



**Murray City Hearing Officer Meeting**  
**May 11, 2022, at 12:30 p.m.**

The Murray City Hearing Officer will hold a public meeting in the Murray City Council Chambers, 5025 South State Street, on Wednesday, May 11, 2022, at 12:30 p.m.

You may attend the meeting or submit comments via email at [planning@murray.utah.gov](mailto:planning@murray.utah.gov).  
Comments are limited to 3 minutes or less, and written comments will be read into the meeting record. Please include your name and contact information.

**BUSINESS ITEM:**

1. Conflict of Interest

**EXPANSION OF NONCONFORMING STRUCTURE**

2. Case #1589 – Nathan Kirkham Project #22-066  
751 East Silver Shadows Drive  
Expansion to the Front and Rear of a Nonconforming Structure

**APPEALS**

3. Case #1585 – Sterling Hanson Project #22-059  
Appeal to the Planning Commission decision for approval of a Conditional Use Permit for Kum & Go Gas and Convenience Store at 6029 South 900 East
4. Case #1586 – Brittany Killian Project #22-068  
Appeal to the Planning Commission decision for approval of a Conditional Use Permit for Kum & Go Gas and Convenience Store at 6029 South 900 East
5. Case #1587 – Diane Dykman Project #22-069  
Appeal to the Planning Commission decision for approval of a Conditional Use Permit for Kum & Go Gas and Convenience Store at 6029 South 900 East
6. Case #1588 – Mark & Brittany Noble Project #22-070  
Appeal to the Planning Commission decision for approval of a Conditional Use Permit for Kum & Go Gas and Convenience Store at 6029 South 900 East

**OTHER BUSINESS**

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

On the 5th day of May 2022, before 5:00 p.m. a copy of the foregoing Notice of Meeting was posted in accordance with Section 10-9a-201 through 209, U.C.A. A copy of this notice was also posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov)



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Jared Hall  
Director



## AGENDA ITEM #2 - Nathan Kirkham

|            |   |                 |                      |
|------------|---|-----------------|----------------------|
| ITEM TYPE: | Expansion of a Non-Conforming Use/Building  |                 |                      |
| ADDRESS:   | 751 East Silver Shadow Drive  | MEETING DATE:   | May 11, 2022         |
| APPLICANT: | Nathan and Robin Kirkham  | STAFF:          | Seth Rios, Planner 1 |
| PARCEL ID: | 22-20-152-004   | CASE NUMBER:    | 1589                 |
| ZONE:      | R-1-8, Low density single family  | PROJECT NUMBER: | PZ-22-066            |
| SIZE:      | 0.19-acre lot   1,398 ft <sup>2</sup> existing residence  |                 |                      |
| REQUEST:   | The applicants would like to construct an addition to their existing single-family home, which is currently nonconforming to rear and front setback regulations of the R-1-8 Zone as written in Section 17.100.080 of the Land Use Ordinance. |                 |                      |



## I. LAND USE ORDINANCE

Section 17.52.040 of the Murray City Land Use Ordinance allows for a building or structure occupied by a nonconforming use, or a building that is nonconforming as to height, area, or yard regulations to be added to, enlarged, or moved to another location on the lot subject to review by the Hearing Officer. The building on the subject property is nonconforming to front and rear yard regulations, and the proposed addition will increase the size of the structure.

## II. PROJECT REVIEW

### Subject Property + Background

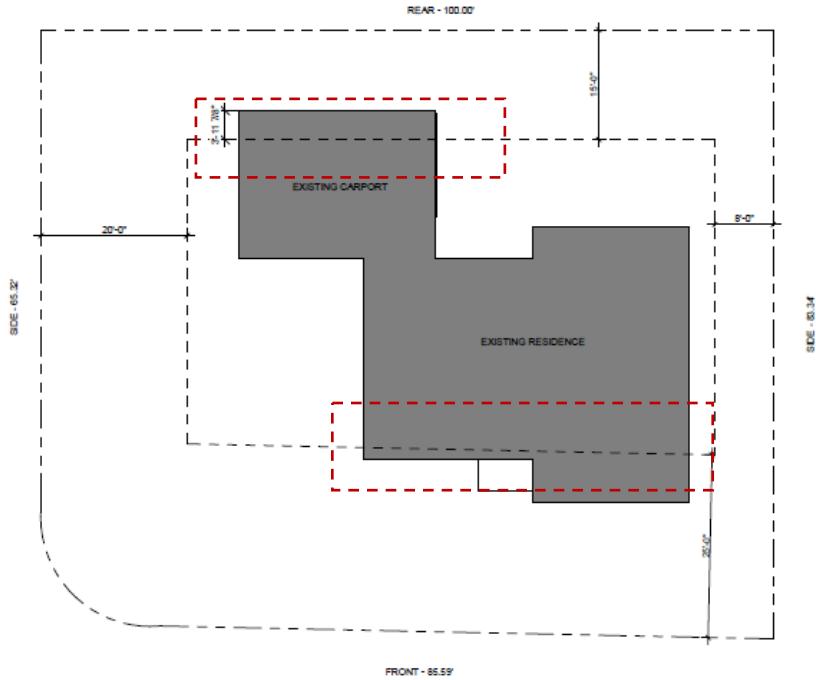
The subject property is a single-family residence located along the south side of Silver Shadow Drive. The request for expansion is to allow the property owner to make some additions and modifications to the existing home, including a 1,142 ft<sup>2</sup> addition into the large corner side setback on the west side of the property, an extension of the front porch (facing Silver Shadow Drive), and the conversion of the existing car port to an enclosed garage. The modifications to the property will also include external changes and updates. The Site Plan and elevations illustrating these changes are attached to this report for your review.

### Proposed Addition

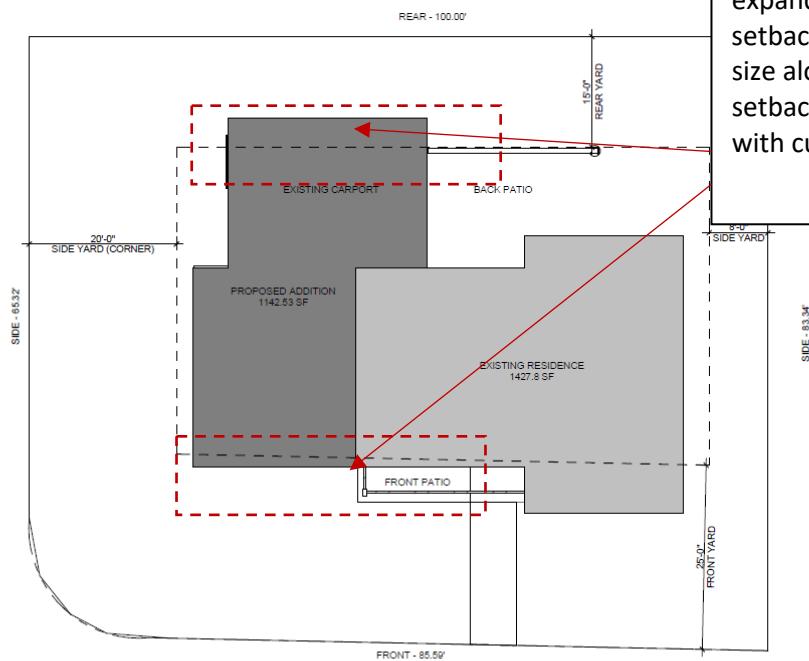
The house was constructed in 1963, and does not meet current requirements for front or rear setbacks in the R-1-8 Zone. The site plan provided by the applicant shows the following setbacks:

|       | Existing | Proposed | Required |
|-------|----------|----------|----------|
| Rear  | 9', 8"   | 9', 8"   | 15'      |
| Front | 20' 3"   | 20' 3"   | 25'      |

The proposed additions and other changes will not impact the existing front and rear yard setbacks in any way and will not violate any other required setbacks or regulations. In short, the requested additions to the front and rear of the home will not increase the existing nonconformity on the property. Staff does not find that the proposed addition will cause any burden to neighboring properties.



The proposed addition does not expand the existing non-conforming setbacks. It only increases the house size along the same front and rear setback that are non-conforming with current code.





*Subject property, looking north from Silver Shadow Drive*



*Subject property, rendered elevation looking north*

### **III. PUBLIC NOTICE & COMMENT**

34 notices of the public hearing were mailed to all property owners within 300 feet of the subject property, and to all affected entities. As of the writing of this report, staff has received one email from a neighbor in favor of the expansion. The email is attached to this report for your viewing.

## IV. FINDINGS

The Hearing Officer acting as the Murray City Appeal Authority may authorize approval of an addition, enlargement, or moving of a structure occupied by a nonconforming use or a structure that is nonconforming as to height, area, or yard regulations subject to the following findings:

**1. The addition to, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this title;**

The proposed additions are in harmony with the purpose of the R-1-8, Single Family Residential Zone that promotes and encourages family life by adding square footage to an existing single family dwelling.

The proposed addition is in harmony with the following statements that are located in Section 17.04.020(D), (F), and (H) of the Murray City Land Use Ordinance:

- Preserve and create a favorable environment for the citizens and visitors of the city.
  - Reinvestment in existing dwellings contributes to a favorable environment for the citizens of the city.
- Foster the city's residential, business, and industrial development.
  - The proposed addition would allow for a more useable single-family home in an established area of Murray.
- Promote the development of a wholesome, serviceable, and attractive city resulting from an orderly, planned use of resources.
  - Reinvestment in this home will increase the property's value, and neighboring home values in the area as well.

**2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.**

Staff does not find that the proposed addition will impose any burden upon the lands located in the vicinity of the nonconforming structure. Staff does not have or anticipate any concerns with the proposed request.

## V. CONCLUSION / RECOMMENDATION

Based on a review and analysis of the submitted material and applicable sections of the Murray City Land Use Ordinance, Staff finds that the proposal meets the standards for an expansion of a nonconforming structure and recommends APPROVAL subject to the following conditions:

1. The applicant shall obtain the appropriate Murray City Building Permits necessary for the proposed addition.
2. The proposed addition shall not decrease the existing side yard setbacks and shall conform to all other yard and area requirements of the R-1-8 Zone.



## Applying for a Zoning Variance or Appeal

All variance and appeal applications are heard by a Hearings Officer who is a Murray City resident appointed by the Mayor with the advice and consent of the City Council.

### Overview

Utah State Law requires all communities that have adopted zoning to adopt an Appeal Authority to provide a process for relief of any injustice that may arise with the strict application of the land use ordinance. The Hearings Officer is the Appeal Authority for Murray City. The Hearings Officer is authorized to hear appeals of Planning Commission decisions or administrative decisions. The Hearings Officer shall review the record to determine whether a decision was so unreasonable as to be arbitrary and capricious, or stated differently, where there is substantial evidence in the record to support the Planning Commission's or administrative official's decision.

Under certain limited circumstances, the Hearings Officer is authorized to modify the terms of the land use ordinance by granting a zoning variance. A variance is a modification of the terms of the land use ordinance in cases where the land use ordinance imposes an undue hardship on a property owner. By State Law, the Hearings Officer may only grant a variance under the following circumstances:

- 1. The literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance.** (The term Ahardship: cannot be interpreted as personal or economic hardship. The hardship must be created by the land and not by a personal problem of the property owner. The hardship cannot be self-imposed or created by the current or past owner.)
- 2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.** (There must be some physical feature of the property that is unique to the site such as shape, topography, etc. that is preventing strict adherence to the ordinance).
- 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same district.** (There must be some characteristic of your property which is preventing you from enjoying a property right which others in your same neighborhood have.)

**4. The variance will not substantially affect the general plan and will not be contrary to the public interest.** (The proposed variance must be in conformance with the spirit of the Murray City General Plan. The Hearings Officer may not grant use variances.)

**5. The spirit of the zoning ordinance is observed and substantial justice is done.** (Although not meeting the letter of the ordinance, a variance request must still meet the intent of the ordinance.)

**Submittal Deadline:**

Application for a variance or an appeal must be submitted to the Murray City Community & Economic Development Division, located at 4646 South 500 West by 10:00 a.m. at least three weeks prior to the scheduled meeting date of the Hearings Officer.

Incomplete applications may delay processing of the application and subsequent scheduling before the Hearings Officer.

**Meeting Dates:**

|        |  |
|--------|--|
| Who?   | Hearings Officer   |
| When?  | 2 <sup>nd</sup> Wednesday of each month at 12:30 p.m.      |
| Where? | Murray City Hall Council Chambers, 5025 South State Street |

**Application Fee (Non-refundable)**

- Variance Request \$250
- Expansion of Nonconforming Use \$250
- Appeal \$100

**Application Process:**

**Step 1. Contact the Community & Economic Development Division.** Meet informally with a member of the planning division staff to discuss your variance or appeal request and review the issues, procedures and fee associated with the application.

**Step 2. Submit Application:** For all variances and appeals submit and provide the following information:

- Completed Hearings Officer Application;
- A signed and notarized owner's affidavit;
- Pay the filing fee. Make checks payable to Murray City Corporation;
- Submit one (1) paper copy and one (1) electronic copy of variance related

plans, site plans, floor plans, building elevations and other related plans and documents;

- Identify the area where the variance is requested;
- All plans to be drawn with accurate dimensions to a standard architects or engineers scale (i.e. 1" = 10', 1/8 inch = 1', etc.) with north arrow and date of drawing. Show property lines, adjoining streets, water ways, existing and proposed buildings, parking areas, driveways, etc.;
- If submitting a large architectural plan, you must also include an 8 1/2 x 11-inch reduced copy;
- Provide any other information required by the Community & Economic Development staff;
- For appeals, provide a written statement of the reasons for the appeal and any related information, details and plans;
- A Hearings poster will be provided to the applicant to post on the property at least 10 days prior to the scheduled meeting date.

**Step 3. Attend the Hearings Officer Meeting.** The applicant will be sent a copy of the Hearings Officer agenda in advance of the meeting date. Information on the agenda will give the date, place and time of the meeting. The applicant or an authorized representative must be in attendance at the meeting. If no representative is present, the Hearing Officer may move it to the next agenda item. It will be up to the applicant to reschedule another hearing date and pay the appropriate fee. An application may be tabled, or continued, if the Officer needs additional information or time to consider the application. A copy of the report of the decision will be available to the applicant at the Community & Economic Development office one week following the Hearing.

**Appeal of Hearings Officer Decision:** Murray City or any person directly aggrieved by any decision of the Hearings Officer may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30 days) after the date of the decision.

# HEARINGS OFFICER APPLICATION

Permit #\_\_\_\_\_

## Type of Application (check all that apply):

Variance       Expansion of Non-Conforming Use       Appeal

Subject Property Address: 751 E. Silver Shadow Drive, Murray, UT 84107

Parcel Identification (Sidwell) Number: 22201520040000

Parcel Area (acreage): 0.19 Acres Current Use: Single Family Residence

Floor Area: 2,575.56 SF Footprint Zoning Classification: R-1-8

Applicant Name: Nathan R. & Robin Kirkham

Mailing Address: 751 E. Silver Shadow Drive, Murray, UT 84107

City, State, ZIP: Murray, UT 84107

Daytime Phone #: (801) 232-9160, (801) 707-1370 Fax #: \_\_\_\_\_

Email address: nate.kirkham@gmail.com, robinakirkham@gmail.com

Business Name (If applicable): \_\_\_\_\_

Property Owner's Name (If different): \_\_\_\_\_

Property Owner's Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Property Owner Email Address: \_\_\_\_\_

Daytime Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Type of variance request, exact measurement, and reason for request: \_\_\_\_\_

Request for expansion of non-conforming use to convert existing/original carport and

storage into garage. No further encroachment will occur.

Authorized Signature: 

Date: 4-18-22

4/18/22

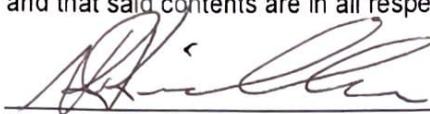
## Property Owners Affidavit

STATE OF UTAH

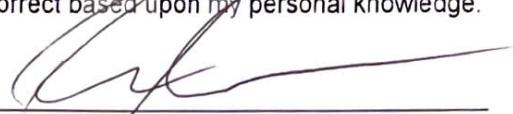
§

COUNTY OF SALT LAKE

I (we) Nathan Kirkham and Robin Kirkham, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.



Owner's Signature



Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 18<sup>th</sup> day of April, 20 22.



Laurie Howell  
Notary Public

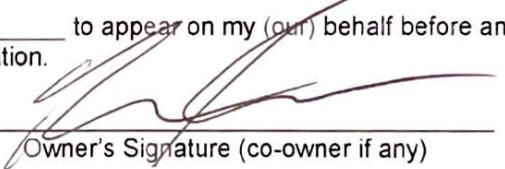
Residing in Utah, Salt Lake

My commission expires: 4/6/26

### Agent Authorization

I (we), Nathan and Robin Kirkham, the owner(s) of the real property located at 751 E. Silver Shadows Dr., in Murray City, Utah, do hereby appoint Riley Welch, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Riley Welch to appear on my (our) behalf before any City board or commission considering this application.

  
Owner's Signature  
Owner's Signature (co-owner if any)

On the 18<sup>th</sup> day of April, 20 22, personally appeared before me Nathan and Robin Kirkham the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Laurie Howell  
Notary Public

Residing in Utah, Salt Lake

My commission expires: 4/6/26



## **VARIANCE ANALYSIS FORM**

(To be filled out by the applicant)

Permit #\_\_\_\_\_

1. Is the applicant being deprived of property rights possessed by other property owners in the area?

No.

2. Is the problem caused by actions of the land owner?

No.

3. What special circumstances are associated with your property that is different from other properties in your zoning district?

The carport is existing and will not further encroach upon the yard requirements for the home.

4. What special conditions associated with this application constitute a hardship?



HEARING OFFICER  
NOTICE OF PUBLIC MEETING  
May 11, 2022, 12:30 PM

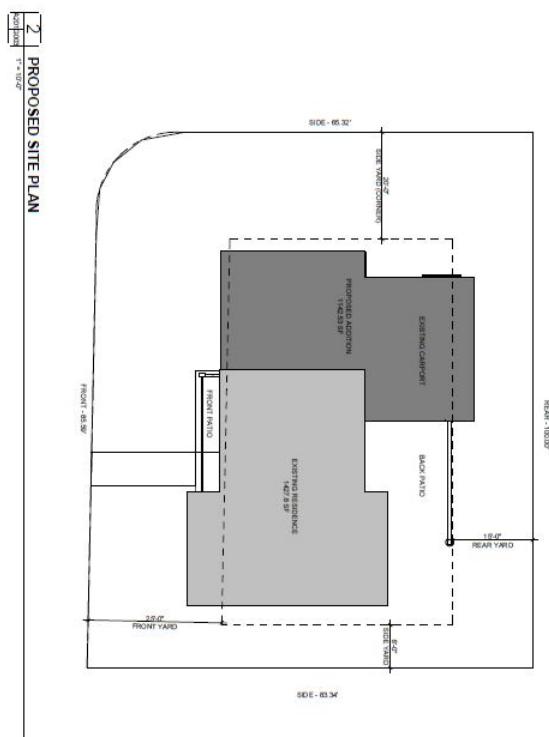
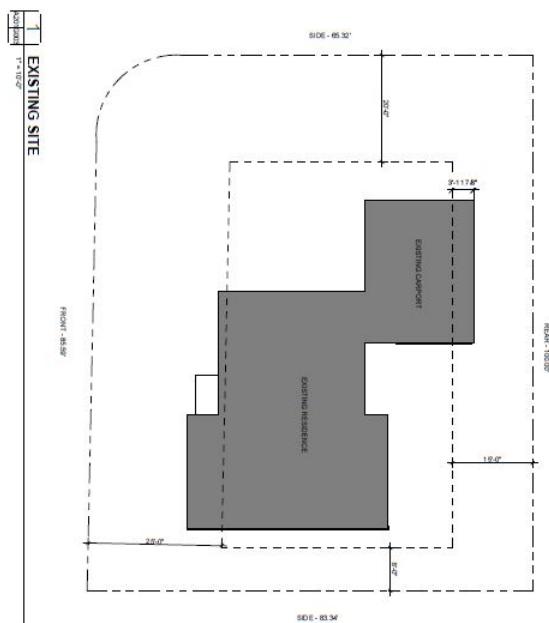
This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer for **Wednesday, May 11, 2022, at 12:30 p.m.** in the Murray City Municipal Council Chambers located at 5025 S. State Street regarding the following application: **Nathan and Robin Kirkham, are requesting an expansion of a non-conforming use in regards to their front and rear setbacks, in order to remodel the existing home on the property located at 751 East Silver Shadow Drive. Please see the attached plans.** You may attend the meeting in person to provide public comment, or you may submit comments via email at [planning@murray.utah.gov](mailto:planning@murray.utah.gov).

*Comments are limited to 3 minutes or less and will be read into the meeting record.*



This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please call Seth Rios with the Murray City Planning Division at 801-270-2429, or email [srios@murray.utah.gov](mailto:srios@murray.utah.gov).

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.



Murray City Public Works Building

4646 South 500 West

Murray, Utah 84123

# Kirkham Residence Remodel

751 E. Silver Shadow Drive  
Murray, Utah



FILE PATH: G:\My Drive\Modify Design Build\02 Project Files\21-006 Kirkham, Nate & Robin\03 Digital Pictures & 3D Files\Kirkham Residence Remodel - Modern - Shed Roof Option 2.rvt

PLOT DATE: 4/19/2022 9:43:44 AM

# DESIGNER

# MODIFY DESIGN+BUILD

**Contact:** Riley Welch  
Springville, UT 84042  
Email: [riley@modifydb.com](mailto:riley@modifydb.com)  
Phone: (801) 358-0758

# CONTRACTOR

# ENGINEERING

# SHEET INDEX

## ARCHITECTURAL

|      |           |
|------|-----------|
| G003 | SITE PLAN |
|------|-----------|

## GENERAL

|      |             |
|------|-------------|
| G001 | COVER SHEET |
|------|-------------|

## CIVIL

|      |               |
|------|---------------|
| C101 | (CIVIL SHEET) |
|------|---------------|

## LANDSCAPE

|      |                                |
|------|--------------------------------|
| L101 | (LANDSCAPE ARCHITECTURE SHEET) |
|------|--------------------------------|

## STRUCTURAL

|     |                            |
|-----|----------------------------|
| A14 | STRUCTURAL PLAN - LEVEL 02 |
|-----|----------------------------|

|      |                    |
|------|--------------------|
| S101 | (STRUCTURAL SHEET) |
|------|--------------------|

## ARCHITECTURAL

|      |                 |
|------|-----------------|
| A101 | MAIN LEVEL PLAN |
|------|-----------------|

|      |                  |
|------|------------------|
| A102 | UPPER LEVEL PLAN |
|------|------------------|

|      |           |
|------|-----------|
| A103 | ROOF PLAN |
|------|-----------|

|      |                     |
|------|---------------------|
| A201 | BUILDING ELEVATIONS |
|------|---------------------|

|      |                     |
|------|---------------------|
| A202 | BUILDING ELEVATIONS |
|------|---------------------|

|      |                   |
|------|-------------------|
| A301 | BUILDING SECTIONS |
|------|-------------------|

|      |                           |
|------|---------------------------|
| A601 | DOOR AND WINDOW SCHEDULES |
|------|---------------------------|

|      |                                   |
|------|-----------------------------------|
| A701 | MAIN LEVEL REFLECTED CEILING PLAN |
|------|-----------------------------------|

|      |                                    |
|------|------------------------------------|
| A702 | UPPER LEVEL REFLECTED CEILING PLAN |
|------|------------------------------------|

|      |                            |
|------|----------------------------|
| D101 | MAIN LEVEL DEMOLITION PLAN |
|------|----------------------------|

## ELECTRICAL

|      |                     |
|------|---------------------|
| MEP1 | MAIN LEVEL MEP PLAN |
|------|---------------------|

01

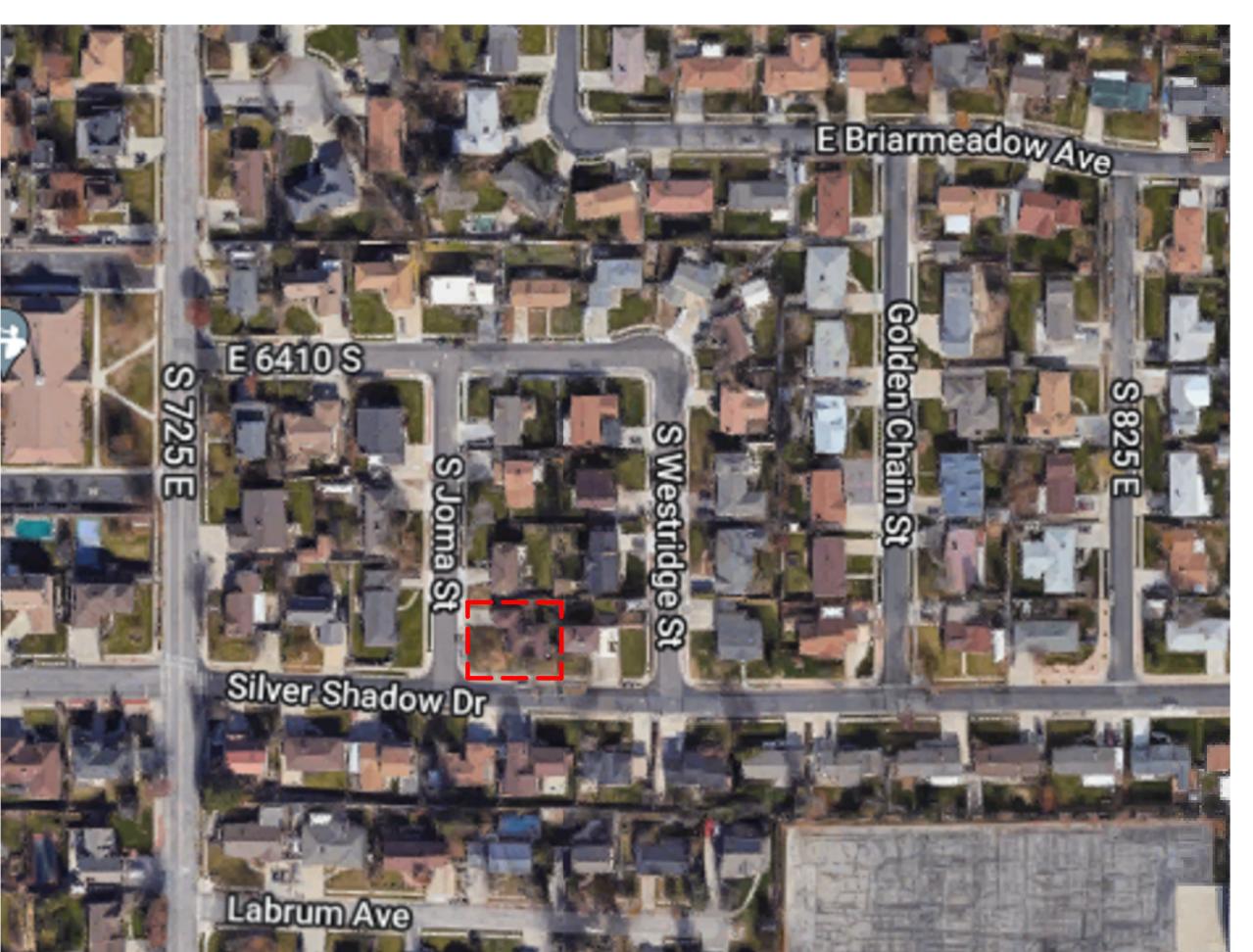
## MECHANICAL

|       |                               |
|-------|-------------------------------|
| ME101 | (MECHANICAL-ELECTRICAL SHEET) |
|-------|-------------------------------|

|      |                    |
|------|--------------------|
| M101 | (MECHANICAL SHEET) |
|------|--------------------|

## ELECTRICAL

|      |                    |
|------|--------------------|
| E101 | (ELECTRICAL SHEET) |
|------|--------------------|



## CODE & ZONING INFORMATION

BUILDING CODE: 2015 IRC AS AMENDED BY THE STATE OF UTAH  
ZONING: R-1-8  
USE GROUP: SINGLE FAMILY RESIDENCE

YEAR BUILT: 1968  
CONSTRUCTION TYPE: N/A  
EXISTING SQ. FOOTAGE: 1,398 S.F.  
NEW SQ. FOOTAGE: 000 S.F.  
TOTAL SQ. FOOTAGE: 000 S.F.

