

Minutes of the Planning Commission meeting held on Thursday, March 3, 2022, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

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

Present: Jeremy Lowry, Chair
 Jake Pehrson, Vice Chair
 Lisa Milkavich
 Michael Richards
 Danny Astill, Interim Community & Economic Dev Director
 Zachary Smallwood, Senior Planner
 Seth Rios, Planner I
 Briant Farnsworth, Deputy City Attorney
 Citizens
Excused: Travis Nay
 Maren Patterson
 Ned Hacker

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording is available at the Murray City Community and Economic Development Department Office.

APPROVAL OF MINUTES

Lisa Milkavich made a motion to approve the February 17, 2022, minutes with the minor corrections. Seconded by Jake Pehrson. A voice vote was made, motion passed 4-0.

CONFLICT OF INTEREST

Jeremy Lowry stated he has a conflict of interest with item #5 Dirty Devil and knows the applicant. Jake Pehrson has made a motion to table the Dirty Devil to March 17, 2022, and Michael Richards seconded. A voice vote was made, motion passed 4-0.

Call vote was recorded.

 A Lisa Milkavich
 A Jeremy Lowry
 A Jake Pehrson
 A Michael Richards

Motion passed 4-0.

APPROVAL OF FINDINGS OF FACT

Jake Pehrson made a motion to approve the Findings of Fact for M-Town Auto Elite and Waterstone Planned Unit Development. Seconded by Lisa Milkavich. A voice vote was made, motion passed 4-0.

AK GRANITE – 150 West 4800 South #35 – Project #22-016

Seth Rios presented the request. The applicant is requesting a Conditional Use Permit approval to allow a granite countertop manufacturing business within the M-G Zone on the property located at 150 West 4800 South, Unit #35. The property is in an industrial park. They receive granite stone, cut it, and then make them into countertops. The countertops are delivered and installed in clients' homes. They have four employees working in the shop. The floor plan is very basic with 2 offices, a break room, and work room. Staff is recommending that the Planning Commission approve the Conditional Use Permit for countertop manufacturing subject to the four conditions.

Ms. Milkavich expressed some concern about parking and if storage is allowed outside. Mr. Rios stated there is a trailer kept inside where the remnants and storage are kept. Mr. Smallwood verified the applicant could keep the trailer outside.

Applicant, Juan Arriaga at 4800 South 150 West #35, stated his willingness to comply with the conditions. He stated AK Granite provides granite countertops and cabinets. Ms. Milkavich asked about the parking for customers and employees. Mr. Arriaga stated he is next to auto mechanics and body shops, and they always take his spots and has to fight with them to move their cars. Ms. Milkavich brought up the water drainage. Mr. Lowry clarified the treatment of wastewater will fall under the Business Licensing and Code Enforcement and he let the applicant know that is an item of concern with a business like this.

Mr. Lowry opened the meeting for public comment. No comments were made. The public comment portion was closed.

Jake Pehrson made a motion for to approve the Conditional Use Permit for granite manufacturing and contractors' business at 150 West 4800 South, #35, subject to the following conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The applicant shall provide confirmation from the owner of the allotted parking spaces and commitment to provide continuous access to these spaces for the applicant.
3. Stone product shall not be stored outside of the shop or in the parking lot.
4. The applicant shall meet all requirements of the Murray City Fire Department and shall ensure traffic flow allowing for emergency services vehicle access.
5. The applicant shall dispose of all discharge in accordance with Murray City Wastewater Division Requirements.

Seconded by Michael Richards.

Call vote was recorded.

 A Lisa Milkavich
 A Jeremy Lowry

A Jake Pehrson
 A Michael Richards

Motion passed 4-0.

DIRTY DEVIL DISPOSAL – 4540 South 200 West - Project # 22-019

This item was continued to the March 17th meeting.

