relocate the cell tower so he knows what kind of funds would be available to do repairs to the condominiums. Mr. Cowan said they have. They are going to sign contracts with Crown Castle, who owns the cell tower, and Crown Castle will prepay 20 years of the lease. That will give the HOA half of the money needed for the relocation of the cell tower and give them more money to use for repairs in the community. Mr. Nay said the HOA identified a problem and they have an asset that can that can solve their problem. This will help their community.

A motion was made by Ned Hacker to grant preliminary and final subdivision approval for the proposed Applegate Condominiums Amended Subdivision on property located at 770 West Applegate Drive subject to the following conditions:

1. The project shall meet all requirement of the Murray City Engineer, including the

following:

- a. The applicant shall provide an appropriate amended Declaration or Condominium Withdrawal document for recordation with the amended plat.
  - b. The applicant shall meet all City Subdivision requirements.
2. The applicant shall prepare a Final Subdivision Plat with complies with all requirement of the Murray City Land Use Ordinance and with Title 16, Murray City Subdivision Ordinance.

Seconded by Scot Woodbury.

Call vote recorded by Mr. Hall.

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

Motion passed 6-0.

Ms. Milkavich said she would like to see a solution that offers some better setbacks before the final approval. Mr. Markham added that is also one of his concerns. He would like to see as much rear yard setback as possible on the units that abut the single-family neighborhood. He would also support adding a condition for an eight-foot masonry wall. Mr. Hacker said he is not comfortable approving a preliminary without a firm understanding of the conditions. He would like to see what can be done as far as setbacks and open space before approving the Conditional Use Permit. Mr. Nay said if the developer is able to move to a 20-foot setback, the eight-foot wall doesn't become as necessary. These are reasonably sized units that are well spaced out. Mr. Markham said a solid fence of some kind would enhance the project. Mr. Nay said the City Engineer would have to change his recommendation in order to create bigger setbacks. Mr. Hacker said he would like to see that discussion occur before the preliminary is approved.

Mr. Woodbury said he agrees with a solid masonry wall and bigger setbacks. He doesn't like the idea of making the road smaller because there is enough parking. Parking is always a problem. There are 15-foot setbacks in the neighboring community, so he thinks 15 feet is enough. He doesn't like the shared amenities. He would like the applicant to find a way to provide another amenity or open space to the townhomes. Ms. Wilson agreed. Mr. Woodbury added one of the key features of PUD's are the amenities. Because this is a preliminary approval, he would like to add some conditions, if staff allows, for an additional amenity and a masonry wall. This lets the developer know the Planning Commission is supportive of the project with certain conditions. Mr. Markham stated the conditions attached to these items represent a tremendous amount of money. Preliminary approval allows that to go forward.

Mr. Nay asked Mr. Hall why the City Engineer limited the traffic study to 5400 South and 700 West. Why didn't he go over to the Intermountain property or Security National property and look at any of those areas? Mr. Hall replied because the City has that data from existing traffic studies. The engineer's concerns over traffic on 700 West go beyond the 48 units going into Applegate.

His major concern was getting the Applegate Condominiums served well enough to enter and exit the property appropriately. These condominiums should have had two access points years ago.

Mr. Hacker said the conditions for Conditional Use approval are the same as the conditions for Preliminary approval. A traffic study will need to be done to confirm that an exit will be possible from Glendon Street.