OCCUPANT LOAD: N/A  
TOTAL OCCUPANTS: N/A

ACTUAL CONSTRUCTION SHALL CONFORM TO LOCAL BUILDING CODES, ORDINANCES, AND REQUIREMENTS.

|                  |                      |
|------------------|----------------------|
| ECTION           |                      |
| HEET NAME        |                      |
| COVER SHEET      |                      |
| ROJECT<br>NUMBER | 21-018               |
| SSUE DATE        | 12/10/2021           |
| DRAWN BY         | RILEY WELCH          |
| LOT TIME         | 4/19/2022 9:43:44 AM |
| <b>G001</b>      |                      |
| CALE             | AS NOTED             |

|                |                      |
|----------------|----------------------|
| REVISION       |                      |
| SHEET NAME     | SITE PLAN            |
| PROJECT NUMBER | 21-018               |
| ISSUE DATE     | 12/10/2021           |
| DRAWN BY       | Author               |
| PLOT TIME      | 4/19/2022 9:43:45 AM |
| SCALE          | AS NOTED             |
| <b>G003</b>    |                      |

**GENERAL SITE NOTES**

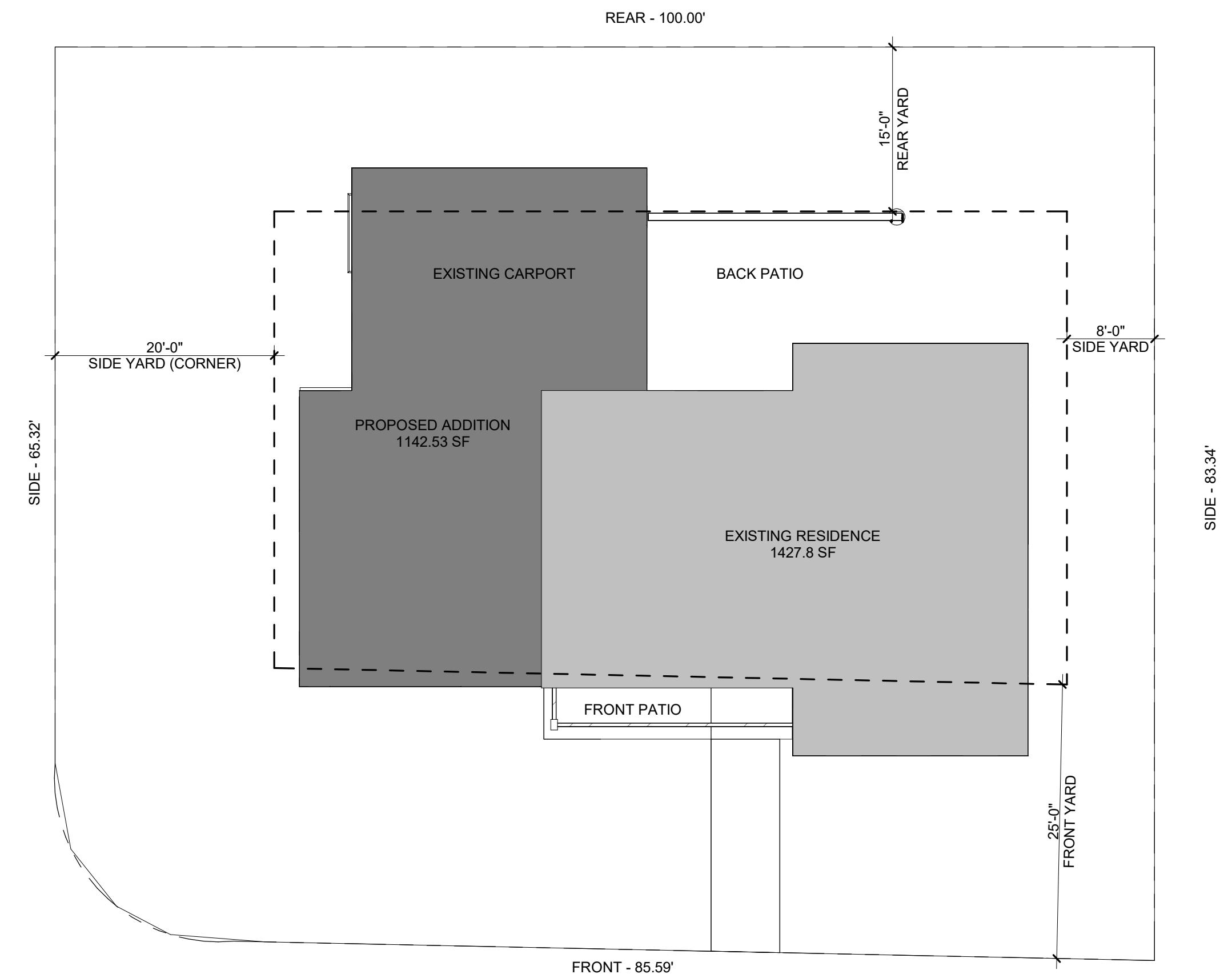
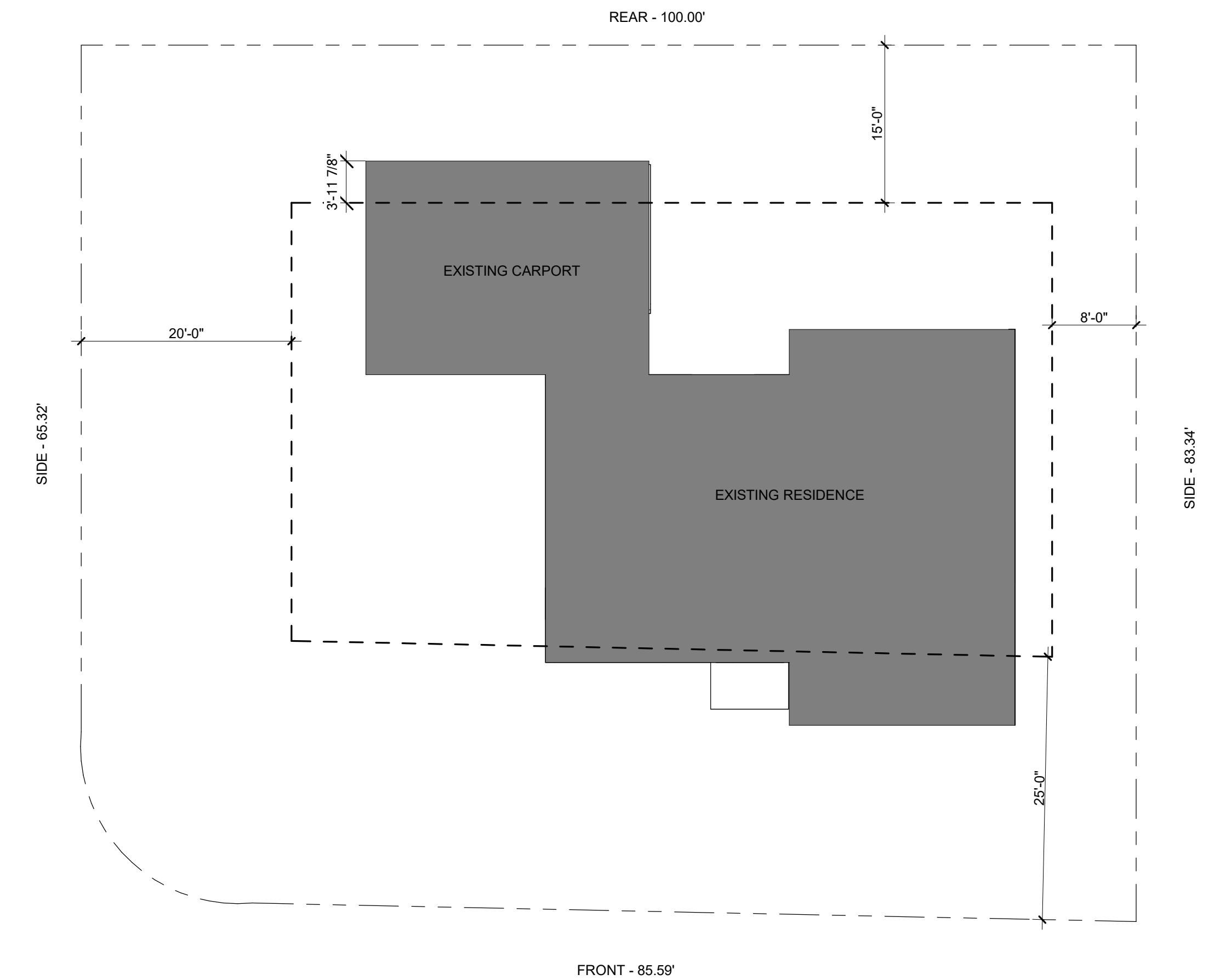
- GRADE TO BE SET MINIMUM OF 8" BELOW THE TOP OF FOUNDATION WALLS.
- GRADE TO SLOPE A MINIMUM OF 6'/10'-0" IN THE FIRST 10' OF THE SITE.
- RETAINING WALLS GREATER THAN 4', OR THAT SUPPORT A SURCHARGE, SWIMMING POOLS, SOLAR AND/OR GEOTHERMAL HEATING SYSTEMS, AND PHOTOVOLTAIC/WIND GENERATED ELECTRICAL SYSTEMS SHALL REQUIRE A SEPERATE PERMIT. SEPERATE PLANS, SPECIFICATIONS, AND APPLICATIONS WILL BE REQUIRED TO BE SUBMITTED PRIOR TO ISSUANCE OF PERMIT.
- ACTUAL CONSTRUCTION WILL COMPLY WITH ALL APPLICABLE LOCAL ORDINANCES AND BUILDING CODES.

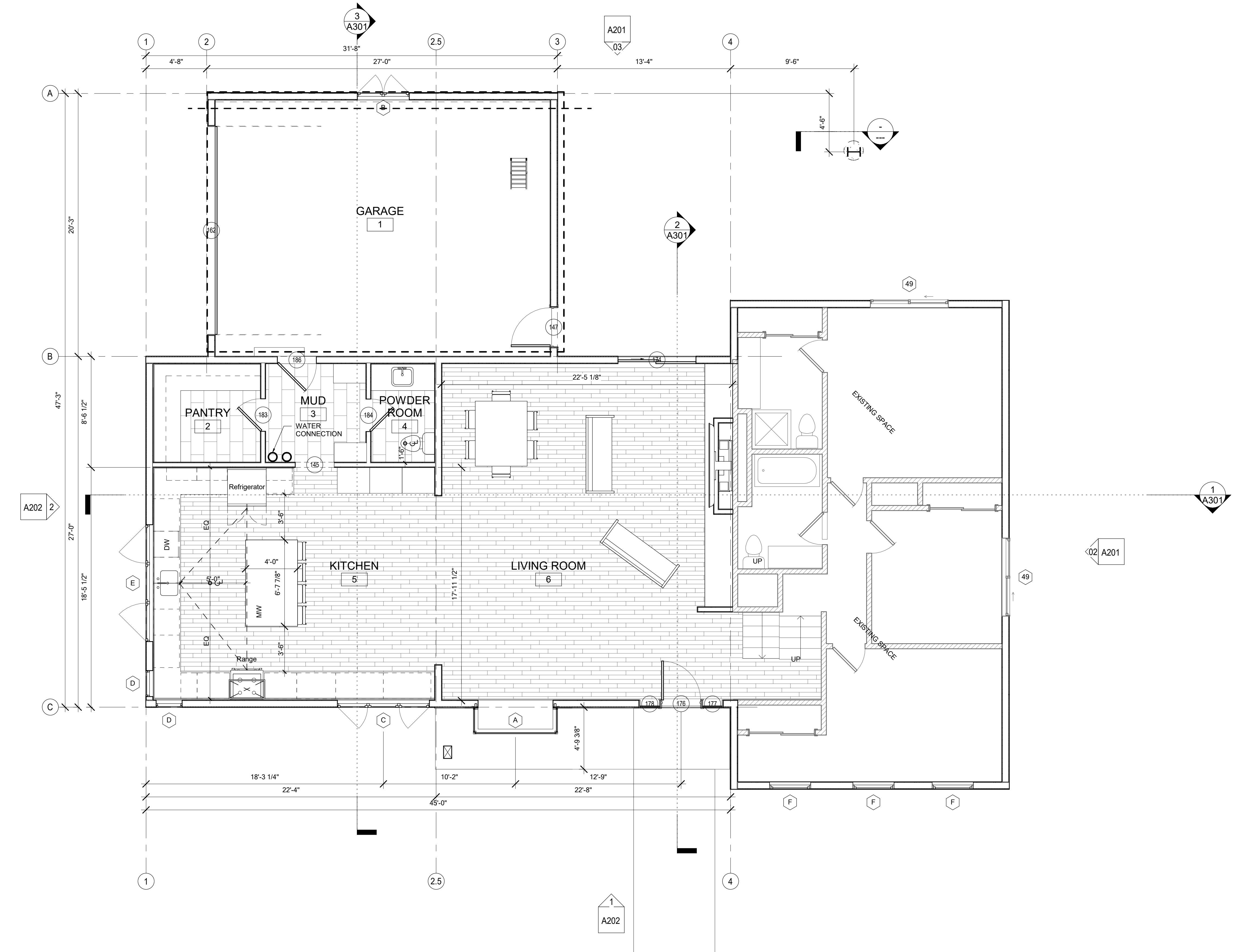
— - - - EXISTING GRADE CONTOURS  
— - - - NEW GRADE CONTOURS  
- - - - PROPOSED UTILITY PATHS  
— - - - LOD/SWPPP BMP FENCING  
\\\\\\\\\\\\\\\\ PROPOSED LIMIT OF DISTURBANCE

EXISTING LOT SIZE: 0.19 ACRES (8,276.4 SF)  
PROPOSED BUILDING SQ. FT.: 2,570.33 SF

PROPOSED LOT COVERAGE: 2,570.33 SF/8,276.4 SF = 31% LOT COVERAGE

THE DRAWINGS CONTAINED WITHIN THESE DOCUMENTS ARE THE PROPERTY OF MODIFY DESIGN + BUILD LLC AND SHALL NOT BE REPRODUCED, COPIED, OR USED IN ANY OTHER WAY WITHOUT THE WRITTEN CONSENT OF THE OWNER.





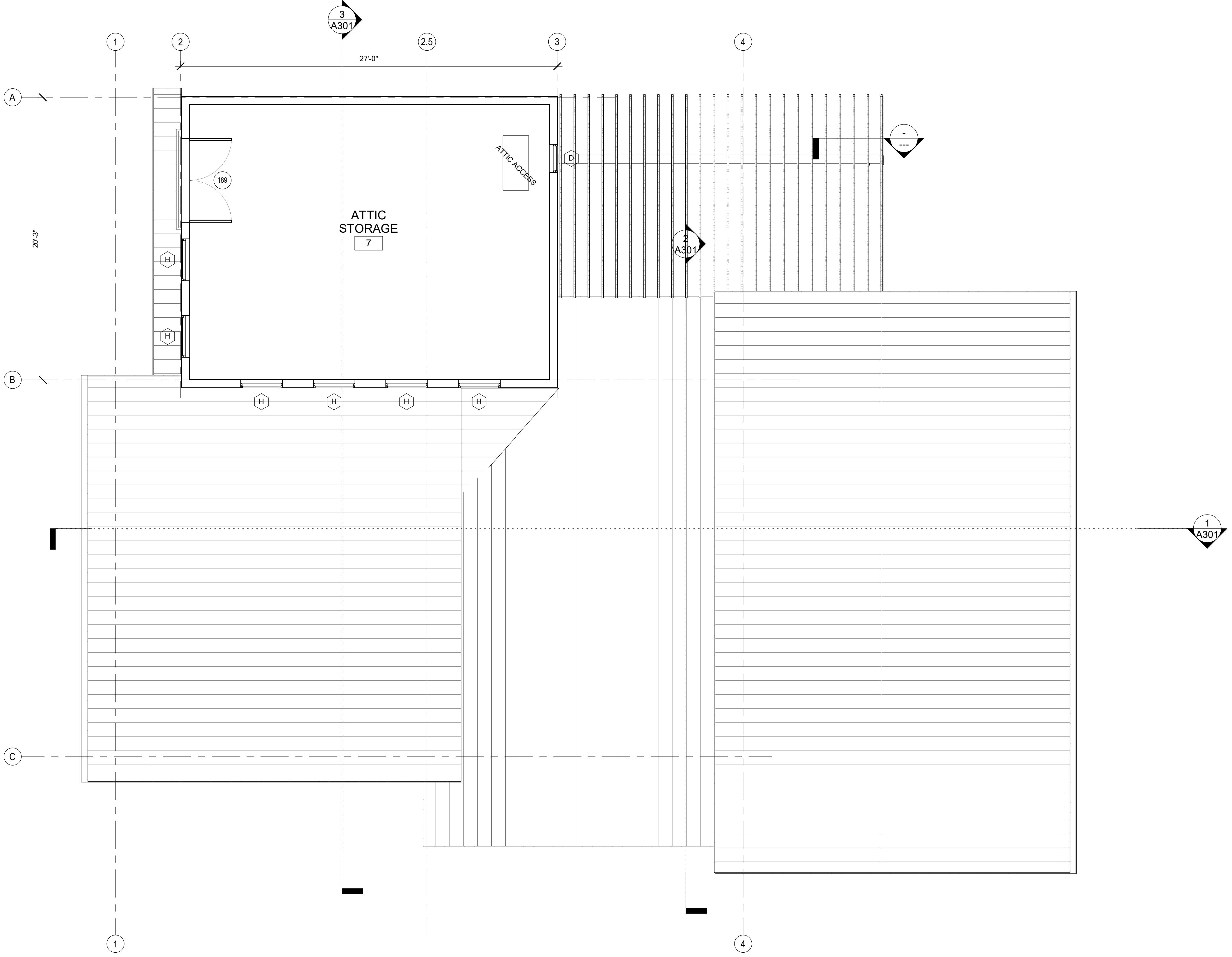
**Kirkham Residence Remodel**

REVISION  
SHEET NAME  
UPPER LEVEL PLAN  
PROJECT NUMBER 21-018  
ISSUE DATE 12/10/2021  
DRAWN BY Author  
PLOT TIME 4/19/2022 9:43:23 AM  
A102  
SCALE AS NOTED

**NEW WORK GENERAL NOTES**

1. FIELD VERIFY ALL DIMENSIONS. IF DIMENSIONS VARY SIGNIFICANTLY NOTIFY THE ARCHITECT
2. ALL DIMENSIONS TO FACE OF STUD OR EXISTING FINISH UNLESS NOTED OTHERWISE

**KEYNOTES - NEW WORK PLAN**



**Kirkham Residence Remodel**

751 E. Silver Shadow Drive

Murray, Utah

REVISION \_\_\_\_\_

SHEET NAME ROOF PLAN

PROJECT NUMBER 21-018  
ISSUE DATE 12/10/2021  
DRAWN BY Author  
PLOT TIME 4/19/2022 9:43:24 AM

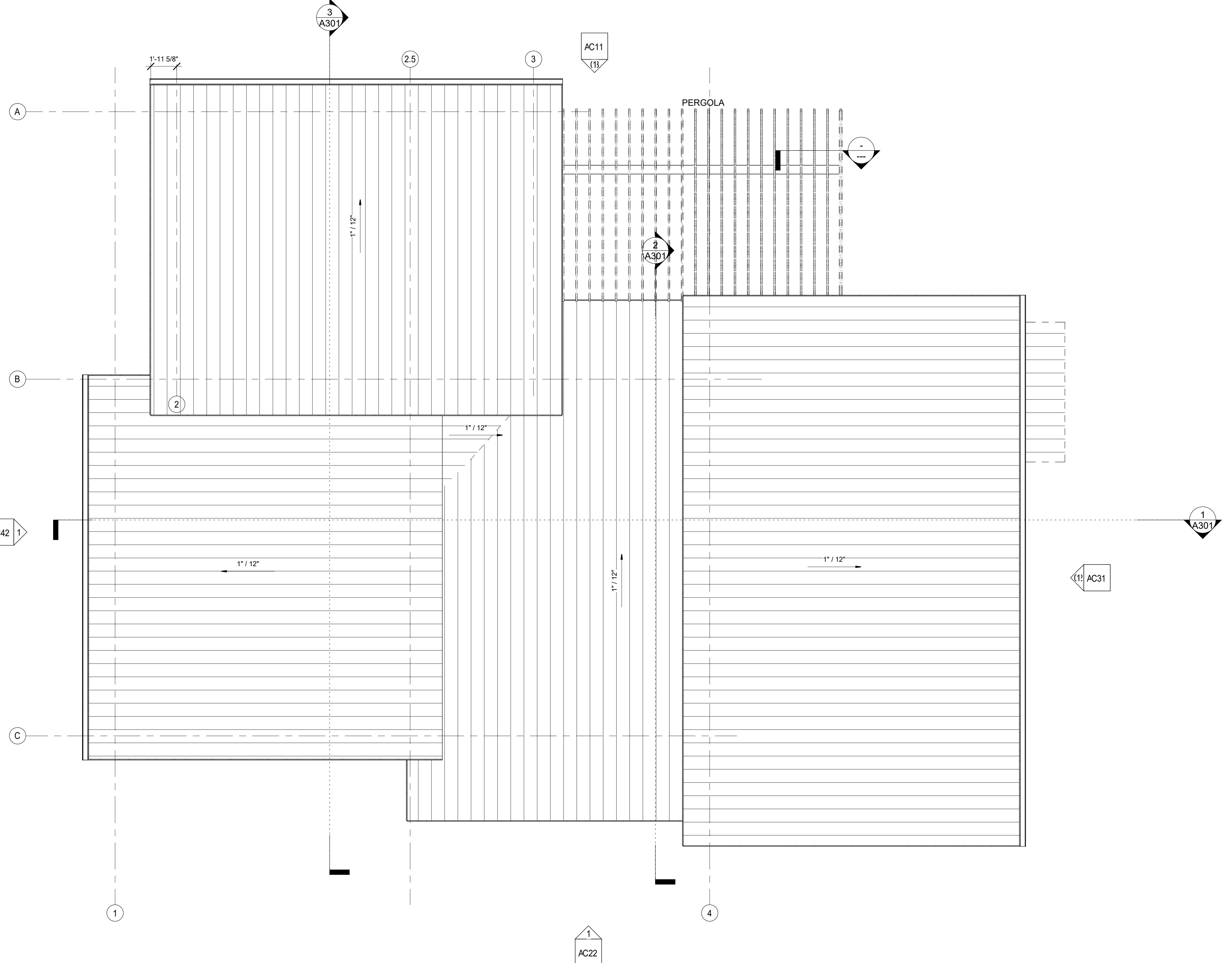
SCALE AS NOTED

**A103**

**01 ROOF PLAN**

A103

1/4" = 1'-0"



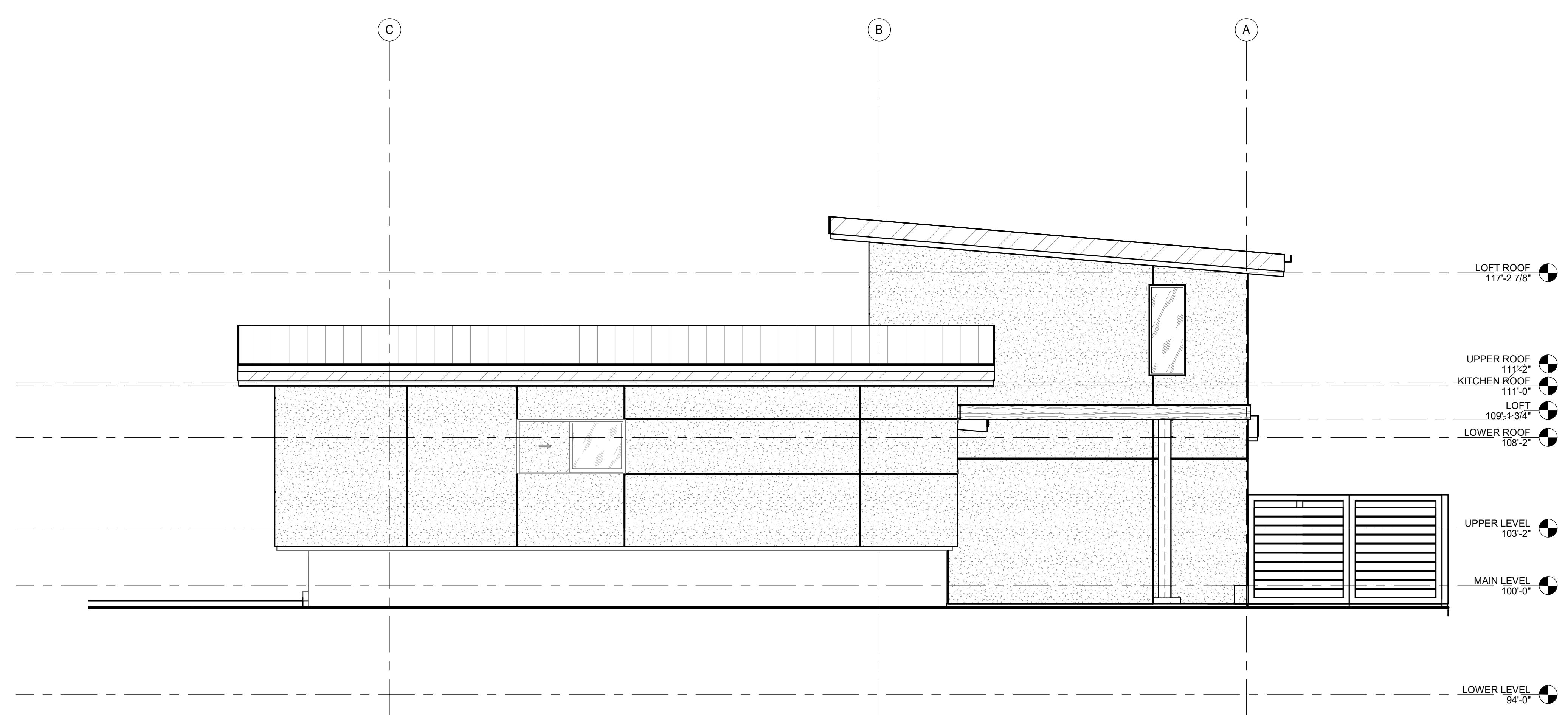
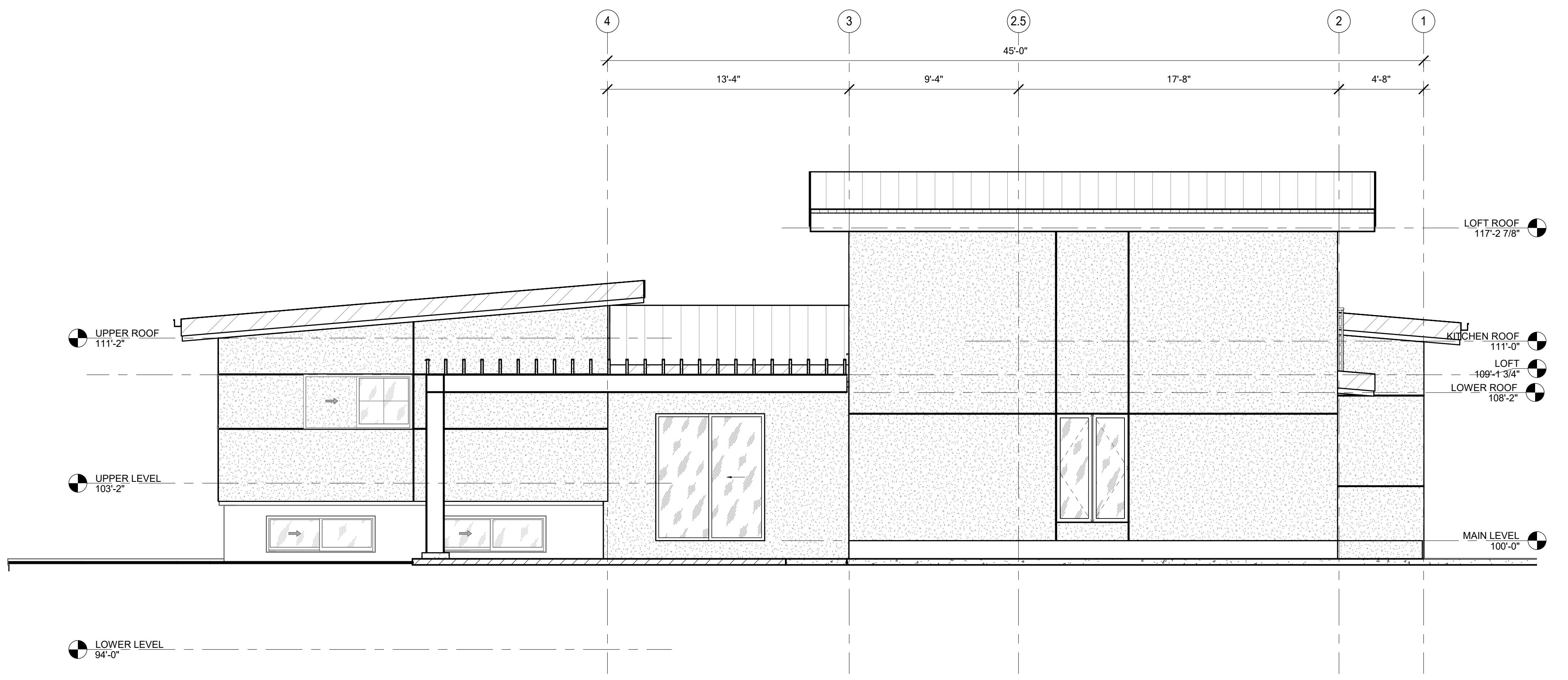
**Kirkham Residence Remodel**

FILE PATH: G:\My Drive\Modify Design Build\02 Project Files\21-006 Kirkham, Nate & Robin\03 Digital Pictures & 3D Files\Kirkham Residence Remodel - Modern - Shed Roof Option 2.rvt  
PLOT DATE: 4/19/2022 9:43:25 AM  
PLOT TIME: 4/19/2022 9:43:25 AM  
PROJECT NUMBER: 21-018  
ISSUE DATE: 12/10/2021  
DRAWN BY: Author  
PLOT TIME: 4/19/2022 9:43:25 AM  
SCALE: AS NOTED  
REVISION: A201  
SHEET NAME: BUILDING ELEVATIONS

**NEW WORK GENERAL NOTES**

1. FIELD VERIFY ALL DIMENSIONS. IF DIMENSIONS VARY SIGNIFICANTLY NOTIFY THE ARCHITECT
2. ALL DIMENSIONS TO FACE OF STUD OR EXISTING FINISH UNLESS NOTED OTHERWISE

KEYNOTES - NEW WORK BUILDIN...