KUM & GO GAS STATION AND CONVENIENCE STORE – 6029 South 900 East – Project #22-020

Zachary Smallwood presented the request. The applicant is requesting approval of a Conditional Use Permit to allow the construction and operation of a Gasoline Service Station and Convenience Store at the subject property. The property is 1.07-acre site in the C-N Zone, Commercial Neighborhood which allows convenience stores and fuel stations subject to Conditional Use Permit. The property is currently being used as a car wash. The applicant is proposing a 3,968 ft² building. Parking for gas stations is required to have one stall per 200 ft² which would equate to 16 stalls for this site. They have proposed 21 stalls. There are two parking stalls staff is proposing to remove due to the entrance on 900 East which would bring the total stalls to 19. They have proposed two access points, one off 900 East approximately 41' wide as a right-in right-out only and on north side onto Vine Street they would place a bridge over Little Cottonwood Creek for full access in and out. A traffic impact study was conducted and the City Engineer suggested having a right-in right-out would help that intersection on 900 East go from a level F to level D. The building design will be a mix of Hardie board with wood plank fiber cement board with metal accents. The building will be 21' high and the zone allows for 35'. Mr. Pehrson asked about the height of the surrounding residential zone. Mr. Smallwood verified the R-1-8 Zone height maximum is 35'. The canopy structure would be 17.5' tall. Staff has recommended the illuminated can sign that faces east be removed as it would face the neighboring property. The landscaping plan on the Vine Street side has an adequate number of trees, shrubs, bushes however the 900 East side is missing some trees and staff will work with them during the building process to get those incorporated. They did place evergreen trees that they will proactively plant along the east side that will help buffer the single-family residence. The Planning Commission can permit up to an 8' high fence. Staff is recommending they be required to place the fence on the east side. It isn't placed as a condition but from many of the emailed comments it may be a good addition. The dumpster area cannot be located between the street and the building; however, the planning commission may grant that in exceptions. They have proposed the dumpster between the building and the street so that it is not next to the residential area. Staff is willing to support the request for dumpster placement. They have proposed an 8' tall monument sign and the code only allows a maximum of 6' with 1' base with a 5' maximum sign area. Lighting pollution can't be on the property line per code but they are showing lighting above that amount and will need to modify it to meet the zero-foot candle. Ms. Milkavich asked about the lighting on the back side to discourage lingering in the back at night which is a concern from the community. Mr. Smallwood verified they would need lighting in the back and would be a safety feature for employee's going to the dumpster.

Fifty public notices were sent out and staff received emails from seven property owners and one phone call from a property owner nearby. The citizens were concerned about property values, traffic, environmental gas leakage, lights and potential crime in the area. Typically, reinvestment of properties increases surrounding property values. The housing market in Utah

is very strong. This is a service use, not a destination which does not significantly impact traffic. Environmental impacts were reviewed by all city departments. Danny Astill, Public Works Director and Interim Community and Economic Director addressed the environmental impacts of the underground storage tanks. He stated that Salt Lake County requires a set-back from the river and the State has stringent controls and regulations of underground storage tanks and require regular testing. This site is in a well protection zone, which has stricter requirements for underground tanks. Mr. Smallwood addressed some of the crime concerns as this will be a more active use than the self-serve car wash with employees on site monitoring the area which will potentially make it safer. Staff is recommending that the Planning Commission forward a recommendation of approval for a Conditional Use Permit and grant design approval to allow the construction of the proposed Kum & Go Gas Station and Convenience store subject to the fifteen conditions.

The commissioners discussed the sign removal and foot candle conditions. Mr. Lowry asked staff to summarize the state statute and the planning commission's role. Mr. Smallwood defined three types of uses, non-permitted uses which is simply not allowed in the zone, permitted uses which means they are allowed and can apply for business licensing, and conditional uses which the state mandates that conditional uses must be approved by the planning commission if reasonable conditions would mitigate potential impacts. Mr. Pehrson clarified that a gas station may have impacts, which is why it's a conditional use, and the Commission's job is to mitigate those impacts, not to determine whether it's wanted in an area.