A motion was made by Scot Woodbury to grant Conditional Use approval to allow the proposed Applegate Townhomes PUD Subdivision located at 780 West Applegate Drive subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
  - a. Meet City Subdivision requirements and standards. Determine if the plat is amending or vacating a portion of the Applegate Condominiums and update the plat to be consistent with the predetermined process.
  - b. If vacating, develop a condominium withdrawal or removal document and record prior to recording the plat. Provide a new or updated condominium declaration.
  - c. Provide a signed dedication deed for the portion of Applegate Drive that extends to Murray Boulevard.
  - d. Dedicate triangular area that extends into Spring Clover Drive – show dedication on the plat. This area should be removed from the density calculation.
  - e. The subdivision boundary lines that extend into existing lots need to be resolved prior to recording the plat. This area should be removed from the plat and density calculation.
  - f. For Units 10 and 22, provide a 20-foot setback from the proposed north loop road. Driveways cannot be located within a sidewalk access ramp and should be located at the PC or PT.
  - g. Provide sidewalk along the north loop road that connects units 11 – 21 to the Applegate Drive sidewalk.
  - h. Provide grading, drainage and utility plans and profile drawings.
  - i. Meet City storm drain requirements, on site detention / retention is required. Implement Low Impact Development (LID) practices where applicable.
  - j. Maintenance and repairs of all on-site storm drain systems and detention basin is the responsibility of the HOA and must be defined in the HOA Declaration. A City Storm Water Inspection and Maintenance Agreement is also required.
  - k. Meet City utility requirements and provide Public Utility Easements (PUEs)
  - l. Reconstruct Applegate Drive to current City standards.
  - m. Provide new water, sewer and storm drain in Applegate Drive and reconnect existing utilities to the new utility lines.
  - n. Provide site soils study and meet recommendations.
  - o. Provide a traffic impact study meeting UDOT level II requirements and implement recommendations. The study should include evaluation of the current access, proposed accesses and the intersection of 5400 South and 700 West.
  - p. The current 172-unit development should have two access points from two roads to meet current City code. Additional units added to the development should have additional access points from separate roads or the proposed density should be reduced.

- q. The Rome Beauty Park extension to Glendon Way must be completed with Phase 1 construction and must remain accessible for community and emergency vehicle access. The road cannot be gated.
  - r. Provide and record an access easement for the Rome Beauty Park extension.
  - s. Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning site construction work.
  - t. Obtain a City Excavation Permit for work in the City right-of-way.
  - u. Provide a bond for all public improvements included in the subdivision before recording the plat.
2. The applicant shall provide complete plans, calculations, and soils reports for building permit submittals.
3. The subdivision shall meet all applicable Fire Code standards including number and placement of hydrants, adequate fire flow, and appropriate emergency service access.
4. The subdivision shall meet all requirements of the Murray City Power Department.
5. The subdivision shall meet all requirements of the Murray City Sewer Division.
6. The applicant shall work with the Murray City Water Division to correct the design issues identified in this report prior to submitting for Final Subdivision approval, including:
  - a. The applicant shall provide a new 8" water line to the main on 700 West and abandon the old main.
  - b. The applicant shall provide new fire flow master meters with check valves and meter vault for the existing Applegate Condominiums.
  - c. The applicant shall address issues with the Applegate master meter.
7. The applicant shall provide a formal landscaping plan, prepared and stamped by a licensed Utah Landscape Architect for all landscaping improvements on or associated with the project, meeting all requirements of Section 17.68 of the Murray City Land Use Ordinance prior to submitting for Final PUD Subdivision approval.
8. The applicant shall provide amended Declarations for both the Applegate Condominiums and the Applegate Townhomes PUD that demonstrate the clear shared use, maintenance, and improvement of the existing clubhouse and pool, and that demonstrate the necessary shared access and parking agreements will continue in perpetuity.
9. The existing cellular monopole shall be relocated off the subject property prior to recordation of any Final Phase of the Applegate Townhomes PUD Subdivision.
10. A masonry wall shall be required on the boundary line between the subject property and adjacent properties on the Phase 2 side of the project subject to Murray City fence standards.
11. The applicant shall be required to include an additional amenity on the subject property to comply with Murray City PUD requirements.

Seconded by Travis Nay.

Call vote recorded by Mr. Hall.

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

Motion passed 6-0.