02 | EAST

1/4" = 1'-0"

A101|A201

**NEW WORK GENERAL NOTES**

1. FIELD VERIFY ALL DIMENSIONS. IF DIMENSIONS VARY SIGNIFICANTLY NOTIFY THE ARCHITECT
2. ALL DIMENSIONS TO FACE OF STUD OR EXISTING FINISH UNLESS NOTED OTHERWISE

REVISION \_\_\_\_\_

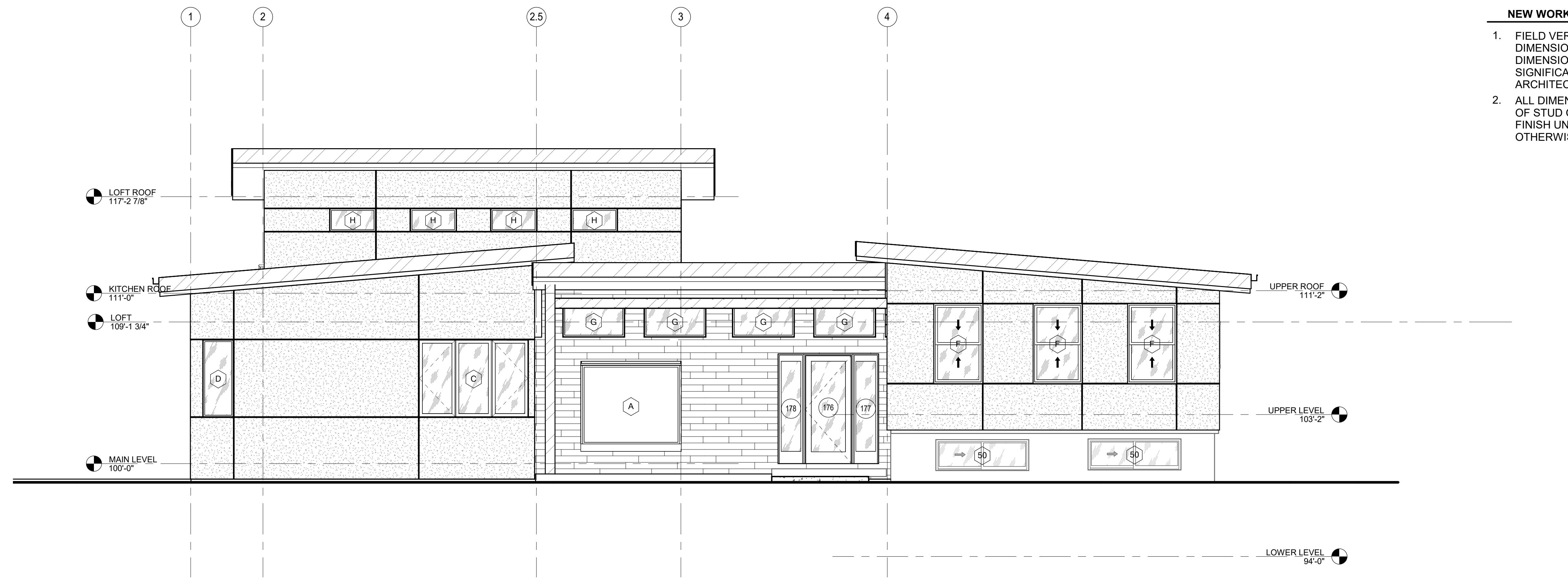
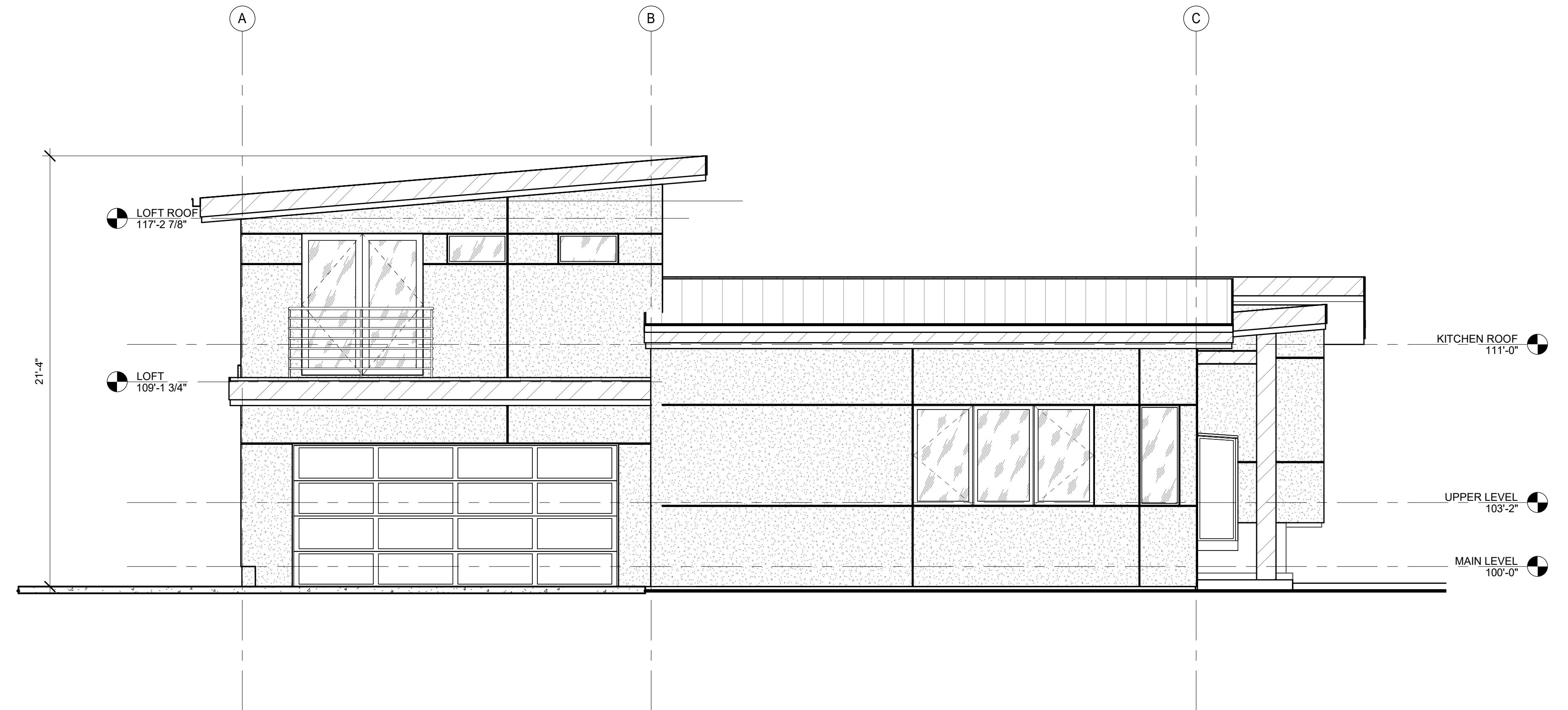
SHEET NAME \_\_\_\_\_

**BUILDING ELEVATIONS**

PROJECT NUMBER 21-018  
ISSUE DATE 12/10/2021  
DRAWN BY Author  
PLOT TIME 4/19/2022 9:43:26 AM

**A202**

SCALE AS NOTED


**1** **SOUTH**  
A101A202 1/4" = 1'-0"

**2** **WEST**  
A101A202 1/4" = 1'-0"

**Kirkham Residence Remodel**

|                |                      |
|----------------|----------------------|
| REVISION       |                      |
| SHEET NAME     | BUILDING SECTIONS    |
| PROJECT NUMBER | 21-018               |
| ISSUE DATE     | 12/10/2021           |
| DRAWN BY       | Author               |
| PLOT TIME      | 4/19/2022 9:43:28 AM |
| SCALE          | AS NOTED             |

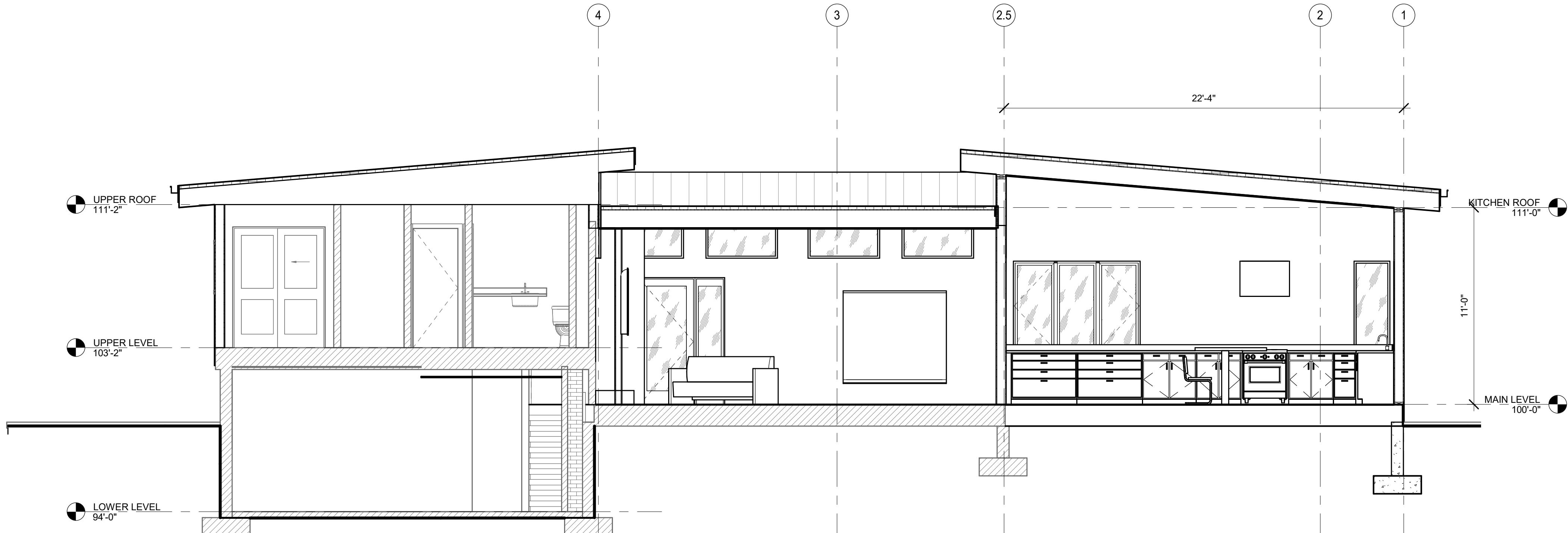
**A301**

**NEW WORK GENERAL NOTES**

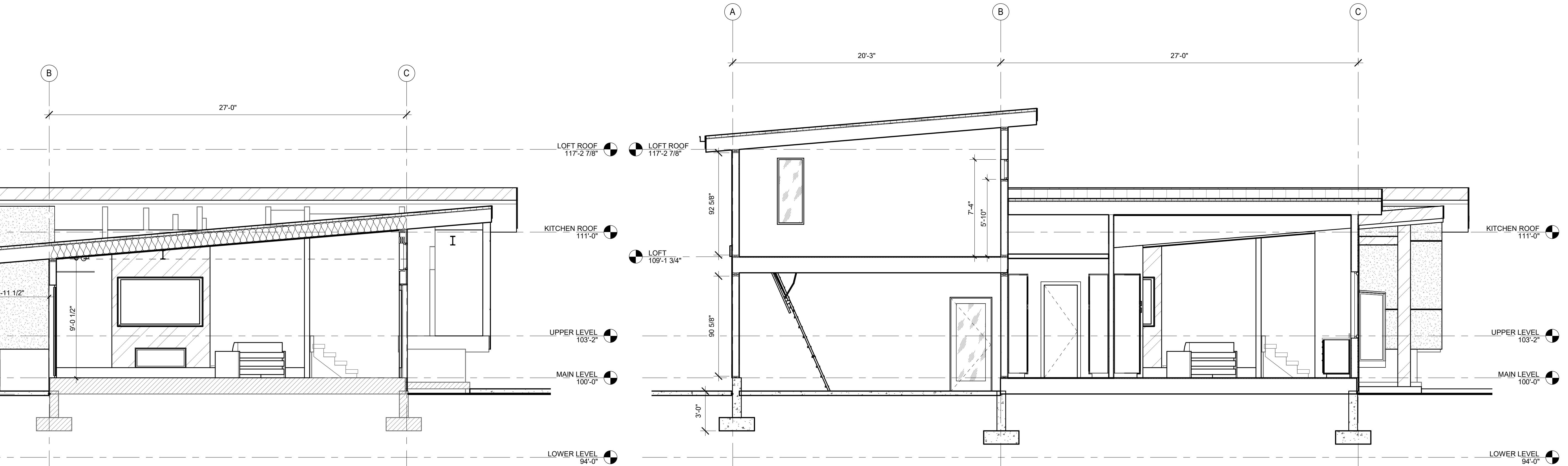
1. FIELD VERIFY ALL DIMENSIONS. IF DIMENSIONS VARY SIGNIFICANTLY NOTIFY THE ARCHITECT
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KEYNOTES - NEW WORK BUILDIN...

THE DRAWINGS CONTAINED WITHIN THESE DRAWINGS ARE THE PROPERTY OF MODIFY DESIGN + BUILD LLC. THESE DRAWINGS NOT TO BE REPRODUCED, COPIED, OR USED IN ANY OTHER WAY IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF MODIFY DESIGN + BUILD LLC. THESE DRAWINGS ARE INTENDED FOR THE USE OF THE CONTRACTOR, ARCHITECT, ENGINEER, AND THE BUILDING OWNER.



**1 Section 1**  
A101/A301 1/4" = 1'-0"



FILE PATH: G:\My Drive\Modify Design Build\02 Project Files\21-006 Kirkham, Nate & Robin\03 Digital Pictures & 3D Files\Kirkham Residence Remodel - Modern - Shed Roof Option 2.rvt

PLOT DATE: 4/19/2022 9:43:28 AM

**2 Section 2**  
A101/A301 1/4" = 1'-0"

4/19/2022 9:43:28 AM

**From:** [byuverl@gmail.com](mailto:byuverl@gmail.com)  
**To:** [Seth\\_Rios](mailto:Seth_Rios)  
**Cc:** ["Robin\\_Kirkham"](mailto:"Robin_Kirkham"); ["Nate\\_Kirkham"](mailto:"Nate_Kirkham")  
**Subject:** Kirkham  
**Date:** Monday, May 2, 2022 2:40:35 PM

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Dear Murray Planning & Zone Department, Murray City Planning Commission, & Murray City Council:

I am in favor of granting Nathan and Robin Kirkham a non-conforming use permit for their remodel/addition. I think it is very important for Murray to assist in helping keep their citizens living here. By affording our citizens an opportunity to improve their personal property without infringement to their immediate neighbors, we can keep the vital portion of its citizenry stable.

Hope our Planning Commission and City Council feel the same.

Verl Greenhalgh  
771 E. Labrum Ave  
Murray, Utah 84107  
801-864-6595



## AGENDA ITEMS # 3-6 - Appeal of a Conditional Use Permit

|                    |  |                        |  |
|--------------------|--|------------------------|--|
| <b>ITEM TYPE:</b>  | Appeal of Planning Commission Action   |                        |  |
| <b>ADDRESS:</b>    | 6029 South 900 East  | <b>MEETING DATE:</b>   | May 11, 2022   |
| <b>APPELLANTS:</b> | Sterling Hanson, Diane Dykman, Brittany Killian, and Mark and Brittany Noble   | <b>STAFF:</b>          | Zachary Smallwood, Senior Planner<br>Briant Farnsworth, Deputy City Attorney |
| <b>PARCEL ID:</b>  | 22-17-379-052  | <b>CASE NUMBER:</b>    | 1585,1586,1587,1588  |
| <b>ZONE:</b>       | C-N, Neighborhood Commercial   | <b>PROJECT NUMBER:</b> | 22-059, 068, 069, 070  |
| <b>SIZE:</b>       | 1.07 acre lot   3,968 ft <sup>2</sup> building   |                        |  |
| <b>REQUEST:</b>    | <p>Galloway &amp; Company representing Kum &amp; Go applied for a Conditional Use Permit on February 11, 2022. After review by City Staff the application was placed on the Planning Commission's agenda to be reviewed on March 3, 2022. The application included demolition of an existing car wash and retail store on the property.</p> <p>The applicants proposed opening a new convenience store and gasoline fueling station which are allowed uses subject to obtaining a Conditional Use Permit. The Planning Commission held a public meeting and received public comment on March 3, 2022. The Planning Commission voted 4-0 to approve the Conditional Use Permit. The Findings of Fact were adopted unanimously at the following meeting on March 17, 2022.</p> |                        |  |

Briant J. Farnsworth (#9457)  
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Murray, Utah 84107  
Telephone: (801) 264-2640  
Facsimile: (801) 264-2641  
*bfarnsworth@murray.utah.gov*

*Attorney for Murray City Corporation*

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### **BEFORE THE MURRAY CITY LAND USE HEARING OFFICER**

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IN RE: PROJECT #22-020, APPLICATION  
FOR A CONDITIONAL USE PERMIT FOR  
A GAS STATION AND CONVENIENCE  
STORE

MURRAY CITY CORPORATION'S BRIEF  
IN OPPOSITION TO APPEAL

Hearing Officer: Scott Finlinson

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#### **I. BACKGROUND**

On February 11, 2022, Galloway & Company, representing Kum & Go, applied for a Conditional Use Permit relating to property at or about 6029 South 900 East, Murray Utah. This property is located within the Commercial Neighborhood (C-N) zoning district. The application was placed on the Murray City Planning Commission's March 3, 2022 agenda for consideration. The applicants proposed demolishing the structures currently on the property and constructing a new convenience store and gasoline fueling station.

Convenience stores and gasoline fueling stations are allowed uses in the C-N zone, subject to obtaining a Conditional Use Permit. After reviewing the staff report and associated documents, holding a public meeting and receiving public comment, the Planning Commission voted to approve a Conditional Use Permit for the applicants. Written Findings of Fact, Conclusions and Decision were adopted unanimously at the following Planning Commission meeting on March 17, 2022.

Five Murray City residents now appeal the decision of the Planning Commission. Appellants have the burden of proving that the Planning Commission erred.

This appeal should be denied. First, appellants have failed to allege with specificity any error in the decision or determination made by the Planning Commission. Second, even if the allegations were made with appropriate specificity, appellants cannot show that the decision of the Planning Commission was arbitrary and capricious, or illegal.

## II. RECORD

- a. The following documents comprising the record are attached to this brief.
  - i. Attachment “A” – Murray City Community and Economic Development Department Staff Report dated March 3, 2022 (“Staff Report”)
  - ii. Attachment “B” – Murray City Planning Commission Findings of Fact and Conclusions dated March 17, 2022 (“FFC”)
  - iii. Attachment “C” – Minutes of the Murray City Planning Commission meeting held March 3, 2022 (“Minutes”)
  - iv. Attachment “D” – Audio Transcription of the March 3, 2022 Planning Commission Meeting
  - v. Attachment “E” - Appeals applications from Brittany Killian, Brittany and Mark Noble, Diane Dykman, and Sterling Hanson
  - vi. The video recording of the Planning Commission Meeting held March 3, 2022 can be viewed at <https://www.youtube.com/watch?v=Z-LEq3zKWt8&t=6s>. This agenda item begins at the 15:15 time mark.

## III. LEGAL STANDARDS

State statutes, city ordinances and case law are very specific as to the process and standard of review related to land use appeals.

### A. APPEAL MUST ALLEGE ERROR WITH SPECIFICITY

A written appeal “must *with specificity* allege the error in any order, requirement, decision or determination made by the [planning commission] in the administration or interpretation of the city’s land use ordinances.” Murray City Municipal Code (MCMC) 17.16.040B (emphasis added).

*With specificity* means that appellants must provide enough information that the City as appellee can plainly understand the error in applying or interpreting the ordinances allegedly made by the Planning Commission. This burden “cannot be satisfied by purely conclusory allegations or by a Micawberish reading of a party’s generalized averments. . . . The [appellants] must set forth reasonably definite factual allegations . . . regarding each material element.” Pohl, Inc. of Am. V. Webelhuth, 2008 UT 89 (citing United States v. AVX Corp., 962 F.2d 108 (1<sup>st</sup> Cir. 1992)). In a strict reading of MCMC 17.16.040B and Utah Code Annotated (UCA) §10-9a-703(1), if an appellant fails to allege that there is an error in the planning commission’s administration or interpretation of the land use ordinance, there is no valid basis for continuing to hear the appeal, and the appeal should be denied.

### B. APPEALS ARE LIMITED TO THE RECORD

Appeals of land use decisions are limited to the record. *See* MCMC 17.16.050A. *See also* UCA 10-9a-707. This means that the only evidence to be considered is what is in the official record, including the minutes of the planning commission meeting, audio/video recordings of meetings, written communications, the written land use decision, the land use application, staff reports, and citizen submissions such as emails or other documents submitted *prior to* or *at* the planning commission meeting.

While the hearing officer can hear arguments about what is in the record, new evidence may not be presented. It would be improper for a hearing officer to make a ruling based on evidence the planning commission had no opportunity to consider. The hearing officer is to review the record but should not make their own determination about what the planning commission could or should have done. “The [appeal authority] considers all of the evidence in the record but does not weigh the evidence anew or substitute its judgment for that of the [planning commission].” LJ Mascaro Inc. v. Herriman City, 2018 UT App 127.

Instead the hearing officer must, based upon the information in the record, determine whether the decision of the Planning Commission was arbitrary and capricious, or illegal. Again, the burden of proof is on the appellants to prove the Planning Commission erred. *See* MCMC 17.16.040F. “A land use decision is illegal if the land use decision is: (A) based on an incorrect interpretation of a land use regulation; or (B) contrary to law.” UCA §10-9a-801(3)(c)(ii).

## C. SUBSTANTIAL EVIDENCE

“A decision is arbitrary and capricious when it is not supported by substantial evidence in the record.” LJ Mascaro. State code requires that there be “substantial evidence for each essential finding of fact.” UCA §10-9a-707(3) (emphasis added). Substantial evidence is “that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion.” Bradley v. Payson City Corp, 2003 UT 16. Substantial evidence only requires enough evidence for a reasonable person<sup>1</sup> using it to support a conclusion, whether or not other reasonable persons would disagree. At its most basic, “the statutory phrase ‘substantial evidence’ is a ‘term of art’ which includes within its meaning the requirement ‘that localities must provide reasons’ when they make adjudicative determinations.” McElhaney v. City of Moab, 2017 UT 65.

It should be noted that “public clamor” is not evidence. Public clamor has oftentimes been referred to as simple opposition to a project by the public, without reliance on technical expertise or evidence. The Utah public clamor doctrine states that while “there is no impropriety in the solicitation of or reliance on the advice of neighboring landowners, the consent of neighboring landowners may not be made a criterion for the issuance or denial of a conditional use permit.” Thurston v. Cache County, 626 P.2d 440, 445 (Utah 1981).

## D. CONDITIONAL USES AND PROPERTY RIGHTS

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<sup>1</sup> “Reasonable person” as used as a term of art in the law means a hypothetical individual that is appropriately informed, capable, aware of the law, and fair-minded. [https://en.wikipedia.org/wiki/Reasonable\\_person](https://en.wikipedia.org/wiki/Reasonable_person)

The Utah Municipal Land Use Development and Management Act directs that conditional uses “*shall* be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. The requirement . . . to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.” UCA §10-9a-507(2)(a)(i) and (ii) (emphasis added).

Utah courts have been “mindful of Utah’s long-standing principle that because zoning ordinances are in derogation of a property owner’s common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner.” Patterson v. Utah County Board of Adjustment, 893 P.2d 602, 606 (Utah Ct. App. 1995) (internal citations omitted).

#### IV. ARGUMENT

##### **A. Appellants Fail to Allege an Error with Specificity**

Appellants each provide emails stating their reasons for appeal. However, none of these statements actually allege, much less allege specifically, an “error in any order, requirement, decision or determination made by the [planning commission] in the administration or interpretation of the land use ordinance.” UCA §10-9a-703(1). Rather, these appeal statements simply restate or raise new complaints appellants have with the proposed project. Many of these complaints were previously made to and considered by the Planning Commission prior to the Planning Commission’s decision to grant the conditional use permit.

None of the appeal statements allege that the Planning Commission erred in applying the land use ordinances of the City. Essentially, the appeal statements consist of additional written public clamor. The appellants are plainly opposed to the project and want the hearing officer to overrule the Planning Commission with his own review of their complaints. Appellants, without putting forth expertise, evidence or even an allegation of error, simply want the City to deny a land use applicant a conditional use permit.

Because appellants have failed to make any specific allegation as to the error purportedly made by the Planning Commission in the administration or interpretation of the land use ordinance under which they approved this conditional use permit, these appeals should be summarily denied.

##### **B. Evidence Must be Limited to the Record**

Land use appeals are a review of the record to determine whether the Planning Commission’s decision was arbitrary and capricious, or illegal. Appeals are not an opportunity to submit new evidence or complaints for a different decision maker to review. All appellants submit

complaints, some new and some restated from that previously provided to the Planning Commission. Specifically, appellant Dykman, in her appeal email, provides hyperlinks and summaries to articles ostensibly describing alleged negative impacts related to gasoline fueling stations. These articles were not submitted to the Planning Commission for review or consideration. These articles and summaries are not part of the record, and it would be inappropriate for the hearing officer to review them for purposes of this appeal.