The applicant, Christian Michaelson, Galloway & Co at 172 North East Promontory, stated his willingness to comply with the conditions. This will be the first Kum & Go in Utah and is family owned, not franchised. Their stores are well maintained, well lit, tightly run professional operations. Kum & Go is an amazing community partner and gives 10% of their profits back to non-profit organizations in the community and they do community outreach. They have a food give back program. The state requires that they have an A, B & C operator for underground storage tanks. Most of their employees are certified C operators, B operators are managers and A operators are subcontracted professional fuel tank and system installers. He thanked the planning staff for their presentation.

Mr. Pehrson mentioned the inclusion of a condition requiring an 8' masonry fence along the east and south property line. Mr. Michaelson concurred they are willing to make that accommodation and feel it would make the site better and safer overall. He added that to the extent that UDOT will allow construction of a fence the south side and compliance with the code the owner is willing. Mr. Lowry asked about the environmental operations and how often they perform inspections. Mr. Michaelson confirmed it isn't his area of expertise, but can have the owner provide that information and knows they absolutely are meeting all of the requirements for inspections and testing. Their compliance operation is significant.

Mr. Lowry stated his main concerns are environmental and lighting and emphasized the zero candle that is expected and is of critical importance. Mr. Michaelson verified all the light on the site is down cast lighting and the lights on the building are shrouded but will work with staff to ensure that lighting requirement. Mr. Richards asked about the home values decreasing or not. Mr. Michaelson stated he cannot add to what Mr. Smallwood stated. He added that there will be camera's monitoring the back of the building and inside and that will be a dramatic improvement from what is there now. Ms. Milkavich wanted some additional information about the bridge over the river and traffic. Mr. Michaelson stated he is working with the city engineer it will be a pile supported pre-manufactured bridge and they plan to submit to Salt Lake County Flood Control.

He added that gas stations are not trip generators they are trip absorbers, stopping on the way to somewhere else. The right-in right-out on 900 East will be a big improvement in safety over the dual entrances. He noted that the Vine Street left-in left-out isn't essential to the operation and they are fully prepared to function without it.

Mr. Lowry opened the meeting for public comment.

Kyung Han, 6053 South Bridges Lane

The project has a canopy light that is 150 watt LED light, that is 20,000 lumen which is very bright and these lights will be on 24 hours. The residential neighbor will have problems with the night life. How will they evaporate gas in the tank when they deliver they have to release the gas. I own a gas station and I know how it works. Leaking tanks are not the problem but the evaporate gas release is the issue and the neighbor is going to smell gas every day all day and the delivery man always spills gasoline, and it accumulates and contaminates the soil over time and little by little will contaminate the stream. There were apartments behind my gas station on 39th and they always complained about the lights being on, so I turned them off at night but it was privately owned and this will be corporate owned.

Brittany Noble, 953 E Bridges Court

I live in the second closest house to where this will be. How many people in this room would like to have a gas station next to their house? Knowing it will decrease your home value, studies report 16% on average regardless of what other people have said tonight. The 24-hour canopy lighting blaring in your window while trying to sleep at night and the clientele that it will more than likely bring making you feel it is not safe for your kids to play right over the fence in your backyard. We all understand that the properties along 900 East have been zoned commercial but also understand when we all moved in they were all used as residential aside from the car wash that has always been there and the quiet yoga studio. There are already so many accidents at the corner of 900 East. Can more traffic be handled here with all the U-turns trying to get into this gas station. It is not an easy area to get in and out of. What type of environmental studies have been done? The gasoline will run off into the creek. With the crime, traffic, accidents, environmental issues and value that we will lose on our homes I would wonder why this would even be considered. Gas stations aren't supposed to be placed within 500 ft of homes because of the fumes and there has been a board member or somebody in affiliation with the board that had property next to this and was sold six months ago and if she didn't have any information about this, then why would she have sold this property other than she knew her property was going to go down in value.

Ms. Milkavich asked if she could provide the citation of 500 ft from residential property. Ms. Noble stated she would find it.