A motion was made by Scot Woodbury to grant Preliminary Approval for the proposed Applegate Townhomes PUD Subdivision located at 780 West Applegate Drive subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
  - a. Meet City Subdivision requirements and standards. Determine if the plat is amending or vacating a portion of the Applegate Condominiums and update the plat to be consistent with the predetermined process.
  - b. If vacating, develop a condominium withdrawal or removal document and record prior to recording the plat. Provide a new or updated condominium declaration.
  - c. Provide a signed dedication deed for the portion of Applegate Drive that extends to Murray Boulevard.
  - d. Dedicate triangular area that extends into Spring Clover Drive – show dedication on the plat. This area should be removed from the density calculation.
  - e. The subdivision boundary lines that extend into existing lots need to be resolved prior to recording the plat. This area should be removed from the plat and density calculation.
  - f. For Units 10 and 22, provide a 20-foot setback from the proposed north loop road. Driveways cannot be located within a sidewalk access ramp and should be located at the PC or PT.
  - g. Provide sidewalk along the north loop road that connects units 11 – 21 to the Applegate Drive sidewalk.
  - h. Provide grading, drainage and utility plans and profile drawings.
  - i. Meet City storm drain requirements, on site detention / retention is required. Implement Low Impact Development (LID) practices where applicable.
  - j. Maintenance and repairs of all on-site storm drain systems and detention basin is the responsibility of the HOA and must be defined in the HOA Declaration. A City Storm Water Inspection and Maintenance Agreement is also required.
  - k. Meet City utility requirements and provide Public Utility Easements (PUEs)
  - l. Reconstruct Applegate Drive to current City standards.
  - m. Provide new water, sewer and storm drain in Applegate Drive and reconnect existing utilities to the new utility lines.
  - n. Provide site soils study and meet recommendations.

- o. Provide a traffic impact study meeting UDOT level II requirements and implement recommendations. The study should include evaluation of the current access, proposed accesses and the intersection of 5400 South and 700 West.
  - p. The current 172-unit development should have two access points from two roads to meet current City code. Additional units added to the development should have additional access points from separate roads or the proposed density should be reduced.
  - q. The Rome Beauty Park extension to Glendon Way must be completed with Phase 1 construction and must remain accessible for community and emergency vehicle access. The road cannot be gated.
  - r. Provide and record an access easement for the Rome Beauty Park extension.
  - s. Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning site construction work.
  - t. Obtain a City Excavation Permit for work in the City right-of-way.
  - u. Provide a bond for all public improvements included in the subdivision before recording the plat.
2. The applicant shall provide complete plans, calculations, and soils reports for building permit submittals.
3. The subdivision shall meet all applicable Fire Code standards including number and placement of hydrants, adequate fire flow, and appropriate emergency service access.
4. The subdivision shall meet all requirements of the Murray City Power Department.
5. The subdivision shall meet all requirements of the Murray City Sewer Division.
6. The applicant shall work with the Murray City Water Division to correct the design issues identified in this report prior to submitting for Final Subdivision approval, including:
  - a. The applicant shall provide a new 8" water line to the main on 700 West and abandon the old main.
  - b. The applicant shall provide new fire flow master meters with check valves and meter vault for the existing Applegate Condominiums.
  - c. The applicant shall address issues with the Applegate master meter.
7. The applicant shall provide a formal landscaping plan, prepared and stamped by a licensed Utah Landscape Architect for all landscaping improvements on or associated with the project, meeting all requirements of Section 17.68 of the Murray City Land Use Ordinance prior to submitting for Final PUD Subdivision approval.
8. The applicant shall provide amended Declarations for both the Applegate Condominiums and the Applegate Townhomes PUD that demonstrate the clear shared use, maintenance, and improvement of the existing clubhouse and pool, and that demonstrate the necessary shared access and parking agreements will continue in perpetuity.
9. The existing cellular monopole shall be relocated off the subject property prior to recordation of any Final Phase of the Applegate Townhomes PUD Subdivision.

10. A masonry wall shall be required on the boundary line between the subject property and adjacent properties on the Phase 2 side of the project subject to Murray City fence standards.

11. The applicant shall be required to include an additional amenity on the subject property to comply with Murray City PUD requirements.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Hall.

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

Motion passed 4-2.

Mr. Hall clarified that the "Phase 2" notation in condition #10 refers to the location not the timing. Mr. Markham replied that was correct, it is being used to describe the location.

#### OTHER BUSINESS

Mr. Hall noted the Fashion Place West Small Area Plan is moving forward. There is a survey on the City's website for the project.

Sue Wilson made a motion to adjourn. Seconded by Ned Hacker.

A voice vote was made, motion passed 6-0.

The meeting was adjourned at 9:27 p.m.

  
\_\_\_\_\_  
Jared Hall, Planning Division Manager