Similarly, appellant Hanson notes in his email statement that he provided numerous concerns on the record at the Planning Commission meeting, but now wants to provide “some additional, new comments.” Likewise, because these comments are not part of the record, the hearing officer should not consider them for purposes of this appeal. While argument as to what the record shows is certainly appropriate, simply raising new comments for the hearing officer to consider is not. The hearing officer should refuse to entertain information provided by appellants that is not part of the record.

### **C. Decision of the Planning Commission was not Arbitrary or Capricious, or Illegal**

#### *1. The Decision of the Planning Commission is Supported by Substantial Evidence.*

The burden of proof is upon appellants to show that there was not substantial evidence in the record for the Planning Commission to approve the conditional use permit at issue in this matter. Appellants are unable to meet this burden. Rather, the record shows that the Planning Commission relied on the substantial evidence in the record to make this decision.

Specifically, under MCMC section 17.56.060, in order to approve a conditional use permit, the Planning Commission must find that there is evidence that establishes:

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood;
- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
- C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets; and
- D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.

On March 17, 2022, the Planning Commission unanimously adopted written findings of fact supporting each of these required elements. The Planning Commission found that “[t]he subject property is located in the C-N, Neighborhood Commercial Zone. Gasoline Services Stations and Convenience Stores require a conditional use permit” in these zones. (Findings of Fact and Conclusions (“FFC”), page 1).

**Analysis of MCMC 17.56.060 subsection A.** The Commission found that the use of the particular location was necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and neighborhood.

The Commission found specifically that “the proposed use will add to the services that are located in the area and contribute to the reinvestment in an area that has deteriorated over time.” FFC page 2. City staff noted in their report that the site is currently occupied by an old car wash and flower shop, but that reinvestment and redevelopment would enhance the property and area. *See Minutes* pages 3, 4. Further, staff noted that the C-N zone has been in effect for a number of years and lists gasoline fueling stations as a conditional use. Staff remarked that the land owner or purchaser typically does market research to determine if there is a missing need and that is what likely drives the development of new businesses in particular areas. *See Minutes* page 10. These statements in the record show that the Planning Commission relied on substantial evidence in determining that the use was a desirable service that contributes to the well-being of the community.

**Analysis of MCMC 17.56.060 subsection B.** The Commission found that the proposed use will not, under the circumstances of this case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

The Commission found that “various agencies have reviewed the proposed plans and do not anticipate any detrimental effects to the health, safety or general welfare of the community. With the conditions outlined below, the proposed use will not be a detriment to the community and will provide a reinvestment to an existing property.” FFC page 2. Specifically, as noted in the staff report, the City’s Engineering Division reviewed the proposal for issues including but not limited to on-site detention and water quality treatment; for stormwater discharge; for flood control permit requirements; and for traffic and pedestrian access concerns. The Engineering Division further considered and wanted conditions requiring applicant to develop a spill containment system and to meet all other state and county regulations for underground storage tank installation. *See Staff Report* page 7. The City’s Fire Department and Water Division also gave comments related to health, safety and welfare issues. *See Staff Report* page 8. The Public Works Director responded to questions about environmental impacts raised at the Planning Commission meeting. 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. The site is in a well protection zone, which has stricter requirements for underground tanks.” Minutes page 4. The applicant also noted that the State requires that their business would

have an A, B and C operator for underground storage tanks, and that they have employees, managers and contractors that would fill each of these roles. Minutes page 4.

The Commission also reviewed evidence related to lighting, buffering and other concerns in determining whether the use would be detrimental to the health, safety or general welfare. Staff stated that because the proposed project would be a more active use, with employees on site 24/7, it would likely be safer related to crime than a nearly vacant self-serve car wash. *See Minutes page 4.* The applicant indicated that there will be cameras monitoring the back of the building and such would be a dramatic improvement for safety. *See Minutes page 5.*

The Planning Commission relied on substantial evidence to determine that the use in this particular circumstance would not be detrimental to the health, safety or general welfare of people, or injurious to property or improvements in the area.

**Analysis of MCMC 17.56.060 subsection C.** The Commission found that the proposed use will stress quality development with emphasis toward adequate buffering, landscaping, proper parking and traffic circulation . . . and create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets. The Commission found that “the proposed use will contribute to the overall quality of the area by reinvesting in the property, and providing a safe location and adequate buffering from the existing single-family residence to the east. Fuel stations and convenience stores are in harmony with the allowed uses in the zoning district and others found in the area.” FFC page 2.

The applicant provided a proposed landscaping plan that would meet the City’s landscaping ordinance. *See Staff Report page 5.* Staff felt that the required trees and shrubs would provide buffering from the business to the adjacent residential uses. Planning Commission members discussed and ultimately included a condition requiring an eight-foot masonry fence along the east and south property lines, believing that this would make the site better and safer overall. *See Minutes page 4 and 12.* Applicant stated that because it would be a gas station and not a self-serve car wash, it would be quieter without the car wash sprayers and vacuums going. *See Minutes page 11.* There was much discussion about the sign and lighting of the business and fueling canopies; staff recommended a strict lighting plan to accommodate and buffer for adjacent residents. *See Staff Report page 4; Minutes pages 3-5, 9 and 11.*

The Commission discussed parking and traffic circulation, with staff noting that some of the proposed access would require approval from UDOT. *Staff Report page 4.* Staff noted that there was a traffic study performed and there were no recommendations from the traffic engineer because there was no negative impact found. Minutes page 9. See also Executive Summary of traffic study, included in Staff Report at page 16. Resident Nick Furness raised an issue about the school pick-up location for the school bus that is currently in front of the proposed location. Minutes page 8. The Commission discussed this concern and that it would need to be raised with the school district. Minutes page 10. Staff addressed parking requirements and parking issues related to access to the property and made recommendations to the Commission. *Staff Report page 3; Minutes page 3.*

The Planning Commission considered numerous aspects related to building materials and harmony to the area. Minutes page 3; Staff Report page 4.

The record shows that the Planning Commission relied on substantial evidence to determine that the proposed use will stress quality development with emphasis toward adequate buffering, landscaping, proper parking and traffic circulation . . . and create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets.

**Analysis of MCMC 17.56.060 subsection D.** The Planning Commission found that the applicant had provided reports or studies which provided information allowing the Commission to render a proper decision. FFC page 2. Specifically, applicant had provided a traffic study, and detailed site plan renderings of the landscape plan, grading plan, drainage plan, signage details, the photometric plan, utility plan, demolition plan and elevations. Staff Report pages 17-35.

The Planning Commission thus received relevant information and reports sufficient to enable them to render a proper decision based upon substantial evidence.

The record shows that the Planning Commission made its decision to grant a conditional use permit based upon substantial evidence, and in accordance with applicable city ordinances. The evidence upon which the Planning Commission relied was of such a nature that it would be adequate to convince a reasonable mind to support the conclusion they made. Because substantial evidence exists to support each element required by City code for granting a conditional use permit, the appeal should be denied.

## *2. The Planning Commission Decision was not Illegal*

A land use decision will only held to be illegal if it is based on an incorrect interpretation of a land use regulation or contrary to law. *See UCA 10-9a-801(c)(ii).* Again, appellants have the burden to prove a decision was illegal. They cannot meet this burden.

In the instant case, in accordance with the Murray City Code, the Planning Commission adopted findings of fact addressing the four standards the Planning Commission was required to find evidence for prior to granting a conditional use permit. Section 10-9a-103(5) of the Utah Code defines “conditional use” as a use that “because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.” As noted previously, a conditional use “shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.” UCA §10-9a-507(2)(a). Nevertheless, the imposition of conditions does not that all detrimental effects be eliminated. *See UCA §10-9a-507(2)(a)(ii).*

Additionally, it has been “Utah’s long-standing principle that ‘because zoning ordinances are in derogation of a property owner’s common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner.’” Patterson, 893 P.2d at 606.

The Planning Commission, after reviewing the evidence, reports and considering the public comments and concerns, approved a conditional use permit that included **16** conditions designed to mitigate the impact of the reasonably anticipated detrimental effects. One of these conditions included 14 subparts. The conditions related to, among other issues, environmental, traffic and access, drainage, flood control, spill containment systems, underground storage tank installation, landscaping, dumpster buffering, masonry fences, signage and lighting. *See FFC pg. 3-4.* These conditions were designed to address the potential detrimental effects reasonably foreseen, while liberally construing the law to permit property owners to use their property as allowed under the City’s zoning law.

Accordingly, the Planning Commission acted in accordance with the law and based upon correct interpretations of land use ordinances. Appellants cannot show otherwise.

#### **D. Public Clamor**

Appellants attempt to raise concerns that may not have been resolved to their liking by the Planning Commission. These statements generally refer to potential issues related to crime, traffic, environmental issues, property values, and so forth. These are unsupported by any evidence in the record. For example, the complaint about property values was not supported by any opinions by professional real estate appraisers or credible evidence of reduced property values. Likewise, concerns about crime amounted to speculation and conjecture, but was not supported by any expert testimony or documentary evidence.

A planning commission “must rely on facts and evidence, not mere emotion or local opinion, in making [a land use] decision.” Davis County v. Clearfield City, 756 P.2d 704 (Utah App. 1988) (quoting City of Barnum v. County of Carlton, 386 N.W.2d 770, 776) (see also *Id.* quoting Chanhassen Estates Residents Ass’n v. City of Chanhassen, 342 N.W.2d 335, 340 (Minn. 1984) “[d]enial of a conditional use must be based on something more concrete than neighborhood opposition and expressions of concern for public safety and welfare.”).

A land use decision is not appropriately made based upon a straw poll of residents attending the planning commission meeting. Land use decisions do not have appropriate, legal support in the “vague reservations expressed by either the single-family homeowners or the commission members.” *Id.* There must be a reasonable, legal basis on the record to support a decision, not simply a nebulously voiced concern.

The record shows the Planning Commission used appropriate facts and substantial evidence in the record to make a legal decision. The public clamor of the appellants is not enough to meet their burden to prove the Planning Commission erred.

## V. CONCLUSION

Appellants have failed to allege with specificity an error in any order, requirement, decision or determination made by the Planning Commission in the administration or interpretation of the city's land use ordinances. Thus, the appeal should be summarily denied. Alternatively, the appeal should be denied because appellants fail to prove that the decision of the Planning Commission was arbitrary and capricious, or illegal.

Respectfully Submitted this 5<sup>th</sup> day of May, 2022.



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Briant Farnsworth  
Deputy City Attorney

**Attachment A**

**Murray Community and Economic**

**Development Staff Report**



## AGENDA ITEM #6

### KUM & GO GAS STATION AND CONVENIENCE STORE

|                   |   |                        |                                      |
|-------------------|---|------------------------|--------------------------------------|
| <b>ITEM TYPE:</b> | Conditional Use Permit, Gasoline Service Station and Convenience Store  |                        |                                      |
| <b>ADDRESS:</b>   | 6029 South 900 East   | <b>MEETING DATE:</b>   | March 3, 2022                        |
| <b>APPLICANT:</b> | Nathan Abbott, Galloway & Co.   | <b>STAFF:</b>          | Zachary Smallwood,<br>Senior Planner |
| <b>PARCEL ID:</b> | 22-17-379-052   | <b>PROJECT NUMBER:</b> | 22-020                               |
| <b>ZONE:</b>      | C-N, Neighborhood Commercial  |                        |                                      |
| <b>SIZE:</b>      | 1.07-acre site   3,968 ft <sup>2</sup> building   |                        |                                      |
| <b>REQUEST:</b>   | 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. |                        |                                      |



## I. LAND USE ORDINANCE

The subject property is located in the C-N, Neighborhood Commercial Zone. Gasoline Service Stations and Convenience Stores require a conditional use permit. Additionally, all main buildings require Design Review and approval by the Planning Commission.

## II. BACKGROUND

### Project Location

The subject property is currently used as a self-serve car wash and a small flower shop. The property is located on the corner of Vine Street and 900 East. There is a mix of residential, retail, and office uses in the area.

### Surrounding Land Use and Zoning

| <u>Direction</u> | <u>Land Use</u>           | <u>Zoning</u> |
|------------------|---------------------------|---------------|
| North            | Commercial                | C-N           |
| South            | Commercial                | C-N           |
| East             | Single-Family Residential | R-1-8         |
| West             | Commercial                | C-N           |

### Project Description & Review

Kum & Go is a national Fuel and Convenience Store company that has many locations across the country, they pride themselves on being a family owned business. The proposal before the Planning Commission would be the first Kum & Go in the city and one of the first in the State of Utah. The applicant proposes to demolish the current flower shop and self-serve car wash located on the property and plans four fuel pumps and a convenience store on the site.

### Setbacks & Height

The C-N, Neighborhood Commercial Zone setback requirements are listed below. In all cases, the proposed building meets or exceeds the minimum requirements.

|       | Required                      | Provided |
|-------|-------------------------------|----------|
| Front | 20'                           | 178'     |
| Side  | 15' (min next to residential) | 19'      |

Buildings in the C-N Zone are limited to 35' in height. The proposed main building is approximately twenty-one feet (21') in height. The canopy structure is proposed to be seventeen feet six inches (17'6") in height. Both the proposed building and canopy structure

comply with the height regulations of the C-N Zone.

### Grading, Drainage, & Utilities

The applicants have provided civil engineering plans for grading, drainage, and utilities. The City Engineer has indicated that the applicant will need to obtain various permits for the proposed bridge across Little Cottonwood Creek. Including Salt Lake County Flood Control, State Stream Alteration, and a City Floodway Development Permit. The City Engineer is also requesting a spill containment system to ensure spilled fuel will not enter Little Cottonwood Creek. The applicants will need to work with Public Works in order to ensure that all City, County, and State regulations for underground storage tanks adjacent to the creek are adequately addressed. These comments have been included in the City Department Review and as conditions of approval of the project.

### Parking

According to Section 17.72.070 of the Murray City Land Use Ordinance; general retail not specifically described shall be parked at a minimum of one (1) parking space for every 200 ft<sup>2</sup> of net usable space. The net usable space is calculated as 3,174 ft<sup>2</sup>, resulting in a minimum sixteen parking spaces required for this project. This would need to include one (1) ADA Van Accessible space. The applicants show approximately twenty-one spaces.

Staff has a concern with two proposed parking spaces close to the ingress of 900 East. Staff recommends that because the applicant has sufficient parking that they eliminate the two spaces shown on figure one below. No additional parking is required at this time.

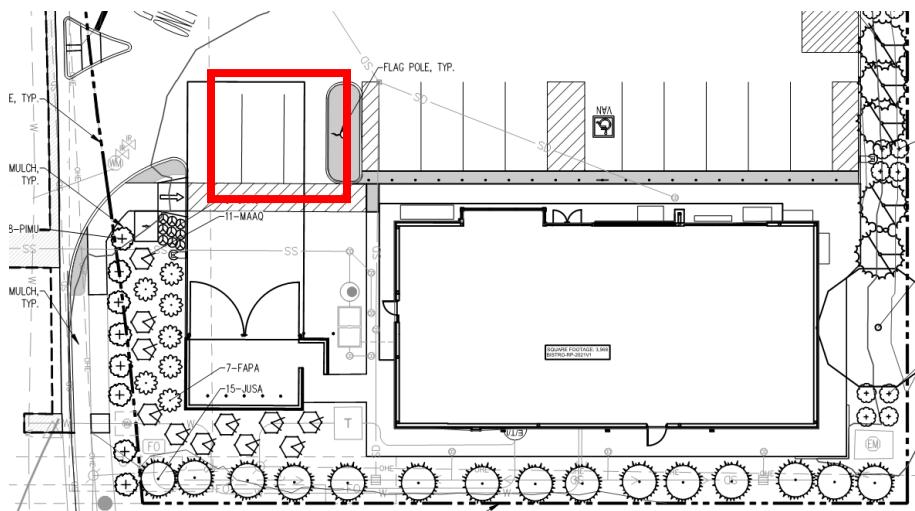


Figure 1: Parking to be removed

## Access & Circulation

The applicants propose two accesses to the property. The first would be a forty-one foot (41') right-in right-out only access along 900 East. This will require approval from the Utah Department of Transportation (UDOT). The applicant has stated in correspondence with staff that UDOT has approved of this layout. The second access is proposed to be a full access (left in/out right in/out) approximately forty-four feet (44') wide and connect to Vine Street via a new bridge across Little Cottonwood Creek. The City Engineer has reviewed the proposed access and will allow an access at the proposed location with the caveat that the City will reserve the right to restrict left turn movements if the access affects safety and/or the operation of the Vine and 900 East intersection.

## Traffic Impact Study

The City Engineer reviewed the Traffic Impact Study (TIS) that was provided as part of the application and did not have any comments except as was mentioned above in the access & circulation section regarding limiting access if there are issues with the intersection of Vine and 900 East. A copy of the executive summary is included with the materials in this report. If the commission or a member of the public would like the full TIS it can be supplied upon request.

## Building Design and Materials

The applicants provided elevations with proposed materials for both for the building and canopy elements of the project. The proposed building is made up of a mix of fiber cement paneling in white and wood veneer. There are aluminum accents in silver and red. The windows are proposed to be clear. Staff does not have any concerns with the proposed design and materials.

## Lighting

The applicants provided a photometric plan that is included with the materials in this staff report. Staff has concerns with light pollution shown on the eastern and southern property lines. There are some sections on the east that show up to 1 foot candle at the property line and up to 7 foot candles on the south property line. Murray City requires a measurement of 0 foot candles at the property line. The applicants will need to work with Planning Division Staff to ensure that the proposed project meets the 0 foot candle requirement at the property lines. This could include changes such as using bollard lighting instead of wall mounted lighting.

Within the “Canopy Elevations” materials, there is a proposed 3’x 6’ illuminated can sign on the east elevation. Staff recommends that this be removed as there is a single-family

residence located immediately east.

### Signage

The applicants have proposed a number of signs for the proposed project. The attached signage is consistent with the standards required in the Murray City Land Use Ordinance Chapter 17.48, Sign Code. Staff did find issues with the proposed monument sign. It is proposed to be eight feet (8') in height. The sign code only allows monument signs to be six feet (6') in height; five feet (5') of sign copy and a one foot (1') base structure. The applicant will need to make the adjustments to this sign before submitting for a building permit to construct the monument sign. All signs will be required to obtain a separate building permit from the main building.

### Landscaping

Chapter 17.68 of the Murray Land Use Ordinance requires projects to install landscaping along all property frontages for new development. Each frontage is required to have a minimum of three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs per 100 linear feet of frontage minus any access drives. The property frontage is along Vine Street and 900 East, and the required landscaping plantings for the setbacks are shown in the table below.

| <b>Frontage</b>    | <b>Trees (proposed)</b> | <b>5-gallon (proposed)</b> | <b>1-gallon (proposed)</b> |
|--------------------|-------------------------|----------------------------|----------------------------|
| Vine Street (115') | 3 (4)                   | 6 (6)                      | 12 (12)                    |
| 900 East (150')    | 5 (0)                   | 8 (8)                      | 15 (16)                    |

The applicant has provided a proposed landscaping plan. During the review of the landscape plan, Staff could not identify any trees located within the front setback area along 900 East. This will need to be addressed before a building permit is issued. Staff commends the applicant for providing trees along the eastern edge of the property to provide additional buffering from the single-family residential.

### Fencing

The proposed site plan does not indicate any change in fencing on the East or South sides of the property. The Planning Commission may approve up to an eight foot (8') high fence where nonresidential abuts residential properties. Staff recommends that the Planning Commission grant the eight foot (8') allowance and require the applicant to install an eight foot (8') masonry fence along the east side of the property to provide additional buffering from the single-family residential. This would also allow the applicant to provide fencing along the south side if they would like to pursue, but staff does not see the need to require an eight foot (8') fence along the south side at this time.

### Trash Enclosure

The proposed site plan indicates a dumpster on the site. The details of the dumpster enclosure generally meet the requirements of Section 17.76.170. The applicants are requesting that the Planning Commission grant an exception allowed in Section 17.76.170(F) whereby the Planning Commission can allow the applicants to place their dumpster enclosure between the building and the street. The reasoning for this request is that shifting the building to the west and placing the dumpster on the east side of the property would mean that the dumpster would be located immediately adjacent to the single-family residence. Staff agrees with the applicant that this location would not be ideal, and supports the request to allow the dumpster on the west side of the property between the street and the building.

## **III. LAND USE ORDINANCE STANDARDS REVIEW**

Murray City Code Section 17.56.060 outlines the following standards of review for conditional uses.

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.**

With compliance to city regulations, the proposed use will add to the services that are located in the area and contribute to the reinvestment in an area that has deteriorated over time.

- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of person residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

Various agencies have reviewed the proposed plans and do not anticipate any detrimental effects to the health, safety, or general welfare of the community. With the conditions outlined below, the proposed use will not be a detriment to the community and will provide a reinvestment to an existing property along a highly traveled corridor.

- C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets.**

The proposed use will contribute to the overall quality of the area by reinvesting in the property, and providing a safe location and adequate buffering from the existing single-family residence to the east. Fuel Stations and Convenience Stores are in harmony with the allowed

uses in the zoning district and others found in the area.

**That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.**

The applicant has submitted sufficient information for the review of this Conditional Use Permit application by Murray City Staff and the Murray City Planning Commission.

#### **IV. CITY DEPARTMENT REVIEW**

The application and materials were distributed to various departments for their review and comments on February 14, 2022. The following comments have been provided in response. Where appropriate, the comments are addressed as conditions of approval:

##### **Engineering Division**

1. Meet City storm drain requirements, on-site detention and water quality treatment is required.
2. Obtain a SLCo County Flood Control permit for stormwater discharge to Little Cottonwood Creek.
3. 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.
4. The proposed access, sidewalk and pedestrian ramps on Vine Street must meet City standards.
5. Obtain UDOT access review and permit for 900 E access.
6. Obtain a SLCo Flood Control Permit, a State Stream Alteration, and a City Floodway Development Permit for bridge access to Vine Street.
7. Pedestrian way through the Vine Street access should not exceed 2% cross slope.
8. Bridge footings and structural components should not extend into the Vine Street right-of-way and cannot impact the existing channel structure.
9. Develop a spill containment system to ensure spilled fuel will not enter Little Cottonwood Creek.
10. Meet all State, County and City regulations for underground storage tank installation adjacent to Little Cottonwood Creek and with a well protection zone 3.
11. Obtain a City encroachment permit for work in City right-of-way.
12. Obtain UDOT encroachment permit for work in the 900 East right-of-way.

13. Replace any damaged curb and gutter sidewalk along the 900 East and Vine Street frontages.
14. Develop a site SWPPP and obtain a Land Disturbance permit prior to beginning any site work.

### **Fire Department**

Fire Department recommends approval subject to the following conditions:

1. The project meet all 2018 IFC code requirements.
2. Contact Murray Fire when you are ready for your Install Tank Permit.
3. Follow the 2018 IFC and applicable NFPA codes
4. If you have HAZMAT questions or other concerns during your development phase please feel free to contact our office.

### **Power Department**

The Power Department states that this is out of Murray City Power's service area and does not have any concerns.

### **Wastewater Division**

1. All sewer work ties into Cottonwood Improvement District (CID). All work must meet CID standards and be approved by CID.
2. Plans must be submitted separately to CID
3. All sewer related fees and impact fees will be paid to Cottonwood Improvement District.
4. No 90 degree bends will be allowed on the lateral line.
5. Approve of the concept drawings.

### **Water Division**

Recommends approval and states that this will be on Jordan Valley Water, this is in a well source protection zone 3 which is a restricted use, with this being a gas station they will need to follow all state and EPA rules for underground storage tanks and acquire all required permits.

All comments have been included with the conditions of approval in the final section of the Staff Report.

## **V. PUBLIC INPUT**

Fifty-five (55) notices were mailed to property owners within a 300' radius and to affected entities. As of the writing of the Staff Report, no comments have been received.

## VI. FINDINGS

Based on the analysis of the application, materials submitted, site visits, and a survey of the surrounding area, Staff concludes the following:

1. The proposed use for a fuel station and convenience store business is allowed in the C-N, Neighborhood Commercial Zone subject to Conditional Use Permit approval.
2. The proposed building is allowed in the C-N Zone and is appropriate for the types of buildings that are often built in this zone.
3. The need for additional fencing height on this property is warranted due to its location adjacent to single-family residential uses.
4. The placement of the dumpster enclosure between the street and building is warranted because of the potential impact to neighboring residential.
5. The proposed building and use are consistent with the goals and objectives of the Murray City General Plan.
6. With conditions, the proposed plans will meet the requirements of the Murray City Land Use Ordinance.

## VII. CONCLUSION/RECOMMENDATION

Based on the information presented in this report, application materials submitted and a site review, staff recommends that the **Planning Commission APPROVE a Conditional Use Permit and GRANT design approval to allow the construction of the proposed Kum & Go Gas Station and Convenience store on the property located at 6029 South 900 East,** subject to the following conditions:

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.

## CONDITIONAL USE PERMIT APPLICATION

Type of Application (check all that apply):

**New Construction**       **Land use change**       **Remodel**       **Addition**

Subject Property Address: 6029 S 900 E Murray, UT 84121

Parcel Identification (Sidwell)  
Number: 22-17-379-052

Parcel Area: 0.8908 Acres Current Use: Commercial Car Wash & Floral Store

Floor Area: \_\_\_\_\_ Zoning Classification: \_\_\_\_\_ LU#\_\_\_\_\_

Applicant

Name: Nathan Abbott c/o Galloway & Co.

Mailing  
Address: 6162 S Willow Drive, Suite 320

City, State,  
ZIP: Greenwood Village, CO 80111

Daytime Phone #: 303-770-8884 Fax #: \_\_\_\_\_

Email Address: NathanAbbott@GallowayUS.com

Business or Project Name : Kum & Go Store 2505

Property Owner's Name (If different): Nielson LC.

Property Owner's Mailing Address: PO Box 71513

City, State, Zip: Salt Lake City, UT 84171

Daytime Phone #: 801-918-4213 Fax #: \_\_\_\_\_

Email address: \_\_\_\_\_

Describe your request in detail (use additional page if necessary): \_\_\_\_\_

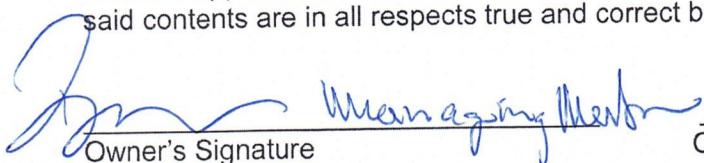
Proposed new construction of a 3,968 S.F. retail store with a 4-(double) dispenser fueling canopy.

The proposed construction also includes demolition of existing structures and construction of a new bridge.

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Property Owners Affidavit

I (we) Nielson LC, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

  
Owner's Signature

NA  
Co-Owner's Signature (if any)

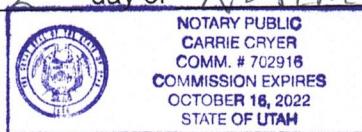
State of Utah

§

County of Salt Lake

Subscribed and sworn to before me this 2<sup>nd</sup> day of November, 2021.

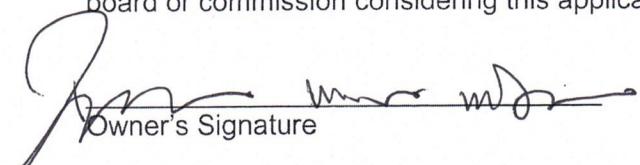
Carrie Cryer  
Notary Public  
Residing in Salt Lake City. My commission expires: 11<sup>th</sup> OCT 2022



### Agent Authorization

I (we), Nielson LC, the owner(s) of the real property located at 60315 900 E Murray St, 84121, in Murray City, Utah, do hereby appoint Galloway & Co., Inc., as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Galloway & Co., Inc. to appear on my (our) behalf before any City board or commission considering this application.