Sterling Hansen, 6067 Bridges Lane

I am the president of the HOA there and I want to add to my email comment. He asked Brittany if the citation was from the mayor. Ms. Noble stated no it was from Eagle Mountain City's website, eaglemountaincity.com. Mr. Hansen added if you had a gas station proposed to be built by your home you would not want that. What materials will the fence be made of on the east side? If it goes in, the higher the better. Why is this public meeting taking place so far down the road shouldn't this have happened before they are ready to build. He said he didn't receive a notice and asked if they were randomly sent out or how the process works.

The shielding of the light can't be 100% nor can you shield odor. Nobody wants to smell gasoline. A 21-space parking lot seems like a lot of parking and makes this gas station seem bigger than most. Traffic will be hazardous, not sure how that got approved.

Kimberly Furness, 959 East Bridges Court

When you come out of our neighborhood and go a few blocks north you hit a 7-11 gas station and before that on the west side you hit a massive Macey's grocery store. If you come out onto 900 East and go south there is gas station right before the freeway. If you cross our street, you hit a 7-11 and if you were to go east you will hit another gas station. We are surrounded by convenience stores and gas stations and not sure why another one would be needed here. It is great that they give to the community but for those of us that live the closest we aren't considered Murray and don't get Murray power or Murray garbage retrieval it is through Salt Lake County so we wouldn't benefit from the Murray charitable donations. The 7-11 across the street had gas pumps and it did smell like gas, when they fueled up, and during the summer when it's hot, it did cause traffic and problems and they eventually took the pumps out. To put some closer to us now is a problem and seeping into the soil is a large concern.

Nantawan Mortensen, 6051 South 900 East

I live next to the car wash. I bought it in September and didn't know anything about a gas station going in. That property is a spa and as an owner I turn down a lot of clients because we have limited parking and then when I heard that there will be no left turn which will affect my parking area with the gas station customers. We want to keep our spa business a calm and peaceful environment.

The following emails were read into the record:

Rex Wheeler, 6061 Bridges Lane

I live in the small subdivision adjacent to the proposed project. I am no in opposition to this. It will probably be a nicer property after the development. I would only ask that a block fence at least 8' high be built against our subdivision property.

Diane Dykman

My property is within 300 feet of this proposed fuel and convenience store. As a matter of fact, I will have a birds-eye view of this business as my property abuts this business on the West side of my property. I am against approval of the fuel station and convenience store for the following reasons: A commercial property with high flow traffic can be seen from my front door and thus will devalue my property value. Increased traffic, with the concern for increased theft and crime. I am a single woman and purchased this home 7 years ago because it was a gated community. The current HOA fencing (which is on the West side of my property) height is too low and will not deter from jumping the fence and committing crime. My environmental peace and comfort will be negatively impacted due to increased traffic in the area. If the following Fuel Station and Convenience Store is approved, I would ask the Council to require Galloway and Co. to replace the existing fence with the same type of fence but substantially higher, so residents don't have to see the approved property.

Mark and Brittany Noble

I have several concerns, but frankly from what I have heard this is already a done deal, so what is this "meeting" really about? My first concern is that apparently Mrs. Wilson who

owned the property right next door to the gas station was able to sell her property before this transaction, thus, not losing any equity. I have heard she is on the board or has some relations with the city. We have to wonder why this deal was really approved in the first place. Second, why in the world would a gas station be approved so close to a creek, was an environmental evaluation done before this was approved. This is almost unheard of, talk about a contamination issue. Lastly, a wall of 8 feet is required separating businesses from residential communities. This needs to be enforced and it would need to be concrete. Lastly, thank you so much for giving thought and concern to the loss of equity that our homes in this community will lose based on this decision. I hope all your decisions think about the individual impacts on residents living in this city and not just taxes one more business will bring.

Travis Nay

My fellow planning commissioners, I will not be in attendance this evening, but as I live 4 houses away from this project and I'd like to express my support. The river is hard panned in concrete on three sides as it flows towards the intersection of Vine/5900 south and 900 east. Adding an entrance on vine will do little to nothing to add to the traffic that already exists at this intersection. While there is always an environmental risk with projects like this, the likelihood of contamination into the river is lessened by the existing hard panning of the stream. The neighborhood to the east of the project is currently adjacent to the car wash. This car wash frequently has suspect vehicles and pedestrians on site at all hours of the day. It is my belief this will improve the overall site and add more eyes looking out for each other. Additionally, I do not question the integrity of former commissioner Wilson. There are many conditions that may have contributed to selling the property. If she did in fact sell her property. There is nothing to suggest she had any information that would have contributed to moving this project forward in the city. Private property transactions are between private property owners.

Doreen Hanson

We and a number of our neighbors are opposed to the plan to put a new office fuel station and convenience store on the property addressed as 6029 South 900 East. The proposed property has a large creek frontage, and any spills during delivery would contaminate the creek waterway. In addition, customers often spill gas at the pump, and sometimes overfill the tanks of their cars or gas containers, again causing spills. The spilled gasoline will be on the ground, which will then wash into the creek every time it rains, creating negative environmental impact to the creek and its immediate surroundings, as well as continuing downstream as the creek flows. There is also a possibility of the ground tanks themselves leaking. There is no need for a gas station at that location, because there are already two different gas stations available in close proximity, one which is about half a mile east, and another which is about 2/3 of a mile south along 900 East. Homes back up directly to the proposed property and this would negatively impact those homes and the entire neighborhood with increased crime, noise and lights. Each time there is a gas delivery, there will be a release of gas fumes from the ground tank so that the driver can fill up the tank. This should not be permitted in such close proximity to a residential neighborhood.

Holly Warren

We are against the new gas station plan (Proposed convenience store 6029 south 900 east). Please do not move forward, we do not want or need it in this area.

Marisa DaGloria

I am against the proposed 6029 South 900 East convenience store!!

Nick Furness

I am writing you to ask that you please put a STOP to the proposed fuel station that would be built on the property at 6029 South 900 East. I am a resident in the small neighborhood that backs that property to the east. Currently the property is occupied by a car wash and a flower shop. The car wash is not ideal, but thus far has not presented a huge problem because it is not open all hours and it is not particularly busy. A fuel station would be the opposite. I am extremely concerned that a fuel station and market in that location would be detrimental to our neighborhood for a number of reasons! First, a gas station and market are likely to have very early and late hours that will have people coming and going constantly. The nature of such a place will have people loitering at all hours (and very possibly not the kind of people I would want right behind my back fence). I have two small children who play near that fence year-round... the thought of someone being able to hop the fence and access them or even talk with them over the fence is VERY CONCERNING. Even if someone were to toss something over the fence, like empty alcohol containers or cigarette butts, that is something my kids and their friends could easily find. I understand that kids can come in contact with those things in any environment, but I would like to think they are safe and protected in our own yard and the yard of our close neighbors. Our community is a small one, with only 11 homes, and though we border a somewhat busy road, the gate we have to our neighborhood helps me to feel ok about my kids playing outside without me there to watch. If a fuel station were to border us to the west, it would defeat the point of our gate in that people could easily access our neighborhood as I've described. Another issue I have with the fuel station is the environmental impact it may have. It is almost guaranteed that gasoline will be spilled by patrons and the fuel trucks, posing a hazard to the surrounding creek as well as a FIRE HAZARD. I am shocked that fuel pumps are allowed to be so close to resident's homes! I hate to think of the vapors drifting into our yards throughout the hot summer when we are barbecuing or playing with our families outside. Another concern I have is for the traffic that a fuel station and market would attract. The intersection at 6000 South and 900 East is NOTORIOUSLY DANGEROUS. A number of accidents happen there every week. My wife was hit in her car in that very intersection. The speed limit for that street is 45 mph. If people pulling onto and off of the street to access the fuel station, there will most definitely be accidents. Many will be turning left from the south to access it, increasing the risk for accidents both with cars and with pedestrians using the sidewalk. The pick-up location for the school bus that takes our neighborhood kids to Bonneville Jr. High is right in front of the proposed fuel station location. It is close enough the kids can walk to it themselves if the weather is good. If there were to be a fuel station there, I personally would NOT feel comfortable letting my child wait for the school bus anywhere nearby. If the pick location is moved because of the fuel station, that would be disappointing. Lastly, I have to say the name of the proposed fuel station is just awful. It is suggestive and unnecessary. I would much rather tell people to turn at the flower shop to access our neighborhood rather than the "Kum and Go". PLEASE consider the long-term effects this building could have on our neighborhood and this part of Murray. We currently have the 7/11 across the street and there are gas stations one block south, north and east. Every other gas station I have seen near neighborhoods has a buffer of some kind between them and a neighborhood. This would