  
Owner's Signature

Co-Owner's Signature (if any)

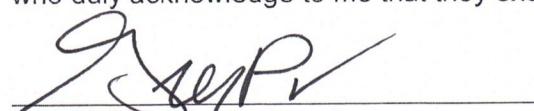
State of Utah

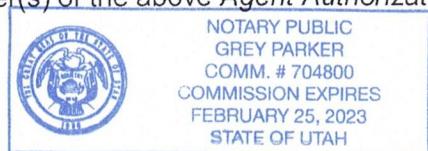
§

County of Salt Lake

On the 16 day of November, 20 21, personally appeared before me

Brian Nielson the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

  
Notary Public  
Residing in SLC, UT



My commission expires: 02/25/2023



## NOTICE OF PUBLIC MEETING

March 3, 2022, 6:30 PM

The Murray City Planning Commission will hold a public meeting in the Murray City Municipal Council Chambers, located at 5025 S. State Street to receive public comment on the following application:

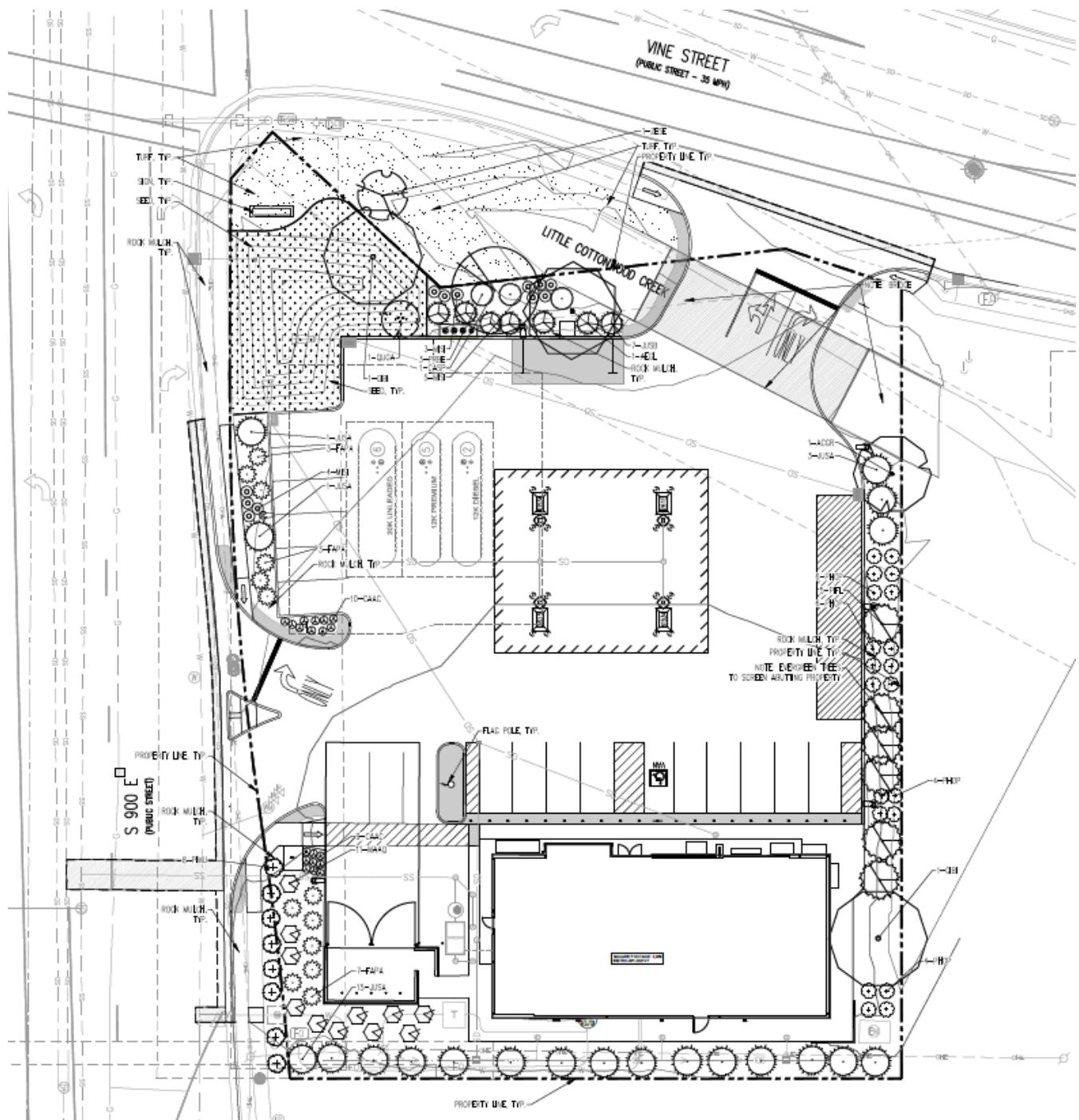
Representatives of Galloway & Co. are requesting conditional use approval to construct a new office fuel station and convenience store on the property addressed 6029 South 900 East. Please see the attached plan.

The meeting is open, and the public is welcome to attend in person or you may submit comments via email at [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov). If you would like to view the meeting online, you may watch via livestream at [www.murraycitylive.com](http://www.murraycitylive.com) or [www.facebook.com/MurrayCityUtah/](http://www.facebook.com/MurrayCityUtah/).

*Comments are limited to 3 minutes or less, written comments will be read into the meeting record.*



This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please contact Zachary Smallwood in the Murray City Planning Division at 801-270-2407, or e-mail [zsmallwood@murray.utah.gov](mailto:zsmallwood@murray.utah.gov).



Clear Anodized Aluminum Storefront TYP

18"x6' Nichiha Fiber Cement Panel - Illumination Series - To match SW "Elder White"

Prefinished Metal Coping Berridge "Shasta White"

Prefinished Aluminum Panel with Coping Color "Tor Red" T.O.S. 22'-9"

Translucent Window Film

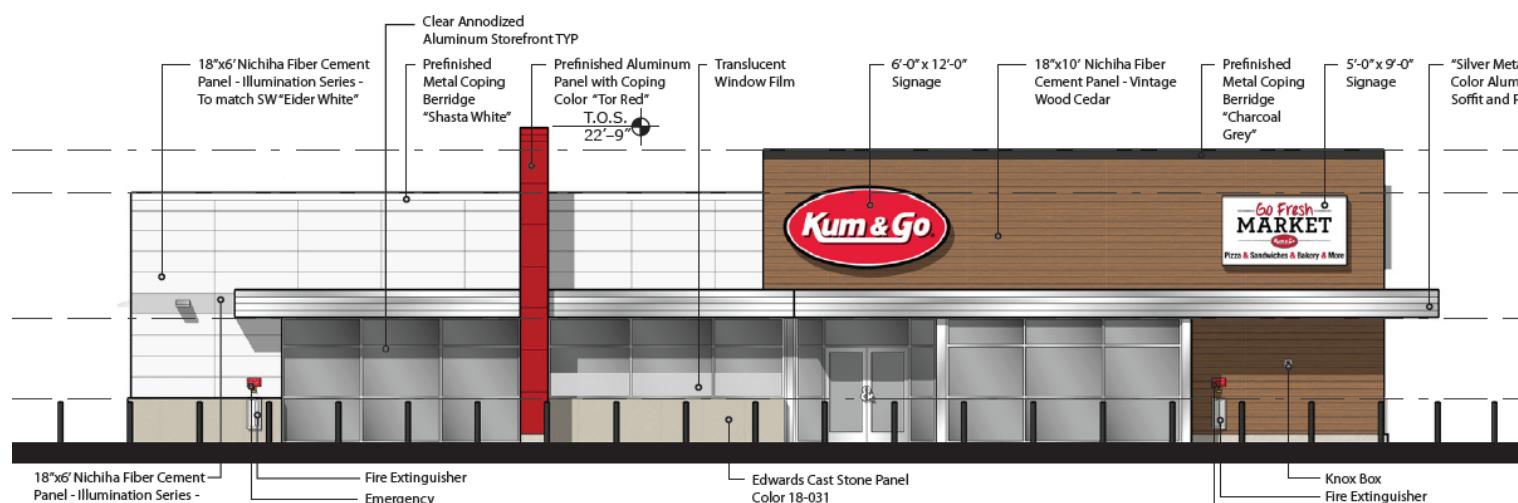
6'-0" x 12'-0" Signage

18"x10' Nichiha Fiber Cement Panel - Vintage Wood Cedar

Prefinished Metal Coping Berridge "Charcoal Grey"

5'-0" x 9'-0" Signage

"Silver Metal Color Alum Soffit and F



## Executive Summary

### Description of Proposed Development

This traffic impact study analyzes the impact that a proposed Kum & Go (K&G) fueling station and convenience store will have on traffic operations at the intersections adjacent to the site and determines whether any additional improvements are needed to better facilitate circulation through the study area. The applicant is seeking to redevelop the property with an eight fueling pump gas station and a 3,968 square foot (SQ FT) convenience store. The Applicant is proposing to consolidate the existing access points along S 900 E to a single right-in, right-out (RIRO) access point, and build a full movement access point to the site along Vine St.

### Site Location and Study Area

The property that comprises the application area for the proposed development is located immediately southeast of the intersection of Vine St and S 900 E. It is 0.98 acres in size and is presently occupied by a car wash.

The study area is generally bounded by the site boundaries to the south and east, as well as Vine St to the north, and S 900 E to the west. The study area for the project includes the intersections that experience effects to traffic operations due to the site, listed below:

- Vine St/5900S/S 900 E
- S 900 E/New Site Entrance
- Vine St/New Site Entrance

## Conclusions and Recommendations

### Conclusions

Based on the results of this traffic impact study, the following may be concluded:

- Under existing traffic conditions, the signalized intersection within the study area currently operates at overall levels of service (LOS) C or better during the weekday AM and PM peak hours.
- Under background future 2028 traffic conditions, without the development of the subject site, delays will increase slightly at the study intersections due to regional traffic growth. The signalized intersection will operate at LOS D in the PM.
- Upon completion, the proposed site development will generate an additional 42 trips in the AM peak hour and 52 additional trips in the PM peak hour, as well as 746 additional daily weekday trips.
- Converting the access point between the site and S 900 E from full movement to RIRO will improve operations from LOS F to LOS B.
- Under 2028 total future traffic conditions, all study intersections, including proposed site connections will operate at overall acceptable levels of service consistent with background conditions.

## Recommendations

- It is recommended that the proposed development provide access consistent with the attached plan.

# SITE DEVELOPMENT DRAWINGS

STORE #2505  
6031 900 EAST  
MURRAY, UTAH 84121



PRELIMINARY  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION

## PROJECT TEAM:

### DEVELOPER/APPLICANT

KUM & GO, L.C.  
1459 GRAND AVENUE  
DES MOINES, IA 50309  
TEL: (515) 457-6232  
ATTN: RYAN HALDER

### LANDSCAPE ARCHITECT

GALLOWAY & COMPANY  
6162 S. WILLOW DRIVE, SUITE 320  
GREENWOOD VILLAGE, CO 80111  
TEL: (303) 770-8884  
ATTN: TROY NOSER, RLA, CID

### CIVIL ENGINEER

GALLOWAY & COMPANY  
172 N. EAST PROMONTORY, SUITE 274  
FARMINGTON, UT 84025  
TEL: (303) 721-5030  
ATTN: DOUG STAKER, PE

### SURVEYOR

GALLOWAY & COMPANY  
172 N. EAST PROMONTORY, SUITE 274  
FARMINGTON, UT 84025  
TEL: (303) 721-5030  
ATTN: JERON ATRIO, PLS

### GEOTECHNICAL ENGINEER

GSH GEOTECHNICAL, INC.  
473 WEST 4800 SOUTH  
SALT LAKE CITY, UT 84123  
TEL: (801) 685-9190

### BENCHMARK

ON-SITE BENCHMARK: TBM#1, MAG NAIL IN CONCRETE.  
NAVD88 ELEVATION = 4360.66'

### BASIS OF BEARING

ALL BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1  
BY THE SALT LAKE BASELINE & MERIDIAN, U.S. SURVEY, MONUMENTED ON THE WEST END  
BY THE SOUTHWEST CORNER, SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 EAST AND ON THE EAST  
END BY THE SOUTH 1/4 CORNER, SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 WEST AND IS  
CONSIDERED TO BEAR 3893.320°E, PER RECORD AND IS MONUMENTED AS SHOWN.

### LEGAL DESCRIPTION

TBD

### FEMA FLOOD ZONE

PER FIRMETTE: 4903500313G, EFFECTIVE 09/25/2009;  
THIS PROPERTY RESIDES IN FEMA FLOOD ZONE X - AREAS OF MINIMAL FLOOD HAZARD

### POWER

ROCKY MOUNTAIN POWER  
TEL: +1 (800) 469-3981

### WATER

JORDAN RIVER VALLEY WATER CONSERVANCY DISTRICT  
8215 SOUTH 1300 WEST  
WEST JORDAN, UT 84088  
ATTN: JT CRACROFT, PIPELINE MAINTENANCE DIVISION MANAGER  
EMAIL: JT@JRWCD.ORG  
TEL: (801) 865-8189

### LANDSCAPE ARCHITECT

GALLOWAY & COMPANY  
6162 S. WILLOW DRIVE, SUITE 320  
GREENWOOD VILLAGE, CO 80111  
TEL: (303) 770-8884  
ATTN: TROY NOSER, RLA, CID

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FARMINGTON, UT 84025  
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FARMINGTON, UT 84025  
TEL: (303) 721-5030  
ATTN: JERON ATRIO, PLS

### GEOTECHNICAL ENGINEER

GSH GEOTECHNICAL, INC.  
473 WEST 4800 SOUTH  
SALT LAKE CITY, UT 84123  
TEL: (801) 685-9190

### TELECOMMUNICATIONS

CENTURYLINK  
1425 WEST 3100 SOUTH  
WEST VALLEY, UT  
ATTN: BRANDON MICHAELIS  
EMAIL: BRANDON.MICHAELIS@CENTURYLINK.COM  
TEL: (801) 974-8143

### POWER

MURRAY CITY  
5025 S STATE STREET  
MURRAY, UT 84107  
ATTN: TRAVIS STOKES, CITY ENGINEER  
EMAIL: TSTOKES@MURRAY.UTAH.GOV  
TEL: (801) 270-2444

### WATER

MURRAY CITY  
8484 SOUTH BOX ELDER STREET  
MURRAY, UT 84107  
ATTN: JON HARRIS, FIRE CHIEF  
TEL: (801) 264-2780

### LANDSCAPE ARCHITECT

GALLOWAY & COMPANY  
6162 S. WILLOW DRIVE, SUITE 320  
GREENWOOD VILLAGE, CO 80111  
TEL: (303) 770-8884  
ATTN: TROY NOSER, RLA, CID

### CIVIL ENGINEER

GALLOWAY & COMPANY  
172 N. EAST PROMONTORY, SUITE 274  
FARMINGTON, UT 84025  
TEL: (303) 721-5030  
ATTN: DOUG STAKER, PE

### SURVEYOR

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172 N. EAST PROMONTORY, SUITE 274  
FARMINGTON, UT 84025  
TEL: (303) 721-5030  
ATTN: JERON ATRIO, PLS

### GEOTECHNICAL ENGINEER

GSH GEOTECHNICAL, INC.  
473 WEST 4800 SOUTH  
SALT LAKE CITY, UT 84123  
TEL: (801) 685-9190

### TELECOMMUNICATIONS

CENTURYLINK  
1425 WEST 3100 SOUTH  
WEST VALLEY, UT  
ATTN: BRANDON MICHAELIS  
EMAIL: BRANDON.MICHAELIS@CENTURYLINK.COM  
TEL: (801) 974-8143

### POWER

MURRAY CITY  
5025 S STATE STREET  
MURRAY, UT 84107  
ATTN: TRAVIS STOKES, CITY ENGINEER  
EMAIL: TSTOKES@MURRAY.UTAH.GOV  
TEL: (801) 270-2444

### WATER

MURRAY CITY  
8484 SOUTH BOX ELDER STREET  
MURRAY, UT 84107  
ATTN: JON HARRIS, FIRE CHIEF  
TEL: (801) 264-2780

### LANDSCAPE ARCHITECT

GALLOWAY & COMPANY  
6162 S. WILLOW DRIVE, SUITE 320  
GREENWOOD VILLAGE, CO 80111  
TEL: (303) 770-8884  
ATTN: TROY NOSER, RLA, CID

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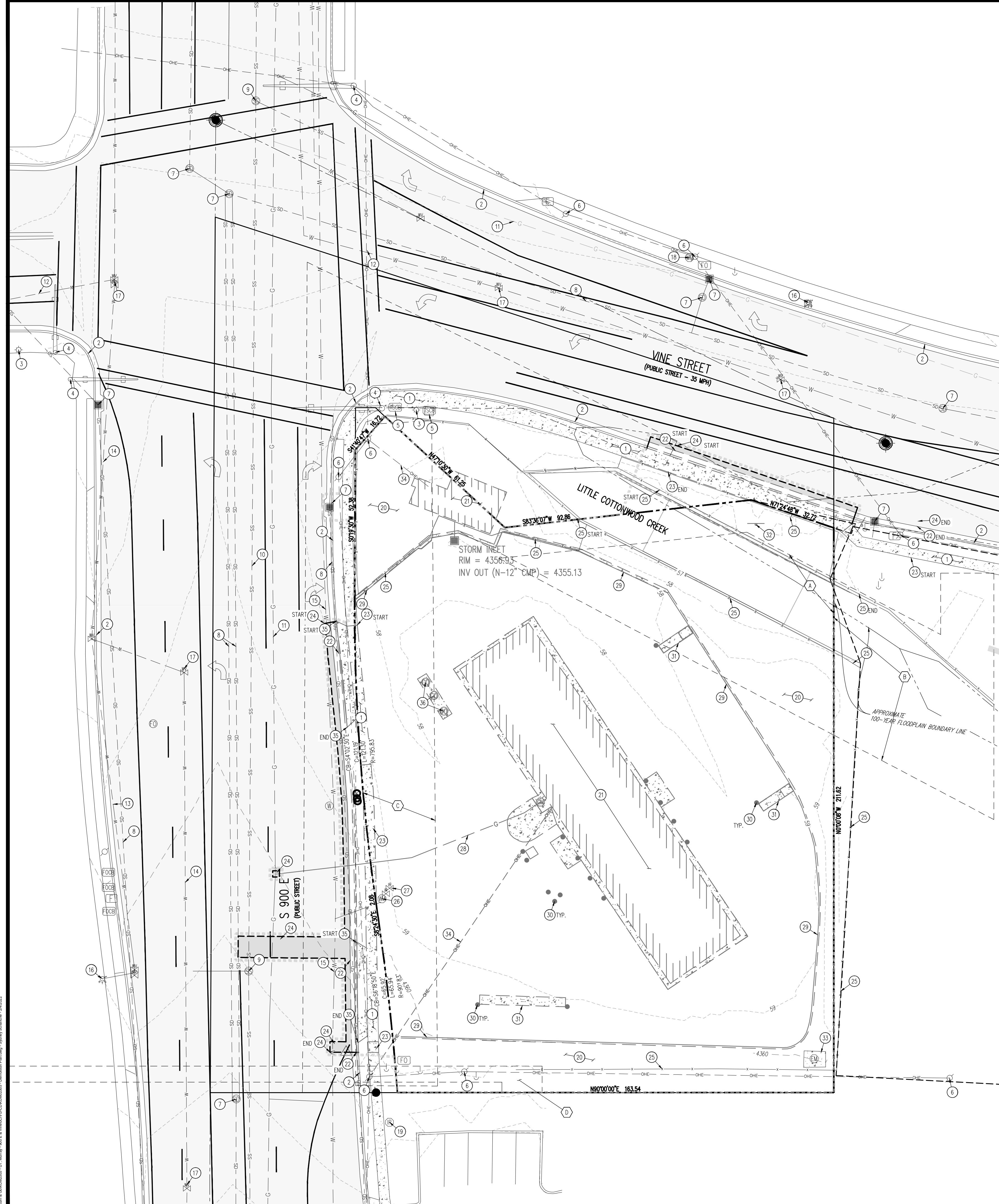
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|   |  |
|---|--|
| <p><b>GENERAL NOTES</b></p> <ol style="list-style-type: none"> <li>ALL WORK AND CONSTRUCTION OF THIS PROJECT ON PRIVATE PROPERTY SHALL CONFORM TO KUM &amp; GO STANDARD SPECIFICATIONS, MURRAY CITY, UDOT, AND THE SPECIFICATIONS/DETAILS SHOWN ON THESE PLANS.</li> <li>ALL WORK AND CONSTRUCTION WITHIN PUBLIC RIGHT OF WAY AND EASEMENTS SHALL CONFORM TO THE TECHNICAL SPECIFICATIONS, STANDARD DETAILS, AND DESIGN CRITERIA FOR PUBLIC IMPROVEMENT PROJECTS OF THE CITY OF MURRAY, COUNTY OF SALT LAKE, UTAH, AND THE GRANTOR OF THE EASEMENT AS APPLICABLE.</li> <li>IN CASE OF A CONFLICT BETWEEN VARYING SPECIFICATIONS, THE MOST STRINGENT SHALL APPLY.</li> <li>THE CONTRACTOR SHALL OBTAIN A COPY OF THE LATEST STANDARD SPECIFICATIONS AND DETAILS OF ALL AGENCIES EXERCISING JURISDICTION OVER THIS PROJECT, WHICH ARE INCORPORATED BY REFERENCE ON THESE PLANS. A COPY OF THESE SPECIFICATIONS AND DETAILS SHALL BE MAINTAINED ON THE JOBSITE AT ALL TIMES.</li> <li>THE CONTRACTOR SHALL HAVE IN HIS POSSESSION AT ALL TIMES ONE (1) SIGNED COPY OF THE PLANS, STANDARDS, AND SPECIFICATIONS AS APPROVED BY THE APPROPRIATE GOVERNING AGENCY AND OWNER. THE CONTRACTOR SHALL NOT CHANGE OR DEVIATE FROM THESE PLANS WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM THE OWNER, ENGINEER, AND GOVERNING AGENCY.</li> <li>ALL WORK SHALL CONFORM TO ALL LOCAL, STATE, AND FEDERAL APPLICABLE LAWS AND REGULATIONS.</li> <li>THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL JOB SITE SAFETY ON THE PROJECT. THIS SHALL INCLUDE THE SAFETY OF HIS OWN PERSONNEL, SUBCONTRACTORS, ALL VISITORS TO THE SITE, AND THE GENERAL PUBLIC. ALL JOB SITE SAFETY SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND CODES, AND ENSURE COMPLIANCE INCLUDING, BUT NOT LIMITED TO, THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REQUIREMENTS.</li> <li>THE CONTRACTOR SHALL CONTACT ONE CALL OF UTAH AT #811 A MINIMUM OF 72 HOURS (EXCLUDING WEEKENDS AND HOLIDAYS) IN ADVANCE OF ANY EXCAVATION.</li> <li>THE LOCATIONS OF EXISTING UTILITIES AND STRUCTURES SHOWN ON THE PLANS ARE APPROXIMATE AND HAVE BEEN SHOWN FROM AVAILABLE SURVEYS AND/OR RECORDS. THERE MAY BE ADDITIONAL UTILITIES PRESENT. THE EXISTENCE OF WHICH IS NOT PRESENTLY KNOWN OR SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR EXISTENCE, EXACT LOCATION/SIZE, ADEQUATELY PROTECT/SUPPORT, AND TO AVOID DAMAGE THERETO. THE CONTRACTOR SHALL INCLUDE, AT NO ADDITIONAL COST, ANY POTHoling OR EXPLORATORY EXCAVATIONS NECESSARY TO LOCATE EXISTING UTILITIES. UTILITIES SHALL BE LOCATED SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REVISIONS TO PLANS IF REVISIONS ARE NECESSARY DUE TO ACTUAL LOCATION OF EXISTING FACILITIES. DAMAGE TO UTILITIES AND STRUCTURES SHALL BE REPAIRED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE GOVERNING AGENCY AND/OR THE UTILITY OWNER.</li> <li>ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE INDICATED IN THE PLANS, AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE OWNER OR THE OWNER'S REPRESENTATIVE.</li> <li>LOCATIONS AND ELEVATIONS OF EXISTING IMPROVEMENTS TO BE MET (OR AVOIDED) BY THE PROPOSED WORK SHALL BE CONFIRMED BY THE CONTRACTOR THROUGH FIELD EXPLORATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL REPORT TO THE OWNER ANY DISCREPANCIES BETWEEN HIS MEASUREMENTS AND THESE PLANS.</li> <li>THE CONTRACTOR SHALL CONTACT THE OWNER IMMEDIATELY UPON DISCOVERY OF ANY ERRORS OR INCONSISTENCIES SHOWN IN THE PLANS AND/OR SPECIFICATIONS. DO NOT SCALE DRAWINGS - USE ONLY DIMENSIONS PROVIDED ON THESE PLANS.</li> <li>ALL ESTIMATES OF QUANTITIES ARE FOR INFORMATIONAL PURPOSES ONLY. CONTRACTOR AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR DETERMINING ACTUAL QUANTITIES, AND SHALL PROVIDE ALL WORK AND MATERIALS NECESSARY TO CONSTRUCT THE PROJECT IN ITS ENTIRETY.</li> <li>CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS NOT DESIGNATED FOR REMOVAL AND THOSE IMPROVEMENTS THAT ARE OUTSIDE THE LIMITS OF THE PROPOSED CONSTRUCTION. CONTRACTOR SHALL TAKE CARE TO AVOID DAMAGE THERETO AND SHALL PROVIDE TEMPORARY FENCING, BARRICADES, SUPPORTS, RESTRAINTS, AND/OR BRACING WHERE REQUIRED TO PROTECT EXISTING IMPROVEMENTS. DAMAGE TO EXISTING IMPROVEMENTS SHALL BE REPAIRED AND/OR REPLACED TO EQUAL OR BETTER CONDITION AT THE CONTRACTOR'S EXPENSE.</li> <li>ALL GRADING AND CONSTRUCTION ACTIVITIES SHALL BE CONFINED TO THE OWNER'S PROPERTY, PUBLIC RIGHT-OF-WAY, PERMANENT EASEMENTS, AND TEMPORARY CONSTRUCTION EASEMENTS.</li> <li>THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS NOT OBTAINED BY THE OWNER OR OWNER'S REPRESENTATIVES, AND PAY ALL FEES AS REQUIRED BY THE CONSTRUCTION COVERED IN THESE PLANS.</li> <li>THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE APPROPRIATE GOVERNING AGENCIES AND LOCAL FIRE DEPARTMENT OF ALL STREET CLOSURES AND EXISTING FIRE HYDRANTS/FIRE SUPPRESSION TAKEN OUT OF SERVICE AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.</li> <li>THE CONTRACTOR IS RESPONSIBLE FOR ALL SITE SECURITY AND SHALL PROPERLY PROTECT AND BARRICADE THE CONSTRUCTION SITE UNTIL CONSTRUCTION IS COMPLETE. STORAGE, LOSS DUE TO THEFT, OR VANDALISM OF MATERIALS AND EQUIPMENT (SECURED OR UNSECURED) WILL BE SOLELY AT THE CONTRACTOR'S EXPENSE.</li> <li>PRIOR TO BEGINNING THE WORK, THE CONTRACTOR SHALL OBTAIN ANY WRITTEN AGREEMENTS FOR INGRESS AND EGRESS TO THE WORK FROM ADJACENT PRIVATE PROPERTY OWNERS. ACCESS TO ANY ADJACENT PRIVATE PROPERTY SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD, DURING ALL HOURS OF OPERATION FOR THE BUSINESS LOCATED ON THOSE PARCELS.</li> <li>FOR ANY CHANGES OR DEVIATIONS FROM THESE PLANS PROPOSED BY THE CONTRACTOR, SHOP DRAWINGS AND MATERIAL SPECIFICATIONS SHALL BE SUBMITTED TO OWNER FOR REVIEW AND APPROVAL PRIOR TO PLACEMENT OF MATERIAL.</li> <li>CONTRACTOR MUST COORDINATE ALL CONSTRUCTION WITH THE DESIGNATED KUM &amp; GO CONSTRUCTION PROJECT MANAGER.</li> <li>CONTRACTOR SHALL PROTECT AND PRESERVE ALL SURVEY CONTROL AND PROPERTY MONUMENTATION. ANY DAMAGED MONUMENTS SHALL BE RESET BY A PROFESSIONAL LAND SURVEYOR LICENSED IN THE PROJECT'S STATE AT THE CONTRACTOR'S EXPENSE.</li> <li>PRIOR TO MOVING OFF THE JOB SITE THE CONTRACTOR SHALL NOTIFY THE OWNER OR THE OWNER'S REPRESENTATIVE TO PERFORM THE FINAL WALK-THROUGH OF THE CONSTRUCTION SITE.</li> <li>TEMPORARY POWER, TELEPHONE, AND WATER FOR THE SITE IS THE CONTRACTOR'S RESPONSIBILITY UNLESS OTHERWISE SPECIFIED.</li> <li>CONTRACTOR SHALL REFER TO OTHER DRAWINGS ISSUED BY ARCHITECT, STRUCTURAL, ELECTRICAL, AND MECHANICAL ENGINEERS. ENSURE COORDINATION OF EXACT LOCATION AND DIMENSIONS OF BUILDINGS, EXITS, RAMPS, UTILITY ENTRANCE LOCATIONS AND GRADES AROUND THE BUILDING. IMMEDIATELY NOTIFY OWNER OF ANY DISCREPANCIES.</li> <li>NO BELOW GRADE WORK SHALL BE BACKFILLED (INCLUDING BEDDING MATERIAL ABOVE THE SPRING LINE OF THE PIPE) UNTIL THE CONSTRUCTION HAS BEEN INSPECTED AND APPROVED FOR BACKFILLING BY THE APPROPRIATE GOVERNING AGENCY, OWNER AND/OR OWNER'S REPRESENTATIVE.</li> <li>THE CONTRACTOR SHALL PROVIDE ALL TRAFFIC CONTROL NECESSARY TO COMPLETE THE WORK. ALL TRAFFIC CONTROL DEVICES AND METHODS OF CONTROLLING TRAFFIC THROUGH</li> </ol> | <p><b>PRELIMINARY<br/>NOT FOR BIDDING<br/>NOT FOR CONSTRUCTION</b></p> <p><b>Kum &amp; Go</b></p> <p |
|---|--|



#### FLAG NOTES

- ① EXISTING CONCRETE SIDEWALK TO REMAIN.
- ② EXISTING 30" CURB AND GUTTER TO REMAIN.
- ③ EXISTING LIGHT POLE TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- ④ EXISTING TRAFFIC SIGNAL TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- ⑤ EXISTING TRAFFIC SIGNAL CABINET TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- ⑥ EXISTING POWER POLE TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- ⑦ EXISTING STORM DRAIN STRUCTURE TO REMAIN. CONTRACTOR TO PROTECT IN PLACE.
- ⑧ EXISTING STORM DRAIN LINE TO REMAIN.
- ⑨ EXISTING SANITARY SEWER MANHOLE TO REMAIN.
- ⑩ EXISTING SANITARY SEWER LINE TO REMAIN.
- ⑪ EXISTING GAS LINE TO REMAIN.
- ⑫ EXISTING 12" WATER LINE TO REMAIN.
- ⑬ EXISTING 16" WATER LINE TO REMAIN.
- ⑭ EXISTING 20" WATER LINE TO REMAIN.
- ⑮ EXISTING JORDAN VALLEY WATER CONSERVANCY DISTRICT (JWWCD) WATER LINE TO REMAIN.
- ⑯ EXISTING FIRE HYDRANT TO REMAIN.
- ⑰ EXISTING WATER VALVE TO REMAIN.
- ⑱ EXISTING WATER METER TO REMAIN.
- ⑲ EXISTING IRRIGATION METER TO REMAIN.
- ⑳ CLEAR AND GRUB EXISTING LANDSCAPE.
- ㉑ EXISTING BUILDING TO BE REMOVED.
- ㉒ EXISTING CURB AND GUTTER TO BE REMOVED.
- ㉓ EXISTING CONCRETE SIDEWALK TO BE REMOVED.
- ㉔ SAWCUT AND REMOVE EXISTING PAVEMENT.
- ㉕ EXISTING FENCE TO BE REMOVED.
- ㉖ EXISTING WATER METER TO BE REMOVED.
- ㉗ EXISTING IRRIGATION VALVE TO BE REMOVED.
- ㉘ EXISTING GAS LINE TO BE REMOVED TO PROPERTY LINE AND CAPPED. BLOCK AT MAIN. REF. SHEET C3.1.
- ㉙ EXISTING 6" CURB AND GUTTER TO BE REMOVED.
- ㉚ EXISTING BOLLARD TO BE REMOVED.
- ㉛ EXISTING VACUUM BAY TO BE REMOVED.
- ㉜ EXISTING STREET SIGN TO BE REMOVED.
- ㉝ EXISTING ELECTRICAL EQUIPMENT TO BE REMAIN. CONTRACTOR TO FIELD VERIFY EQUIPMENT AND COORDINATE WITH ROCKY MOUNTAIN POWER.
- ㉞ EXISTING OVERHEAD ELECTRIC LINE TO BE REMOVED.
- ㉟ EXISTING DRIVEWAY TO BE REMOVED.
- ㉟ EXISTING SEWER STRUCTURE TO BE REMOVED.

#### DEMOLITION LEGEND

|           |                                 |
|-----------|---------------------------------|
| =====     | DEMOLITION LIMIT LINE           |
| - - - - - | EXISTING MAJOR CONTOUR          |
| - - - - - | EXISTING MINOR CONTOUR          |
| -----     | PROPERTY BOUNDARY LINE          |
| -----     | LOT LINE                        |
| -----     | ADJACENT PROPERTY BOUNDARY LINE |
| -----     | RIGHT OF WAY BOUNDARY LINE      |
| - - - - - | SAWCUT LINE                     |
| X         | EXISTING FENCE                  |
| -----     | EXISTING TO REMAIN              |
| -----     | EXISTING TO BE REMOVED          |
| =====     | EXISTING CURB AND GUTTER        |
| ○         | EXISTING BOLLARD                |
| -----     | EXISTING SIGN                   |
| =====     | EXISTING ASPHALT TO REMAIN      |
| =====     | EXISTING ASPHALT TO BE REMOVED  |
| =====     | EXISTING SIDEWALK TO REMAIN     |
| =====     | EXISTING SIDEWALK TO BE REMOVED |
| -----     | W EXISTING WATER                |
| -----     | SD EXISTING STORM DRAIN         |
| -----     | SS EXISTING SANITARY SEWER      |
| -----     | G EXISTING GAS                  |
| -----     | OHE EXISTING OVERHEAD POWER     |
| F         | EXISTING FIBER OPTICS BOX       |
| ○         | EXISTING POWER POLE             |
| ◇         | EXISTING LIGHT POLE             |
| ●         | EXISTING FIRE HYDRANT           |
| W         | EXISTING WATER VALVE            |
| IV        | EXISTING IRRIGATION VALVE       |
| W         | EXISTING WATER METER            |
| SD        | EXISTING WATER MANHOLE          |
| SS        | EXISTING STORM DRAIN MANHOLE    |
| S         | EXISTING SANITARY SEWER MANHOLE |
| SD        | EXISTING STORM DRAIN BOX        |
| G         | EXISTING GAS METER              |

#### CAUTION – NOTICE TO CONTRACTOR

- ALL UTILITY LOCATIONS SHOWN ARE BASED ON MAPS PROVIDED BY THE APPROPRIATE UTILITY COMPANY AND FIELD SURVEY EVIDENCE AT THE TIME OF SURVEY AND IS TO BE CONSIDERED AN APPROXIMATE LOCATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES, PUBLIC OR PRIVATE, WHETHER SHOWN ON THE PLANS OR NOT, PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
- WHERE A PROPOSED UTILITY CROSSES AN EXISTING UTILITY, IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF SUCH EXISTING UTILITY, EITHER THROUGH POTHoling OR ALTERNATIVE METHOD. REPORT INFORMATION TO THE ENGINEER PRIOR TO CONSTRUCTION.



Call before you dig.  
C0.2  
3 OF 18

1459 Grand Ave  
Des Moines, IA 50309  
P: 888-458-6646

#2505 - MURRAY, UTAH  
6031 900 EAST  
DEMOLITION PLAN

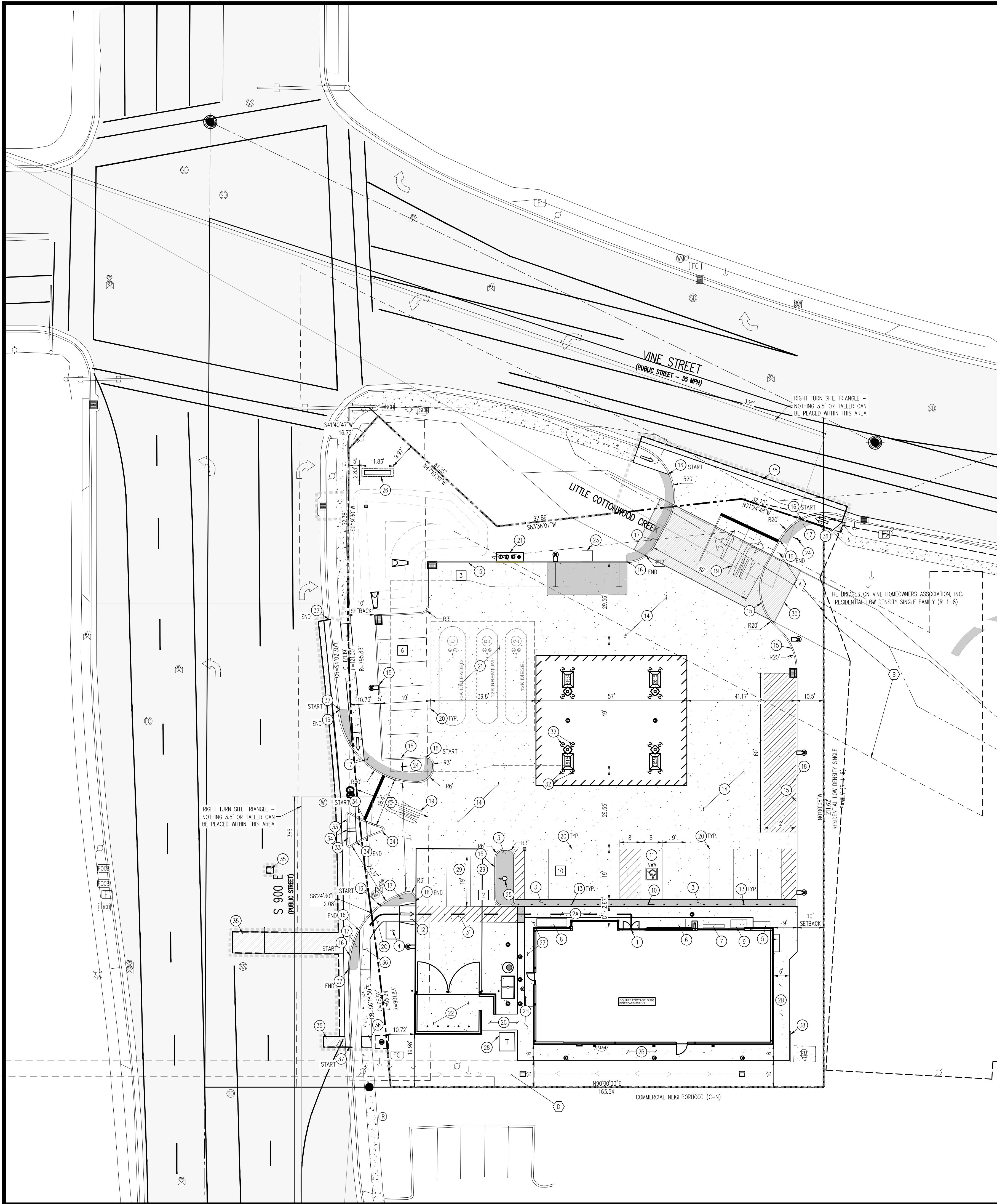
DRAFTING: K. Galloway - 06/2020

| EASEMENT SCHEDULE |   |
|-------------------|---|
| Ⓐ                 | AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR PURPOSE OF CONSTRUCTING A WATER FACILITY AND INCIDENTAL PURPOSES, AS GRANTED TO SALT LAKE COUNTY, A BODY CORPORATE AND POLITICAL ENTITY OF THE STATE OF UTAH, BY INSTRUMENT RECORDED AUGUST 20, 1980 AS ENTRY NO. 3467361 IN BOOK 5138 AT PAGE 1447 OF OFFICIAL RECORDS. (SUBJECT TO AND PLOTTED HEREON) |
| Ⓑ                 | AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR PURPOSE OF CONSTRUCTING A WATER FACILITY AND INCIDENTAL PURPOSES, AS GRANTED TO SALT LAKE COUNTY, A BODY CORPORATE AND POLITICAL ENTITY OF THE STATE OF UTAH, BY INSTRUMENT RECORDED APRIL 01, 1980 AS ENTRY NO. 3419166 IN BOOK 5079 AT PAGE 163 OF OFFICIAL RECORDS. (SUBJECT TO AND PLOTTED HEREON)   |
| Ⓒ                 | AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR ELECTRIC POWER TRANSMISSION AND INCIDENTAL PURPOSES, AS GRANTED TO PACIFIC POWER, AN OREGON CORPORATION, D/B/A ROCKY MOUNTAIN POWER ITS SUCCESSORS AND ASSIGNS BY INSTRUMENT RECORDED MAY 08, 2009 AS ENTRY NO. 10697566 IN BOOK 9720 AT PAGE B102 OF OFFICIAL RECORDS. (SUBJECT TO AND PLOTTED HEREON)  |
| Ⓓ                 | AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR TELECOMMUNICATIONS FACILITIES AND INCIDENTAL PURPOSES, AS GRANTED TO U.S. WEST COMMUNICATIONS, INC., A COLORADO CORPORATION BY INSTRUMENT RECORDED AUGUST 17, 1994 AS ENTRY NO. 5900976 IN BOOK 7002 AT PAGE 235 OF OFFICIAL RECORDS. (SUBJECT AND PLOTTED HEREON)                                       |

CRITERIA PLAN 04/2020

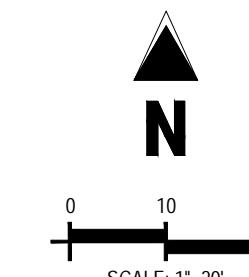
**Galloway**  
112 N. East Promontory, Suite 214  
Farmington, UT 84025  
801.453.1357  
GallowayUSA.com

**PRELIMINARY**  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION



#### FLAG NOTES

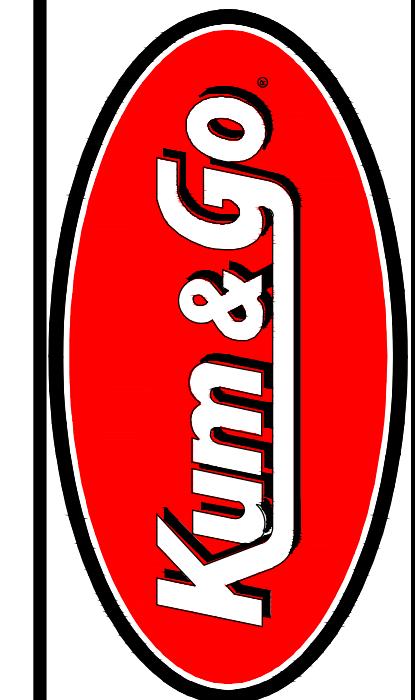
- ① PROPOSED BUILDING ENTRY, REFER TO ARCHITECTURAL PLANS
- ②A PROPOSED BUILDING CONCRETE SIDEWALK, 1.5% MAX. CROSS SLOPE (REFERENCE ARCHITECTURAL DRAWINGS FOR CONTROL JOINT PLAN)
- ②B PROPOSED BUILDING CONCRETE SIDEWALK ADJACENT TO LANDSCAPE, 1.5% MAX (REFERENCE ARCHITECTURAL DRAWINGS FOR CONTROL JOINT PLAN)
- ②C PROPOSED 4" CONCRETE SITE SIDEWALK, 1.5% MAX. CROSS SLOPE
- ③ PROPOSED C-34 (DARK GRAY) INTEGRAL-COLORED CONCRETE - 6" MINIMUM PAVEMENT THICKNESS
- ④ PROPOSED BOLLARD BIKE RACK ON 5.0' X 6.5' X 4" THICK CONCRETE PAD
- ⑤ PROPOSED PROPANE CAGE (9' X 9', 4" CONCRETE PAD, 1.5% SLOPE AWAY FROM SIDE WALL OF BUILDING)
- ⑥ PROPOSED FIREWOOD LOCATION
- ⑦ PROPOSED MISCELLANEOUS MERCHANDISE LOCATION
- ⑧ PROPOSED RED BOX(ES) LOCATION
- ⑨ PROPOSED ICE MERCHANDISER LOCATION
- ⑩ PROPOSED BOLLARD MOUNTED ADA VAN PARKING SIGN
- ⑪ PROPOSED ACCESSIBLE PARKING SPACE
- ⑫ PROPOSED ADA CURB RAMP
- ⑬ PROPOSED 4" DIAMETER BOLLARDS
- ⑭ PROPOSED STANDARD DUTY CONCRETE PAVEMENT
- ⑮ PROPOSED INTEGRAL CONCRETE CURB
- ⑯ PROPOSED ROLL OVER CURB WITH 3" TRANSITION TO STANDARD KUM & GO CURB
- ⑰ PROPOSED 3' WIDE COLORED CONCRETE PAVEMENT, EDGE OF ROLLOVER CURB TO BE FLUSH WITH SIDEWALK
- ⑱ PROPOSED 12'X60' LOADING ZONE, 45° CROSS HATCH, 2' O.C. STRIPING
- ⑲ PROPOSED DRIVEWAY ENTRANCE MARKINGS
- ⑳ PROPOSED 4" WIDE YELLOW PAVEMENT MARKINGS, TYP.
- ㉑ PROPOSED UNDERGROUND FUEL STORAGE TANKS WITH REMOTE FILLS ON CONCRETE PAD. PAINT CURB IN FRONT OF TANKS AND FILLS YELLOW. ALL LIDS SHALL BE 1" ABOVE FINISHED GRADE.
- ㉒ PROPOSED 14' X 8' X 24' X 8' TRASH ENCLOSURE WITH NICHIA (REF. ARCHITECTURAL PLANS)
- ㉓ PROPOSED AIR MACHINE LOCATION, 4'X4' CONCRETE PAD. KEEP AT LEAST 40' AWAY FROM DISPENSERS AND TANK FILT PORTS
- ㉔ PROPOSED STOP SIGN AT PUBLIC RIGHT OF WAY
- ㉕ PROPOSED 40' FLAGPOLE, MAINTAIN #24' CLEAR SPACE ABOVE GRADE
- ㉖ PROPOSED 8' MONUMENT SIGN
- ㉗ PROPOSED BUILDING CANOPY OVERHANG, REFER TO ARCHITECTURAL PLANS
- ㉘ PROPOSED TRANSFORMER LOCATION. (REF. UTILITY PLAN)
- ㉙ PROPOSED EMPLOYEE PARKING
- ㉚ PROPOSED BRIDGE OVER LITTLE COTTONWOOD CREEK
- ㉛ PROPOSED CROSSWALK STRIPING
- ㉜ CONSTRUCT GUARD POST/BOLLARDS TYPICAL EACH ISLAND
- ㉝ CONSTRUCT PLOWABLE END SECTION PER UDOT STANDARDS
- ㉞ CONSTRUCT MOUNTABLE M2 CURB AND GUTTER PER UDOT STANDARDS
- ㉟ CONSTRUCT ASPHALT PATCH PER UDOT STANDARDS. MATCH EXISTING.
- ㉟ CONSTRUCT CONCRETE SIDEWALK PER CITY OF MURRAY STANDARDS.
- ㉛ CONSTRUCT CONCRETE CURB AND GUTTER PER CITY OF MURRAY STANDARDS.
- ㉛ CONSTRUCT CONCRETE WALL.



#### SITE LEGEND

- CONSTRUCTION LIMIT LINE
- PROPERTY BOUNDARY LINE
- LOT LINE
- ADJACENT PROPERTY BOUNDARY LINE
- RIGHT OF WAY BOUNDARY LINE
- EXISTING EASEMENT LINE
- EXISTING TO REMAIN
- PROPOSED NEW
- EXISTING FENCE
- PROPOSED FENCE
- ADA PATH
- EXISTING / PROPOSED LIGHT POLE
- EXISTING / PROPOSED BOLLARD
- EXISTING / PROPOSED SIGN
- PROPOSED STALL COUNT
- PROPOSED CATCH CURB AND GUTTER
- PROPOSED SPILL CURB AND GUTTER
- EXISTING CURB AND GUTTER
- PROPOSED SIDEWALK
- EXISTING SIDEWALK

**PRELIMINARY**  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION



1459 Grand Ave  
Des Moines, IA 50309  
P: 888-458-6646

#2505 - MURRAY, UTAH

6031 900 EAST

SITE PLAN

#### EASEMENT SCHEDULE

A. AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR PURPOSE OF CONSTRUCTING A WATER FACILITY AND INCIDENTAL PURPOSES, AS GRANTED TO SALT LAKE COUNTY, A BODY CORPORATE AND POLITICAL ENTITY OF THE STATE OF UTAH BY INSTRUMENT RECORDED AUGUST 20, 1980 AS ENTRY NO. 3467361 IN BOOK 5138 AT PAGE 1447 OF OFFICIAL RECORDS. (SUBJECT TO AND PLOTTED HEREON)

B. AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR PURPOSE OF CONSTRUCTING A WATER FACILITY AND INCIDENTAL PURPOSES, AS GRANTED TO PACIFIC, AN OREGON CORPORATION, D/B/A ROCKY MOUNTAIN POWER, ITS SUCCESSORS AND ASSIGNS BY INSTRUMENT RECORDED MAY 08, 2009 AS ENTRY NO. 10697566 IN BOOK 9720 AT PAGE B102 OF OFFICIAL RECORDS. (SUBJECT TO AND PLOTTED HEREON)

C. AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR ELECTRIC POWER TRANSMISSION AND INCIDENTAL PURPOSES, AS GRANTED TO PACIFIC, AN OREGON CORPORATION, D/B/A ROCKY MOUNTAIN POWER, ITS SUCCESSORS AND ASSIGNS BY INSTRUMENT RECORDED MAY 08, 2009 AS ENTRY NO. 10697566 IN BOOK 9720 AT PAGE B102 OF OFFICIAL RECORDS. (SUBJECT TO AND PLOTTED HEREON)

D. AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR TELECOMMUNICATIONS FACILITIES AND INCIDENTAL PURPOSES, AS GRANTED TO U.S. WEST COMMUNICATIONS, INC., A COLORADO CORPORATION BY INSTRUMENT RECORDED AUGUST 17, 1994 AS ENTRY NO. 5900976 IN BOOK 7002 AT PAGE 235 OF OFFICIAL RECORDS. (SUBJECT AND PLOTTED HEREON)

#### BENCHMARK

ON-SITE BENCHMARK: BM#1, MAG NAIL IN CONCRETE.  
NAVD88 ELEVATION = 4360.66

#### BASIS OF BEARING

ALL BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 EAST AS THE SAME LINE IS A MEDIUM LINE SURVEY MONUMENTED ON THE WEST END BY THE SOUTHWEST CORNER, SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 EAST AND IS CONSIDERED TO BE S89°20'E, PER RECORD AND IS MONUMENTED AS SHOWN.

#### FEMA FLOOD ZONE

PER FIRMITE 49035C0313C, EFFECTIVE 09/25/2009.  
THIS PROPERTY RESIDES IN FEMA FLOOD ZONE X - AREAS OF MINIMAL FLOOD HAZARD

NOTE: CONTRACTOR MUST COORDINATE WORK WITH UTILITY COMPANY AND CITY PRIOR TO BEGINNING WORK AND IS RESPONSIBLE FOR ALL MATERIALS, LABOR, REPAIRS, ETC. TO COMPLETE WORK AND RESTORE AREA TO SAME STATE PRIOR TO STARTING WORK

CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL INFORMATION FOR FINAL ACCEPTANCE OF WORK FOR ANY LOCAL, STATE OR FEDERAL AGENCY, UTILITY DISTRICT OR ANY OTHER AGENCY OR DISTRICT HAVING APPROVAL AUTHORITY OVER WORK. THIS INFORMATION MAY INCLUDE, BUT IS NOT LIMITED TO, AS-BUILT PLANS, CERTIFICATIONS, INSPECTIONS AND REPORTS.

NOTE: CONTRACTOR SHALL PROTECT ALL EXISTING SURVEY MONUMENTATION. CONTRACTOR SHALL HAVE LICENSED SURVEYOR REPLACE ANY DAMAGED OR DISTURBED MONUMENTATION AT THEIR COST.

SURVEYOR TO OBTAIN AUTOCAD FILE FROM ENGINEER AND VERIFY ALL HORIZONTAL CONTROL DIMENSIONS PRIOR TO CONSTRUCTION STAKING. SURVEYOR MUST VERIFY ALL BENCHMARK, BASIS OF BEARING AND DATUM INFORMATION TO ENSURE IMPROVEMENTS WILL BE AT THE SAME HORIZONTAL AND VERTICAL LOCATIONS SHOWN ON THE DESIGN CONSTRUCTION DRAWINGS. PRIOR TO CONSTRUCTION STAKING ANY DISCREPANCY MUST BE REPORTED TO OWNER AND ENGINEER PRIOR TO CONTINUATION OF ANY FURTHER STAKING OR CONSTRUCTION WORK.

#### CAUTION - NOTICE TO CONTRACTOR

1. ALL UTILITY LOCATIONS SHOWN ARE BASED ON MAPS PROVIDED BY THE APPROPRIATE UTILITY COMPANY AND FIELD SURVEY EVIDENCE AT THE TIME OF SURVEY AND IS TO BE CONSIDERED AN APPROXIMATE LOCATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES, PUBLIC OR PRIVATE, WHETHER SHOWN ON THE PLANS OR NOT, PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
2. WHERE A PROPOSED UTILITY CROSSES AN EXISTING UTILITY, IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF SUCH EXISTING UTILITY, EITHER THROUGH POTHoling OR ALTERNATIVE METHOD. REPORT INFORMATION TO THE ENGINEER PRIOR TO CONSTRUCTION.