literally be in my neighbor's back yard.

No further comments were made. The public comment portion was closed.

Mr. Smallwood addressed the lighting concern. Ms. Milkavich asked if there were any provisions such as the sign code. Mr. Smallwood stated in an EMC, Electronic Message Center signage those dimmer times of day can be required but there are not code provisions for actual lighting. He wasn't able to speak to the leakage of gas fumes, the applicant may be able to address that. Mr. Astill had mentioned the contingencies within the storm water drains that capture that runoff and store it for a time, the city is aware of it and those departments would be working together to make sure that is addressed. Ms. Milkavich clarified the intent of the drainage system is for that purpose. Mr. Smallwood addressed the 500' buffer that was stated from Eagle Mountain City may not have been a study but maybe a code requirement for Eagle Mountain City, Murray City doesn't have a code like that on the books. The commissioners discussed the code and staff advised if someone wants to pursue such a code to go to their city council members, commissioners do not have the ability to impose that. Mr. Smallwood explained even if they could there are vested rights once someone has applied for a Conditional Use Permit, they are vested under the current code. Mr. Hansen had mentioned not receiving a notice, he was not on the mailing list, we ran the calculation, and he is about 5' outside the radius which was 300' as the crow flies, however we did send notice to the HOA at a property in Draper. Murray City Code only allows properties up to 8' fence and that is only permitted if the Planning Commission permits it. Higher fences are only allowed in very rare instances like along the freeway or Trax corridor. Masonry fence is like a concrete fence and usually has decorative materials, but the applicant can answer this question more specifically. Mr. Pehrson asked if the fence proposal would be submitted to the city. Mr. Smallwood stated a fence permit is not required but as part of the conditions of approval it will be part of their building permit application. Mr. Richards asked about the gas and odor issue adding the commission can't do much to mitigate that. Mr. Smallwood agreed there is not anything in code to mitigate that, but they do have to go through various permits at the Federal, State and Local level and DEQ, Department of Environmental Quality. At the municipal level and land use level there is not anything to address that.

Mr. Lowry asked if staff could address the timing of the meeting and notifications the commissioners receive. Mr. Smallwood stated technically the public gets noticed before the Planning Commission gets notice of agenda items. Noticing is required to all affected properties within 300' ten days prior to the meeting, the commission receives a packet with an agenda one week before the meeting. Mr. Lowry mentioned the public comment referring to the ownership of the property and why now is the application coming forward. Mr. Smallwood verified they have not technically purchased the property according to the owner affidavit, typically in these types of conditions they are in their due diligence period, and they have written into the contract that if they are not approved they will cancel the sale. In terms of traffic, staff can only speak to the traffic study that was done and there were no recommendations from the traffic engineer because there is not a negative impact. The City Engineer is very involved with traffic throughout the entire city. The location of the intersection on the north was a concern initially but measured it against the standards and it does meet the city standards for distance from an intersection.

Mr. Lowry brought up the concern about there being several convenience stores and gas stations nearby and clarified that the commission doesn't get to decide the types of businesses

that go into commercial properties. Mr. Smallwood explained the commission does have some control over what goes on in properties through zoning, the zoning at this location is C-N, Commercial Neighborhood has been in effect for a number of years that is what allowed the carwash to go into this property and the C-N Zone allows for gas stations. Anybody that purchases a property as long as they are meeting zoning rules are allowed to do with their property what they will. They do their market research and find that there is a missing need here and that is typically what drives new gas stations.

Mr. Richards asked about the school pickup location and if it could be moved. Mr. Smallwood clarified that would be handled through the school district and could maybe be moved and typically in these instances we send notice to the school district. Ms. Milkavich verified that the school pick up location is based on need and is flexible. Ms. Milkavich expressed she feels honored to serve on the commission because it is great to be part of a community she lives in and beyond that it is rewarding to see how people in Murray treat each other and their community. The people on the board work hard to be respectful of the community, when there is comment on someone who used to be on the board it's an insult to all of us, we don't know what is going on in other peoples' lives. This board does not have advance notice of the topics to make financial decisions. People who are making financial decisions are making decisions based on their family needs, which could be medical. To accuse other people of illegal actions feels like an accusation against all of us and its disappointing.

Mr. Michaelson stated as an engineer, developer, Utahn and father he takes this seriously and tries to mitigate all the risks whenever they come into a community with their clients. The illumination of zero-foot candle at the property line is a very strict requirement compared to other communities. There is no fascia lighting on the canopy. As for the vapor, when a fuel truck comes in and the ports are opened for fuel to be dispensed there is another hose that is connected to the vent and the tanks and as fuel enters into the fuel tanks air leaves through a different hose and is captured in the tank, there is no open exhaust pipe. The vents that you see at fueling stations are to let air into the tank, not to vent air vapors out of the tank, it's called a stage one vapor recovery system and all the Kum & Go's have this. There is also a spill bucket to capture any spills and every precaution that can be taken is taken. As the pumps are pumping fuel out of the tank to the dispensers there is hanging hardware which is the nozzle. The types of nozzles they use are husky excess nozzles and they shutoff when the pump shuts off when the gas tank is full, the lever is open before the pump is turned on or the leak detector has not completed its test cycle. If the nozzle is dropped there is a valve spill guard that shuts it off. The newer hanging hardware that is being installed at newer fueling stations is state of the art is not the gas pump of twenty years ago. The other gas stations around the area may not be as safe as this one will be. Mr. Richards asked about smelling fumes when someone is filling up. Mr. Michaelson stated there is something in the cars themselves since 1994 that prevent the vapors from escaping too. Your greatest exposure to that is when you are filling up your own car. Mr. Richards clarified the newer technology may be mitigating some of those concerns. Mr. Michaelson added Kum & Go owns their own fuel transportation company called "Solar Transport" they are not just relying on the lowest bid guy to fill their tanks; they have strict procedures that are more carefully executed than most other fueling stations. The fence on the east side is projected to be an Olympus pre-cast, textured nice looking wall. There was some discussion among the commissioners about the south side wall being 8' but may be subject to the zoning and UDOT. The parking will be reduced to 19 stalls which is code driven based on the square footage of the building. The spa to the south will most likely have a quieter place without the car wash sprayers and vacuums going. Mr. Lowry asked about the hours of operation. Mr. Michaelson stated 24/7 but with better lighting and better separation. Mr.

Richards asked about regulating the wattage of the light. Mr. Michaelson explained it can be done, it's quite expensive and with the zero lighting at the property line should be sufficient.

Ms. Milkavich asked staff about hours of operation per code in this zone and if a condition could be added to adjust lighting during certain hours. Mr. Smallwood verified there is not and because there isn't a standard to use, the zero-foot candle is what is used to mitigate that. Ms. Milkavich added the distance between a gas station and residential has come up before and as residents we have had concerns before and may be something residents can talk to City Council about adding that to the verbiage in some of our zoning areas. Mr. Lowry reiterated the role of the commission versus the city council. He added that by State Statute in a Conditional Use situation the statute states the commission members are to ascertain if these are reasonable expectations. A gas station can't be argued as a clean use of a property. The state, county and city have ordinances and procedures and the presentation that Galloway has made is that the organization fully complies. The condition of zero-foot candle is a good addition. The commission has to weigh whether this a reasonable request.