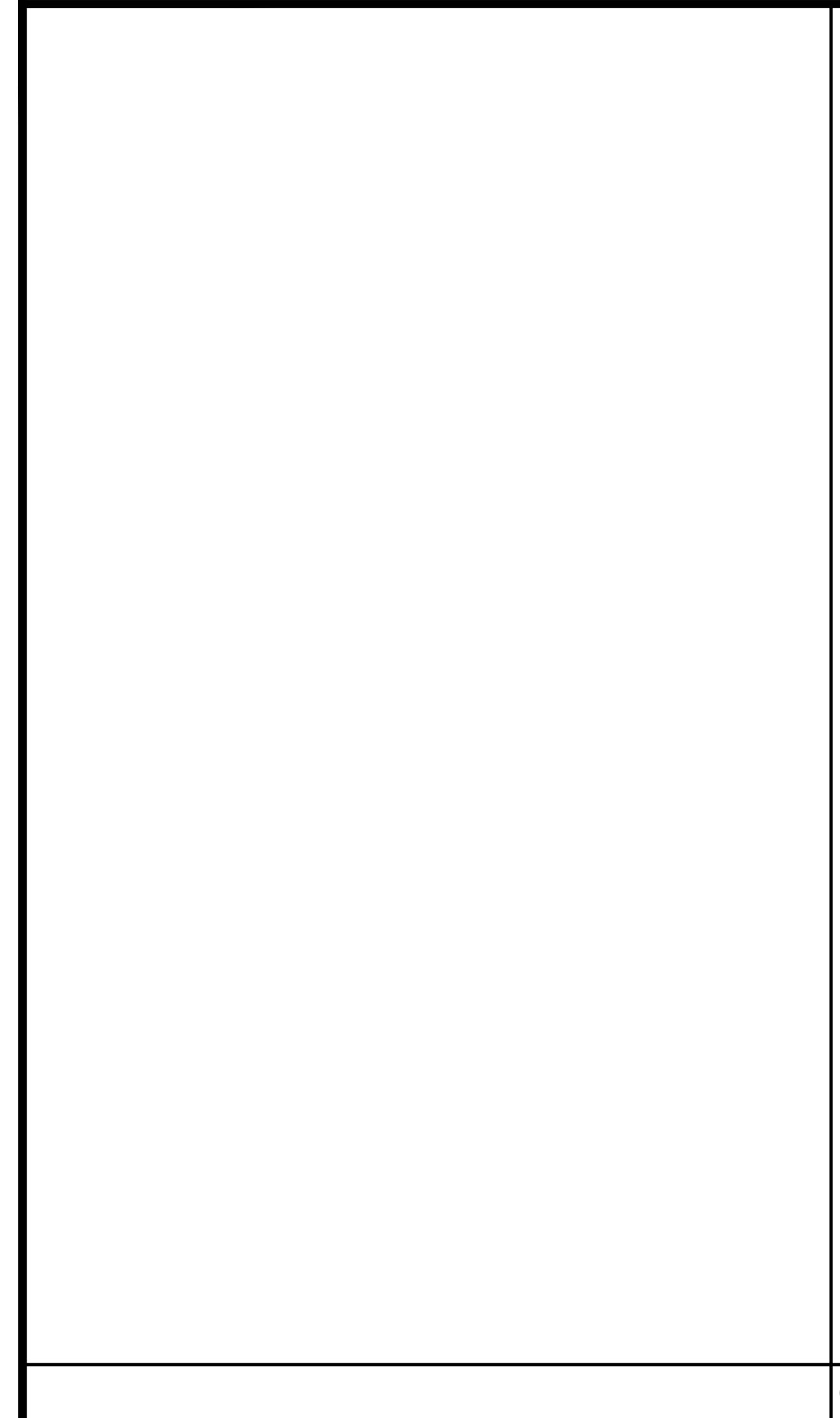
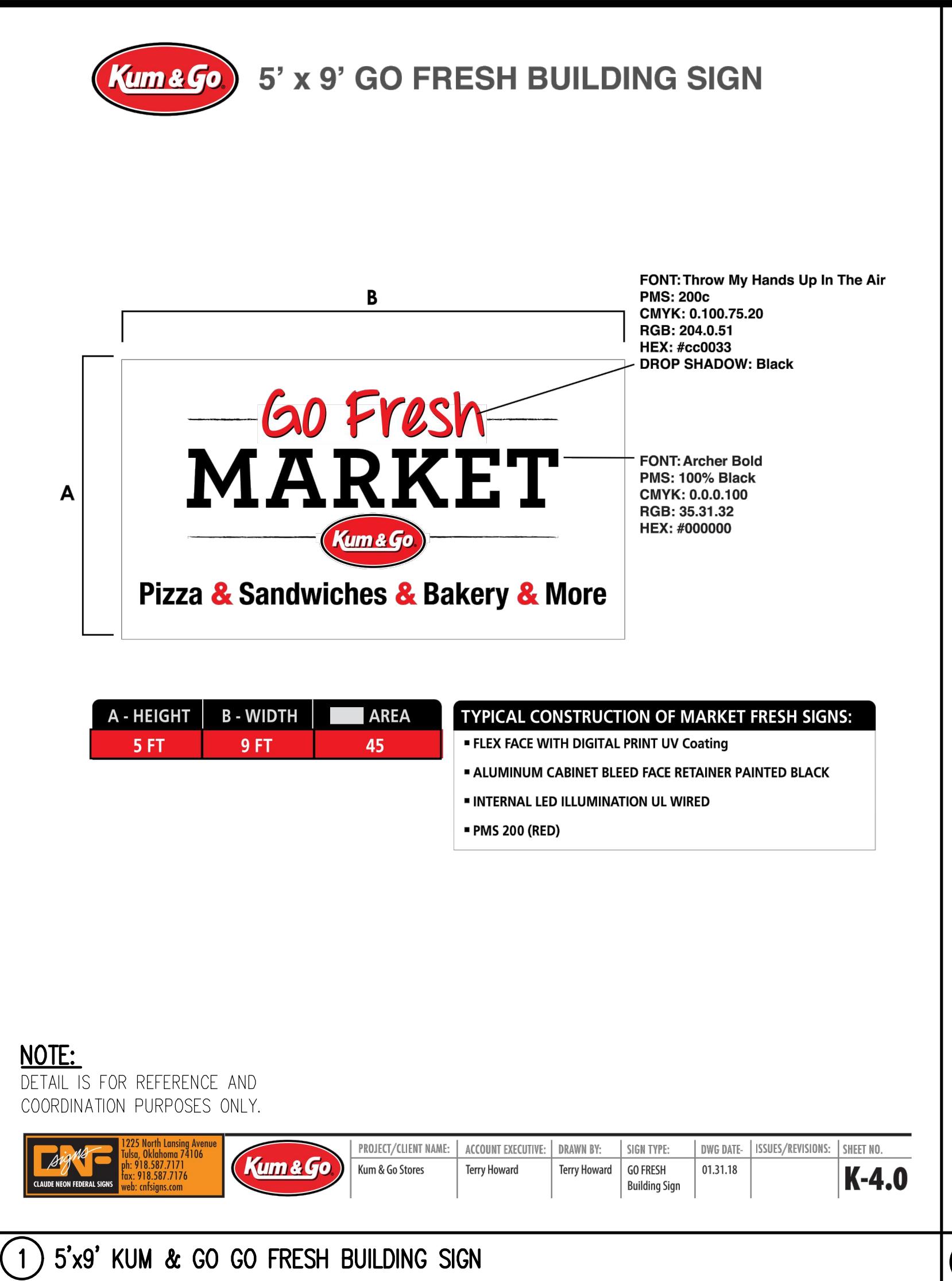
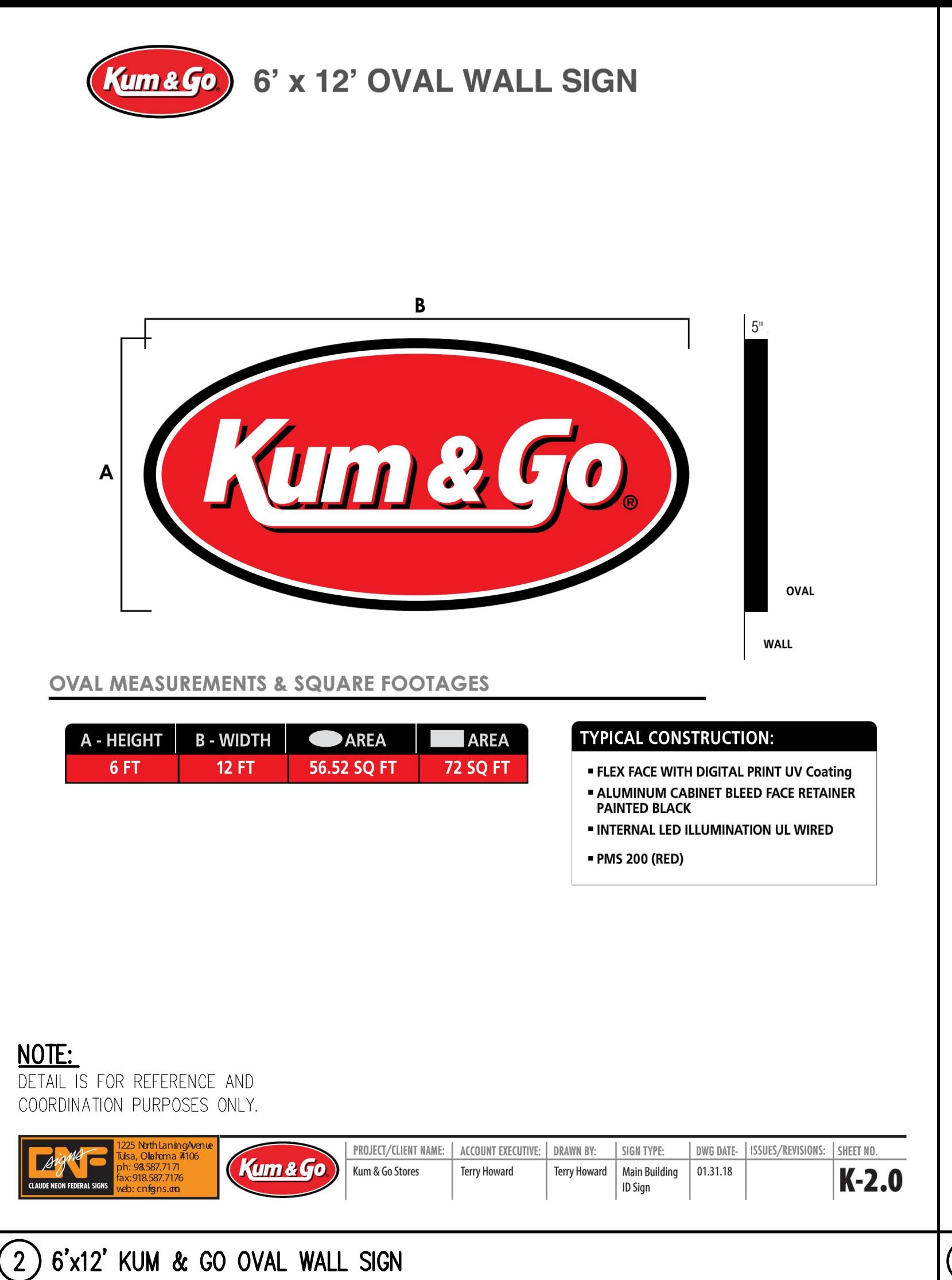


Call before you dig.

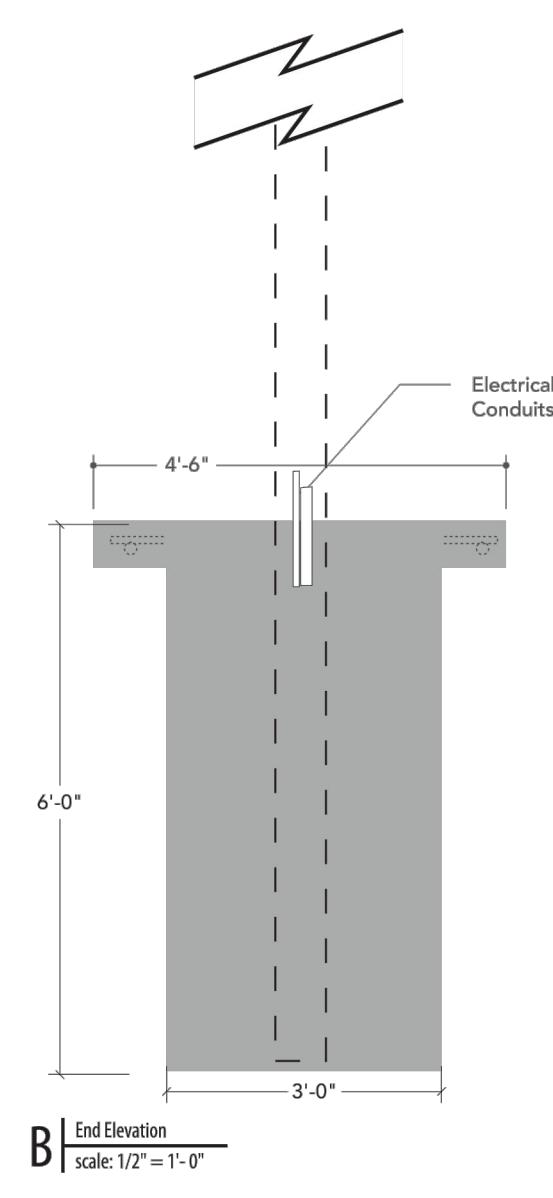
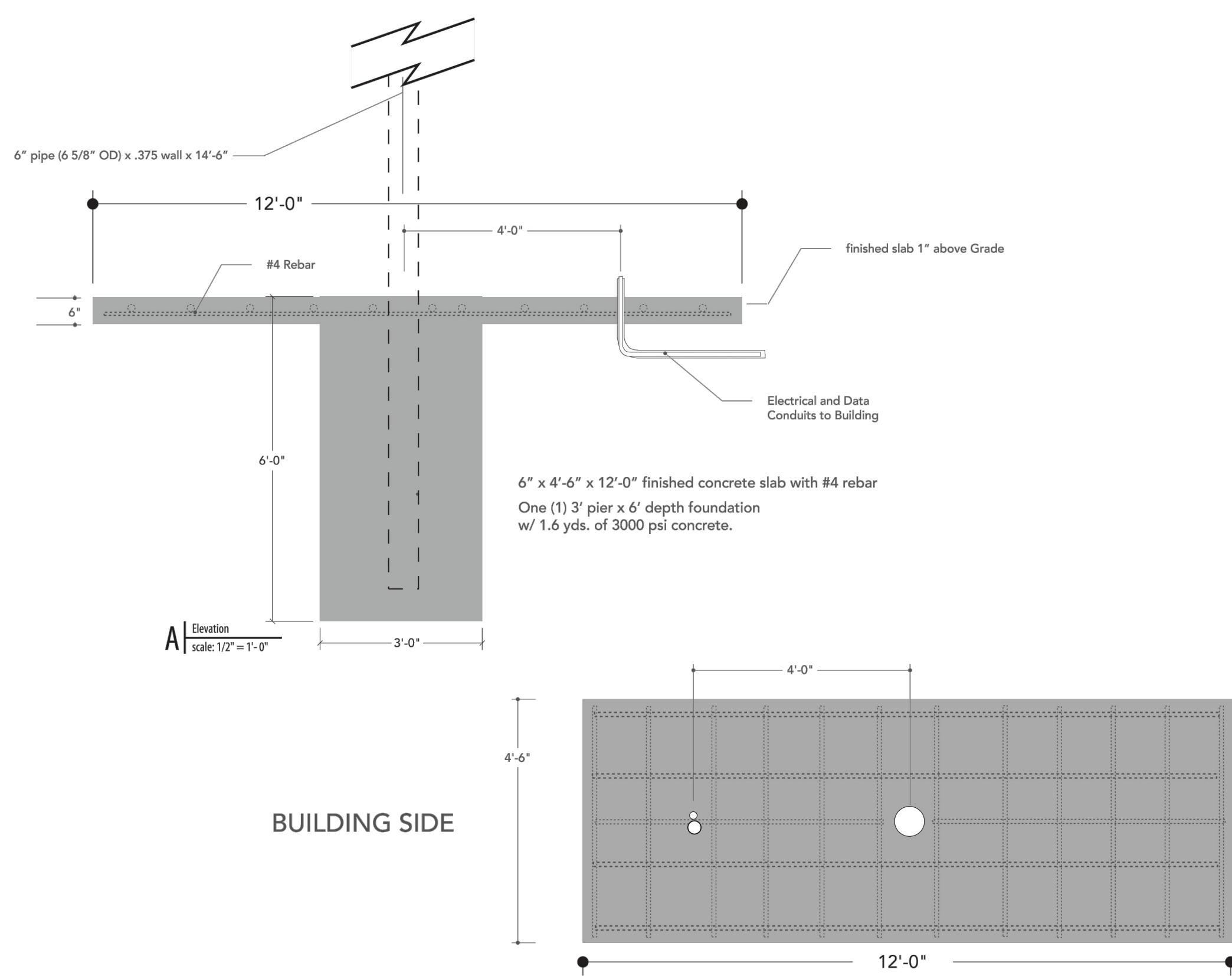
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SHEET NUMBER: C1.1

4 OF 18

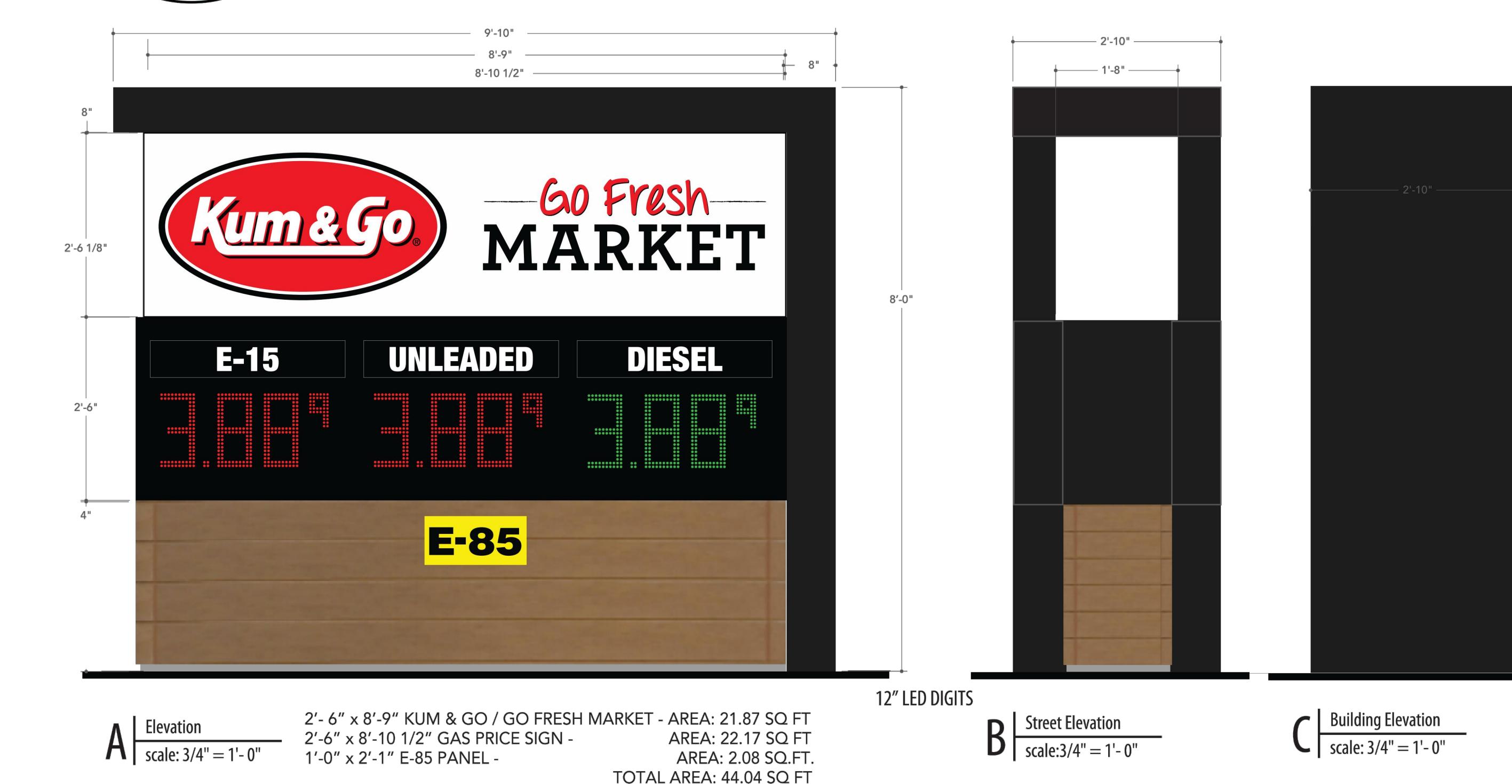
|  |   |   |
|--|---|---|
| <p><b>Kum &amp; Go</b> 5' x 9' GO FRESH BUILDING SIGN</p>  <p><b>NOTE:</b><br/>DETAIL IS FOR REFERENCE AND COORDINATION PURPOSES ONLY.</p> <p><b>CLAUDE NEON FEDERAL SIGNS</b> 1225 North Lansing Avenue Tulsa, Oklahoma 74106 ph: 918.587.7171 fax: 918.587.7176 web: cnfsigns.com</p> <p><b>Kum &amp; Go</b> PROJECT/CLIENT NAME: Kum &amp; Go Stores ACCOUNT EXECUTIVE: Terry Howard DRAWN BY: Terry Howard SIGN TYPE: GO FRESH Building Sign DWG DATE: 01.31.18 ISSUES/REVISIONS: SHEET NO. K-4.0</p> | <p><b>Kum &amp; Go</b> 6' x 12' OVAL WALL SIGN</p>  <p><b>NOTE:</b><br/>DETAIL IS FOR REFERENCE AND COORDINATION PURPOSES ONLY.</p> <p><b>CLAUDE NEON FEDERAL SIGNS</b> 1225 North Lansing Avenue Tulsa, Oklahoma 74106 ph: 918.587.7171 fax: 918.587.7176 web: cnfsigns.com</p> <p><b>Kum &amp; Go</b> PROJECT/CLIENT NAME: Kum &amp; Go Stores ACCOUNT EXECUTIVE: Terry Howard DRAWN BY: Terry Howard SIGN TYPE: Main Building ID Sign DWG DATE: 01.31.18 ISSUES/REVISIONS: SHEET NO. K-2.0</p> | <p><b>Kum &amp; Go</b> 3' x 6' OVAL CANOPY SIGN</p>  <p><b>NOTE:</b><br/>DETAIL IS FOR REFERENCE AND COORDINATION PURPOSES ONLY.</p> <p><b>CLAUDE NEON FEDERAL SIGNS</b> 1225 North Lansing Avenue Tulsa, Oklahoma 74106 ph: 918.587.7171 fax: 918.587.7176 web: cnfsigns.com</p> <p><b>Kum &amp; Go</b> PROJECT/CLIENT NAME: Kum &amp; Go Stores ACCOUNT EXECUTIVE: Terry Howard DRAWN BY: Terry Howard SIGN TYPE: Canopy ID Sign DWG DATE: 01.31.18 ISSUES/REVISIONS: SHEET NO. K-7.0</p> |
| <p>① 5'x9' KUM &amp; GO GO FRESH BUILDING SIGN</p>   | <p>② 6'x12' KUM &amp; GO OVAL WALL SIGN</p>   | <p>③ 3'x6' KUM &amp; GO OVAL CANOPY SIGN</p>  |

## 8' MONUMENT FOUNDATION DETAIL



TOWARD STREET

## Kum & Go 8' MONUMENT



|  |   |
|--|---|
| <b>A</b> Elevation scale: 3/4" = 1'- 0"          | 2'- 6" x 8'-9" KUM & GO / GO FRESH MARKET - AREA: 21.87 SQ FT |
| <b>B</b> Street Elevation scale: 3/4" = 1'- 0"   | 2'- 6" x 8'-10 1/2" GAS PRICE SIGN - AREA: 22.17 SQ FT        |
|  | 1'-0" x 2'-1" E-85 PANEL - AREA: 2.08 SQ.FT.                  |
|  | TOTAL AREA: 44.04 SQ FT                                       |
| <b>C</b> Building Elevation scale: 3/4" = 1'- 0" |   |

|  |   |
|--|---|
| <b>A</b> Elevation scale: 3/4" = 1'- 0"          | 2'- 6" x 8'-9" KUM & GO / GO FRESH MARKET - AREA: 21.87 SQ FT |
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|  |   |
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|  | TOTAL AREA: 44.04 SQ FT                                       |
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|  |   |
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|  | TOTAL AREA: 44.04 SQ FT                                       |
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|   |   |
|---|---|
| <b>Galloway</b><br>112 N. East Promontory, Suite 214<br>801.953.1357<br>GallowayUSA.com | <b>PRELIMINARY</b><br>NOT FOR BIDDING<br>NOT FOR CONSTRUCTION   |
| <b>Kum &amp; Go</b><br>1459 Grand Ave<br>Des Moines, IA 50309<br>P: 888-458-6646        | <b>#2505 - MURRAY, UTAH</b><br>6031 900 EAST<br>SIGNAGE DETAILS |

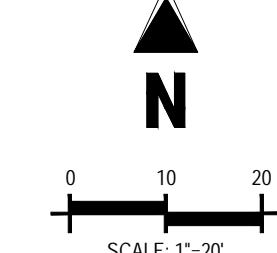
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DATE: 02.04.2022  
SHEET NUMBER: C1.5  
5 OF 18

CRITERIA PLAN 04/2020



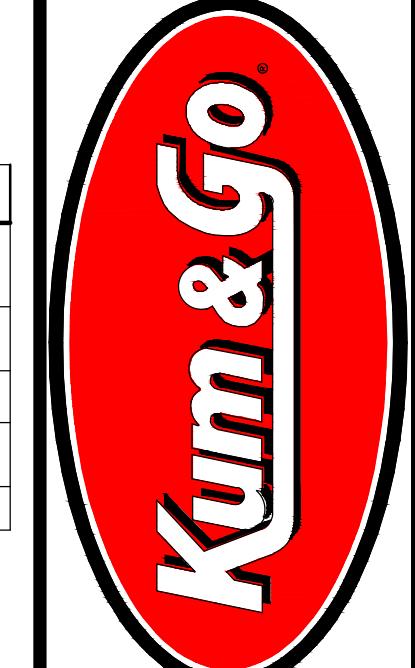




#### DRAINAGE LEGEND

|  |   |
|--|---|
|  | PROPERTY LINE                           |
|  | FLOW ARROW                              |
|  | EXISTING STORM DRAIN                    |
|  | PROPOSED STORM DRAIN (LESS THAN 12')    |
|  | PROPOSED STORM DRAIN                    |
|  | EXISTING / PROPOSED STORM DRAIN MANHOLE |
|  | EXISTING / PROPOSED STORM DRAIN BOX     |
|  | EMERGENCY OVERFLOW ARROW                |

**PRELIMINARY**  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION



1459 Grand Ave  
Des Moines, IA 50309  
P: 888-458-6646

#2505 - MURRAY, UTAH  
6031 900 EAST  
DRAINAGE PLAN

KG PROJECT TEAM:  
RDM: SCOTT BABCOCK  
SDM: RYAN HALDER  
CPM: SCOTT NEWBURY

| DATE             | REVISION DESCRIPTION |
|------------------|----------------------|
| DATE: 02.04.2022 | REVISIONS            |

811  
DATE: 02.04.2022  
SHEET NUMBER: C2.3  
8 OF 18  
CRITERIA PLAN 04/2020

Galloway  
172 N. East Promontory, Suite 214  
Farmington, UT 84025  
801.953.1367  
GallowayUSA.com

#### FLAG NOTES

- CONSTRUCT UTILITY CROSSING CONTRACTOR TO MAINTAIN MINIMUM 1.5' CLEAR SPACE BETWEEN UTILITIES FROM OUTER EDGE TO OUTER EDGE OF PIPE.
- PROPOSED ROOF DRAIN OR CANOPY DRAIN CONNECTION TO BUILDING. REFERENCE PLUMBING PLANS FOR CONTINUATION.