Jake Pehrson made a motion for the planning commission to approve a Conditional Use Permit and grant design approval to allow construction of the proposed Kum & Go Gas Station and Convenience Store at the property located at 6029 South 900 East subject to the fifteen conditions with one additional condition to work with the Planning Division to install up to an 8' high masonry fence along the south property line.

1. The project shall meet Murray City Engineering requirements including the following:
 - a) Meet City storm drain requirements, on-site detention and water quality treatment is required.
 - b) Obtain a Salt Lake County Flood Control permit for stormwater discharge to Little Cottonwood Creek.
 - c) New access onto Vine Street will be permitted, however, the City reserves the right to restrict left turn movements if the access affects safety and/or the operation of the 6100 South and 900 East intersection.
 - d) The proposed access, sidewalk and pedestrian ramps on Vine Street must meet City standards.
 - e) Obtain UDOT access review and permit for 900 E access.
 - f) Obtain a Salt Lake County Flood Control Permit, a State Stream Alteration, and a City Floodway Development Permit for the proposed bridge access to Vine Street.
 - g) Pedestrian way through the Vine Street access should not exceed 2% cross slope.
 - h) Bridge footings and structural components should not extend into the Vine Street right-of-way and cannot impact the existing channel structure.
 - i) Develop a spill containment system to ensure spilled fuel will not enter Little Cottonwood Creek.
 - j) Meet all State, County, and City regulations for underground storage tank installation adjacent to Little Cottonwood Creek and with a well protection zone 3.
 - k) Obtain a City encroachment permit for work in City right-of-way.
 - l) Obtain UDOT encroachment permit for work in the 900 East right-of-way.
 - m) Replace any damaged curb and gutter sidewalk along the 900 East and Vine Street frontages.
 - n) Develop a site SWPPP and obtain a Land Disturbance permit prior to beginning

any site work.

2. The project shall meet all Murray City Fire Department requirements.
3. The project shall meet all Murray City Wastewater Division requirements.
4. The project shall meet all Murray City Water Division requirements.
5. The project shall meet all Murray City Power Department requirements.
6. The project shall conform to the requirements of the C-N, Neighborhood Commercial Zone, and other regulations of the Murray City Land Use Ordinance.
7. The applicant shall update their Landscaping Plan to meet the requirements of Chapter 17.68 of the Murray City Land Use Ordinance.
8. The applicant shall place the dumpster and its enclosure in the space shown on the proposed site plan. The enclosure will need to meet requirements of Section 17.76.170 of the Murray City Land Use Ordinance.
9. The applicant shall remove the two parking spaces located on the west side of the building to ensure that no issues with ingress are created.
10. The applicant shall work with the Planning Division in preparation to submit for a building permit to ensure that all property lines register zero-foot candles.
11. The applicant shall remove the East facing illuminated can sign on the canopy structure.
12. The applicant shall comply with all requirements within Chapter 17.48 Sign Code.
13. The applicant shall revise the monument sign to comply with the standards in Section 17.48.140 (E); Monument/Ground Signs.
14. The applicant shall install an eight-foot (8') masonry fence along the east property line that abuts the single-family residential.
15. The applicant shall obtain a Murray City Business License prior to operating at this location.
16. The applicant work with the Planning Division to install up to an 8' high masonry fence along the south property line

Seconded by Michael Richards.

Call vote was recorded by Mr. Smallwood.

 A Lisa Milkavich
 A Jeremy Lowry
 A Jake Pehrson
 A Michael Richards

Motion passed 4-0.

OTHER BUSINESS

There was no other business.

Lisa Milkavich made a motion to adjourn at 8:35 p.m. Seconded by Jake Pehrson. A voice vote was made, motion passed 4-0.



Jared Hall, Planning Division Manager