#### DETENTION/RETENTION POND

| POND ELEMENT                     | ELEVATION (FT) | AREA (SF) | VOLUME (CF) |
|----------------------------------|----------------|-----------|-------------|
| POUND TOP                        | 4358.00        | 1,486     | 2,555       |
| DETENTION TOP OF WATER           | 4357.50        | 1,216     | 1,884       |
| ORIFICE & RETENTION TOP OF WATER | 4356.40        | 742       | 817         |
| POUND BOTTOM                     | 4354.00        | -         | -           |

#### BENCHMARK

ON-SITE BENCHMARK: TBM#1, MAG NAIL IN CONCRETE.  
NAVD88 ELEVATION = 4360.66

#### BASIS OF BEARING

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#### FEMA FLOOD ZONE

PER FIRMITE: 490350303136, EFFECTIVE: 09/25/2009  
THIS PROPERTY RESIDES IN FEMA FLOOD ZONE X - AREAS OF MINIMAL FLOOD HAZARD

NOTE: CONTRACTOR MUST COORDINATE WORK WITH UTILITY COMPANY AND CITY PRIOR TO BEGINNING WORK AND IS RESPONSIBLE FOR ALL MATERIALS, LABOR, REPAIRS, ETC. TO COMPLETE WORK AND RESTORE AREA TO SAME STATE PRIOR TO STARTING WORK

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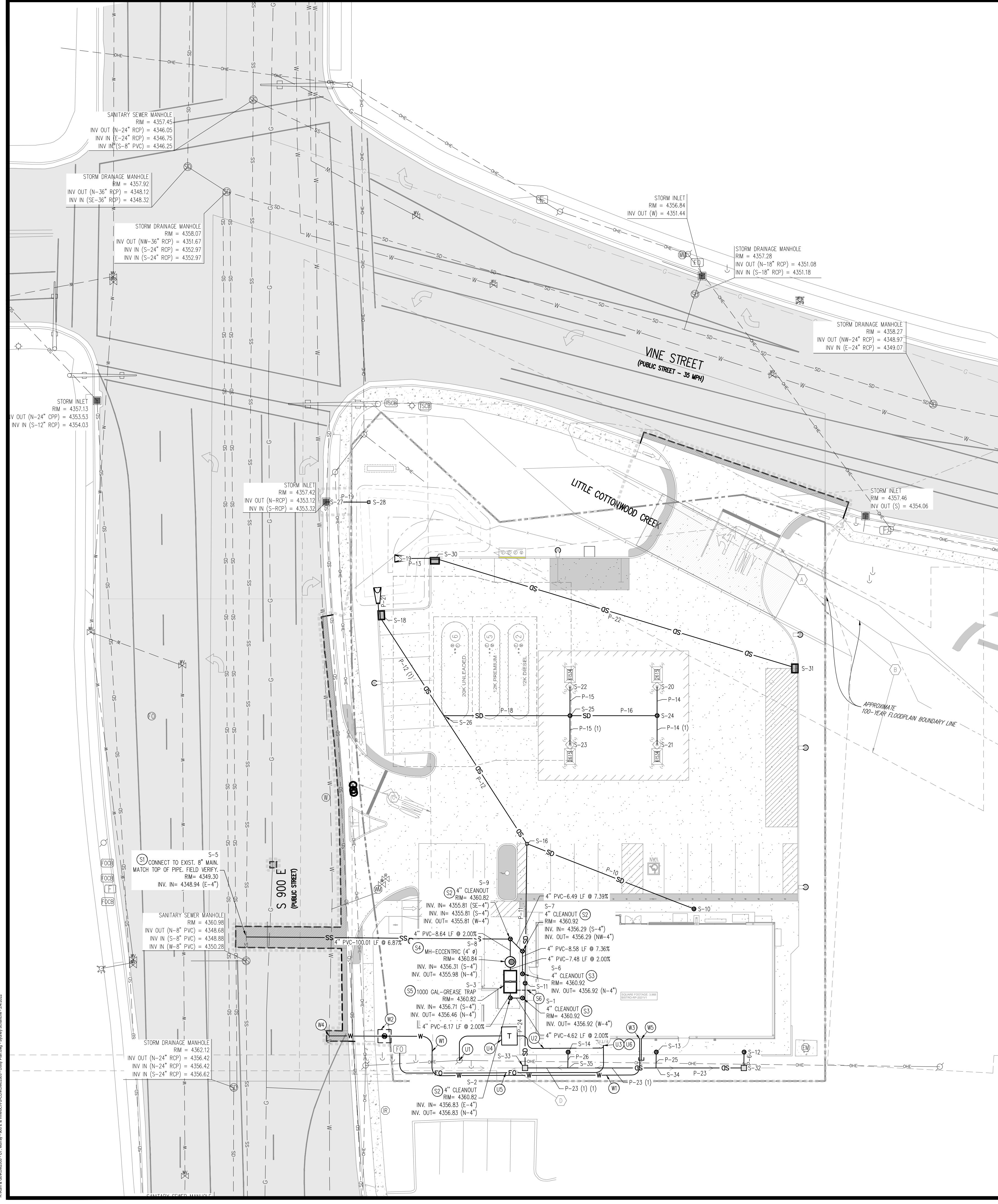
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Call before you dig.



#### GENERAL FLAG NOTES

(G1) UTILITY CROSSING (CONTRACTOR TO FIELD VERIFY LOCATION, SIZE, AND DEPTH OF EXISTING UTILITY AND NOTIFY ENGINEER OF CONFLICTS, PRIOR TO CONSTRUCTION)

#### DRY UTILITY FLAG NOTES

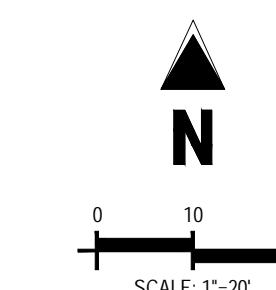
- (U1) PROPOSED CONNECTION TO ROCKY MOUNTAIN POWER. CONTRACTOR TO VERIFY EXACT LOCATION WITH UTILITY PROVIDER.
- (U2) PROPOSED ELECTRICAL PRIMARY ROUTING FROM P.O.C. TO TRANSFORMER. COORDINATE WITH ROCKY MOUNTAIN POWER FOR FINAL ROUTING.
- (U3) PROPOSED BUILDING ELECTRICAL POINT OF SERVICE. REFERENCE ARCHITECTURAL PLANS FOR FINAL LOCATION.
- (U4) PROPOSED TRANSFORMER LOCATION.
- (U5) PROPOSED FIBEROPTIC LINE.
- (U6) PROPOSED BUILDING POINT OF SERVICE FOR TELEPHONE AND INTERNET. REFERENCE ARCHITECTURAL PLANS FOR FINAL LOCATION.

#### WATER FLAG NOTES

- (W1) PROPOSED 2" TYPE K WATER LINE PER KUM & GO STANDARDS.
- (W2) PROPOSED 2" WATER METER BOX AND SETTER.
- (W3) PROPOSED DOMESTIC WATER POINT OF SERVICE TO BUILDING. REFERENCE PLUMBING PLANS FOR CONTINUATION.
- (W4) PROPOSED SERVICE TAP ON 12" WATER MAIN PER JWCD STANDARDS.
- (W5) PROPOSED 1" IRRIGATION POINT OF CONNECTION. REFERENCE IRRIGATION PLANS FOR CONTINUATION.

#### SANITARY SEWER FLAG NOTES

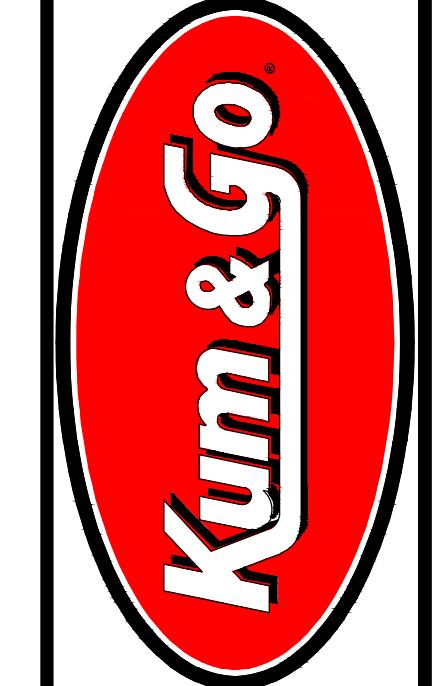
- (S1) PROPOSED 4" SEWER LATERAL CONNECTION TO EXISTING 8" MAIN. MATCH EXISTING TOP OF PIPE ELEVATION.
- (S2) PROPOSED SANITARY SEWER CLEANOUT.
- (S3) PROPOSED SANITARY SEWER CLEANOUT FOR POINT OF SERVICE TO BUILDING. REFERENCE PLUMBING PLANS FOR CONTINUATION.
- (S4) PROPOSED 6" SANITARY SEWER SAMPLING MANHOLE.
- (S5) PROPOSED 100 GALLON GREASE INTERCEPTOR.
- (S6) PROPOSED 2" VENT LINE FROM GREASE TRAP TO BUILDING. REFERENCE MECHANICAL AND PLUMBING PLANS FOR VTR COORDINATION.



#### UTILITY LEGEND

|     |  |
|-----|--|
| W   | EXISTING WATER LINE                        |
| W   | PROPOSED WATER LINE                        |
| SS  | EXISTING SANITARY SEWER                    |
| SS  | PROPOSED SANITARY SEWER                    |
| SD  | EXISTING STORM DRAIN                       |
| SD  | PROPOSED STORM DRAIN (LESS THAN 12")       |
| SD  | PROPOSED STORM DRAIN                       |
| G   | EXISTING GAS                               |
| G   | PROPOSED GAS                               |
| UT  | EXISTING TELEPHONE                         |
| OHE | EXISTING OVERHEAD POWER                    |
| FO  | EXISTING FIBER OPTIC LINE                  |
| I   | EXISTING ELECTRICAL SWITCH BOX             |
| EM  | EXISTING ELECTRICAL METER                  |
| E   | EXISTING ELECTRICAL MANHOLE                |
| TR  | EXISTING ELECTRICAL TRANSFORMER            |
| E   | EXISTING ELECTRICAL BOX                    |
| F   | EXISTING FIBER OPTICS BOX                  |
| TL  | EXISTING COMMUNICATION BOX                 |
| PL  | EXISTING POWER POLE                        |
| PL  | EXISTING / PROPOSED LIGHT POLE             |
| PL  | EXISTING / PROPOSED FIRE HYDRANT           |
| PL  | EXISTING / PROPOSED WATER VALVE            |
| PL  | EXISTING IRRIGATION VALVE                  |
| WV  | EXISTING WATER VAULT                       |
| IRV | EXISTING IRRIGATION VAULT                  |
| VM  | EXISTING / PROPOSED WATER METER            |
| W   | EXISTING MANHOLE                           |
| BP  | PROPOSED BACKFLOW PREVENTER                |
| SD  | EXISTING / PROPOSED STORM DRAIN MANHOLE    |
| S   | EXISTING / PROPOSED SANITARY SEWER MANHOLE |
| C   | EXISTING / PROPOSED CLEANOUT               |
| SD  | EXISTING / PROPOSED STORM DRAIN BOX        |
| FE  | PROPOSED FLARED END SECTION                |

**PRELIMINARY**  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION



1459 Grand Ave  
Des Moines, IA 50309  
P: 888-458-6646

#2505 - MURRAY, UTAH  
6031 900 EAST  
UTILITY PLAN

ON-SITE BENCHMARK: BM#1. MAG NAIL IN CONCRETE.  
NAV088 ELEVATION = 4360.66

#### BENCHMARK

ALL BEARINGS ARE BASED ON THE LINE OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 EAST AS THE SAME IS LAYED OUT AND SURVEY MONUMENTED ON THE WEST END BY THE SOUTHWEST CORNER, SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 EAST AND IS END BY THE SOUTH CORNER, SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 WEST AND IS CONSIDERED TO BE BM#2/2016, PER RECORD AND IS MONUMENTED AS SHOWN.

#### FEMA FLOOD ZONE

PER FIRMITE 49035030136, EFFECTIVE 09/25/2009  
THIS PROPERTY RESIDES IN FEMA FLOOD ZONE X - AREAS OF MINIMAL FLOOD HAZARD

NOTE: CONTRACTOR MUST COORDINATE WORK WITH UTILITY COMPANY AND CITY PRIOR TO BEGINNING WORK AND IS RESPONSIBLE FOR ALL MATERIALS, LABOR, REPAIRS, ETC. TO COMPLETE WORK AND RESTORE AREA TO SAME STATE PRIOR TO STARTING WORK

CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL INFORMATION FOR FINAL ACCEPTANCE OF WORK FOR ANY LOCAL, STATE OR FEDERAL AGENCY, UTILITY DISTRICT OR ANY OTHER AGENCY OR DISTRICT HAVING APPROVAL AUTHORITY OVER WORK. THIS INFORMATION MAY INCLUDE, BUT IS NOT LIMITED TO, AS-BUILT PLANS, CERTIFICATIONS, INSPECTIONS AND REPORTS.

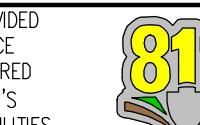
NOTE: CONTRACTOR SHALL PROTECT ALL EXISTING SURVEY MONUMENTATION. CONTRACTOR SHALL HAVE LICENSED SURVEYOR REPLACE ANY DAMAGED OR DISTURBED MONUMENTATION AT THEIR COST.

SURVEYOR TO OBTAIN AUTOCAD FILE FROM ENGINEER AND VERIFY ALL HORIZONTAL CONTROL DIMENSIONS PRIOR TO CONSTRUCTION STAKING. SURVEYOR MUST VERIFY ALL BENCHMARK, BASIS OF BEARING AND DATUM INFORMATION TO ENSURE IMPROVEMENTS WILL BE AT THE SAME HORIZONTAL AND VERTICAL LOCATIONS SHOWN ON THE DESIGN CONSTRUCTION DRAWINGS. PRIOR TO CONSTRUCTION STAKING ANY DISCREPANCY MUST BE REPORTED TO OWNER AND ENGINEER PRIOR TO CONTINUATION OF ANY FURTHER STAKING OR CONSTRUCTION WORK.

#### CAUTION - NOTICE TO CONTRACTOR

1. ALL UTILITY LOCATIONS SHOWN ARE BASED ON MAPS PROVIDED BY THE APPROPRIATE UTILITY COMPANY AND FIELD SURVEY EVIDENCE AT THE TIME OF SURVEY AND IS TO BE CONSIDERED AN APPROXIMATE LOCATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES, PUBLIC OR PRIVATE, WHETHER SHOWN ON THE PLANS OR NOT, PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.

2. WHERE A PROPOSED UTILITY CROSSES AN EXISTING UTILITY, IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF SUCH EXISTING UTILITY, EITHER THROUGH POTHoling OR ALTERNATIVE METHOD. REPORT INFORMATION TO THE ENGINEER PRIOR TO CONSTRUCTION.

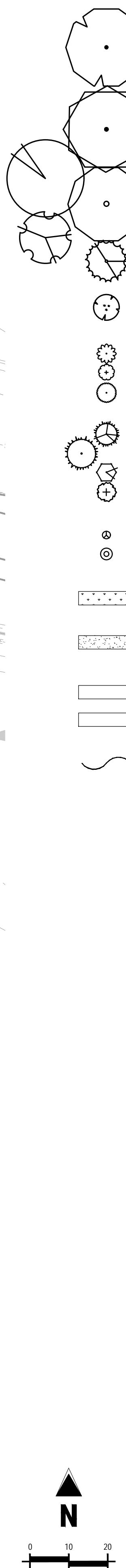
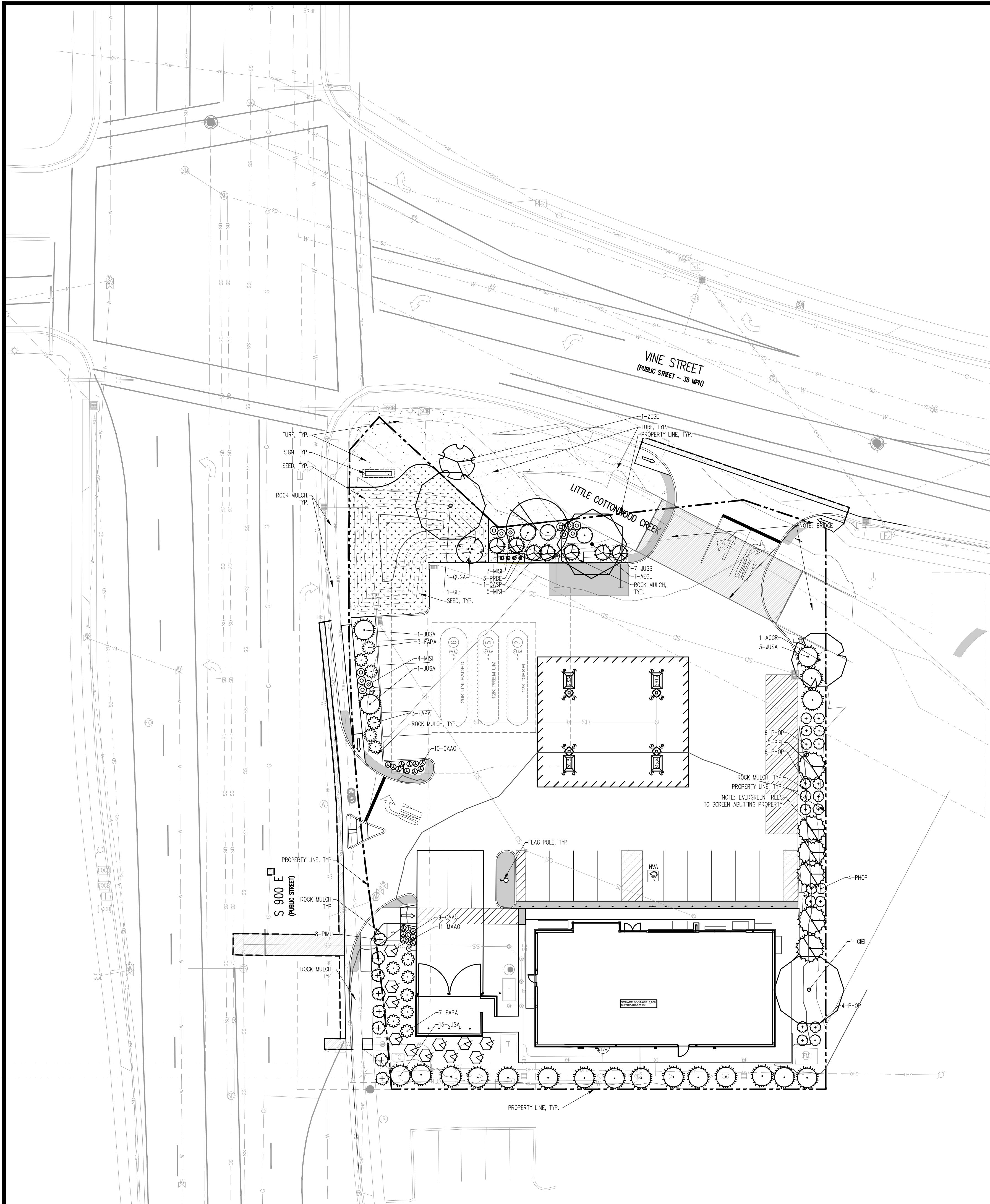


KG PROJECT TEAM:  
RDM: SCOTT BABCOCK  
SDM: RYAN HALDER  
CPM: SCOTT NEWBURY

| REVISION DESCRIPTION | DATE       |
|----------------------|------------|
|                      | 02.04.2022 |

SHEET NUMBER: C3.1  
9 OF 18

CRITERIA PLAN 04/2022



#### LANDSCAPE CALCULATIONS

| AREAS OF REQUIRED LANDSCAPING     | AREA    | FORMULA                              | TOTAL QUANTITY REQUIRED                              | TOTAL QUANTITY PROVIDED                              |
|-----------------------------------|---------|--------------------------------------|--|--|
| FRONT SETBACK AREAS (S 900 E)     | 155 LF. | 3 TREES, (5) 5 GALLON, (10) 1 GALLON | (5) TREES, (8) 5 GALLON SHRUBS, (16) 1 GALLON SHRUBS | (5) TREES, (8) 5 GALLON SHRUBS, (16) 1 GALLON SHRUBS |
| FRONT SETBACK AREAS (VINE STREET) | 115 LF. | 3 TREES, (5) 5 GALLON, (10) 1 GALLON | (4) TREES, (6) 5 GALLON SHRUBS, (12) 1 GALLON SHRUBS | (4) TREES, (6) 5 GALLON SHRUBS, (12) 1 GALLON SHRUBS |

NOTE: SOME TREES HAD TO BE RELOCATED ON SITE DUE TO AN UTILITY/EASEMENT CONFLICTS RUNNING ALONG S 900 E.

#### PLANTING LEGEND

| LEGEND   | COMMON NAME   | PLANTING SIZE (MINIMUM) | MATURE SIZE (VLL,M,H) | WATER USE | SUN/SHADE      |
|--|---|-------------------------|-----------------------|-----------|----------------|
| QTY ABBREV. BOTANIC NAME                       |   |                         |                       |           |                |
| DECIDUOUS TREES                                |   |                         |                       |           |                |
| 1 AAGR ACER GRANDIDENTATUM                     | BIGTOOTH MAPLE  | 2' CAL B&B              | 30'X30'               | M         | SUN/PART SHADE |
| 1 AEGL AESCULUS GLABRA                         | OHIO BUCKEYE  | 2' CAL B&B              | 40'X40'               | M         | SUN/PART SHADE |
| 1 CAPS CATALPA SPECIOSA                        | WESTERN CATALPA   | 2' CAL B&B              | 50'X30'               | L         | SUN            |
| 2 GIBI GINKGO BILOBA                           | GINKGO  | 2' CAL B&B              | 50'X40'               | M         | SUN            |
| 1 ZESE ZELKOVA SERRATA 'WIRELESS'              | WIRELESS  | 2' CAL B&B              | 35'X20'               | M         | SUN/PART SHADE |
| EVERGREEN TREES                                |   |                         |                       |           |                |
| 6 PIPL PINUS FLEXILIS 'VANDERWOLFS PYRAMID'    | LIMBER PINE   | 6' HEIGHT B&B           | 20'X10'               | M         | SUN/PART SHADE |
| ORNAMENTAL TREES                               |   |                         |                       |           |                |
| 1 QUQA QUERCUS GAMBELII                        | GAMBEL OAK  | 1.5' CAL B&B            | 15'X12'               | L         | SUN            |
| DECIDUOUS SHRUBS                               |   |                         |                       |           |                |
| 13 FAPF FALUGIA PARADOXA                       | APACHE PLUME  | #5 CONT. 18-24"         | 5'X5'                 | VL        | SUN            |
| 20 PHOP PHYSOCARPIUS OPULIFOLIUS 'DONNA MAY'   | LITTLE DEVIL NINEBARK   | #5 CONT. 18-24"         | 4'X4'                 | LM        | SUN            |
| 3 PRBE PRUNUS BESSEYI 'PAWNEE BUTTES'          | PAWNEE BUTTES SAND CHERRY   | #5 CONT. 18-24"         | 18'X6'                | VL        | SUN            |
| EVERGREEN SHRUBS                               |   |                         |                       |           |                |
| 7 JUSB JUNIPERUS SABINA 'BUFFALO'              | BUFFALO JUNIPER   | #5 CONT. 18-24"         | 12'X6'                | VL        | SUN/PART SHADE |
| 20 JUSA JUNIPERUS SABINA 'MONINA'              | CALGARY CARPET JUNIPER  | #5 CONT. 18-24"         | 9'X10'                | VL        | SUN/PART SHADE |
| 11 MAAQ MAHONIA AQUIFOLIUM 'COMPACTA'          | COMPACT OREGON GRAPE HOLLY  | #5 CONT. 18-24"         | 3'X5'                 | VL        | SUN/PART SHADE |
| 8 PIMU PINUS MUGO V. PUMILLO                   | MUGO PINE   | #5 CONT. 18-24"         | 3'X5'                 | VL        | SUN/PART SHADE |
| ORNAMENTAL GRASSES                             |   |                         |                       |           |                |
| 19 CAAC CALAMAGROSTIS ACUTIFLORA KARL FOERSTER | FEATHER REED GRASS  | #1 CONT.                | 5'X2'                 | L         | SUN            |
| 12 MISI MISCANTHUS SINENSIS 'GRACILLIMUS'      | MAIDEN GRASS  | #1 CONT.                | 5'X4'                 | L         | SUN            |
| SEED   |   |                         |                       |           |                |
| 2,140 S.F. (MURRAY, UT) WETLAND SEED MIX       | GREAT BASIN SEED  | SEED                    |                       | L         |                |
| SOD  |   |                         |                       |           |                |
| 2,690 S.F. FESCUE SOD                          | RTF (RHIZOMATOUS TALL FESCUE)   | SOD                     |                       | M         |                |
| MULCH  |   |                         |                       |           |                |
| 8,487 S.F. ROCK COBBLE MULCH                   | 1'x1' ROCK COBBLE MULCH WITH WOOD MULCH RING AROUND ALL PLANT MATERIAL SEE PLANTING NOTES & DETAILS | MULCH                   |                       | N/A       |                |
| AS NEEDED WOOD MULCH                           | DARK BROWN SHREDDED HARDWOOD MULCH  | MULCH                   |                       | N/A       |                |
| EDGING   |   |                         |                       |           |                |
| 128 L.F. STEEL EDGING                          | BLACK STEEL EDGING. SEE LANDSCAPE NOTES   | EDGING                  |                       | N/A       |                |

#### UTILITY NOTES

1. THE LANDSCAPE CONTRACTOR IS REQUIRED TO CONTACT THE COUNTY PUBLIC WORKS DEPARTMENT, AND ANY OTHER PUBLIC OR PRIVATE AGENCY NECESSARY FOR UTILITY LOCATION PRIOR TO ANY CONSTRUCTION.
2. THIS DRAWING IS A PART OF A COMPLETE SET OF BID DOCUMENTS, SPECIFICATIONS, ADDITIONAL DRAWINGS, AND EXHIBITS. UNDER NO CIRCUMSTANCES SHOULD THESE PLANS BE USED FOR CONSTRUCTION PURPOSES WITHOUT EXAMINING ACTUAL LOCATIONS OF UTILITIES ON SITE, AND REVIEWING ALL RELATED DOCUMENTS.
3. THE LOCATION OF THE ALL UNDERGROUND UTILITIES ARE LOCATED ON THE ENGINEERING DRAWINGS FOR THIS PROJECT. THE MOST CURRENT REVISION IS HERE IN MADE PART OF THIS DOCUMENT. UNDERGROUND UTILITIES EXIST THROUGHOUT THE SITE AND MUST BE LOCATED PRIOR TO ANY CONSTRUCTION ACTIVITY. WHERE UNDERGROUND UTILITIES EXIST, FIELD ADJUSTMENT MAY BE NECESSARY AND MUST BE APPROVED BY A REPRESENTATIVE OF THE OWNER. NEITHER THE OWNER NOR THE LANDSCAPE ARCHITECT ASSUME ANY RESPONSIBILITY WHATSOEVER, IN RESPECT TO THE CONTRACTOR'S ACCURACY IN LOCATING THE INDICATED PLANT MATERIAL, AND UNDER NO CIRCUMSTANCES SHOULD THESE PLANS BE USED WITHOUT REFERENCING THE ABOVE MENTIONED DOCUMENTS.

#### CAUTION - NOTICE TO CONTRACTOR

1. ALL UTILITY LOCATIONS SHOWN ARE BASED ON MAPS PROVIDED BY THE APPROPRIATE UTILITY COMPANY AND FIELD SURVEY EVIDENCE AT THE TIME OF SURVEY ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES, PUBLIC OR PRIVATE, WHETHER SHOWN ON THE PLANS OR NOT, PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
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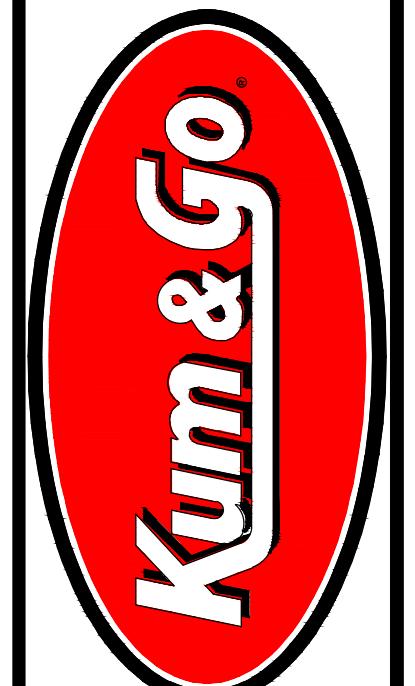
DATE: 01.21.2022

SHEET NUMBER: L1.1  
12 OF 18

CRITERIA PLAN 04/2024

**Galloway**  
112 N. East Promontory, Suite 214  
Farmington, UT 84025  
801.453.1357  
GallowayUSA.com

**PRELIMINARY**  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION



1459 Grand Ave  
Des Moines, IA 50309  
P: 888-458-6646

#2505 - MURRAY, UTAH  
6031 900 EAST  
LANDSCAPE PLAN

KG PROJECT TEAM:  
RDM: SCOTT BABCOCK  
SDM: RYAN HALDER  
CPM: SCOTT NEWBURY

| REVISIONS | REVISION DESCRIPTION | DATE |
|-----------|----------------------|------|
|           |                      |      |

DATE: 01.21.2022

DATE: 01.21.2022

SHEET NUMBER: L1.1  
12 OF 18

CRITERIA PLAN 04/2024







SEAL



1459 Grand Avenue  
Des Moines, Iowa  
50309  
P:515-457-6247

#2505 - MURRAY, UTAH  
6031 900 EAST  
EXTERIOR ELEVATIONS

KG PROJECT TEAM:  
RDM:  
SDM:  
CPM:

| REVISIONS | REVISION DESCRIPTION |
|-----------|----------------------|
|           |                      |

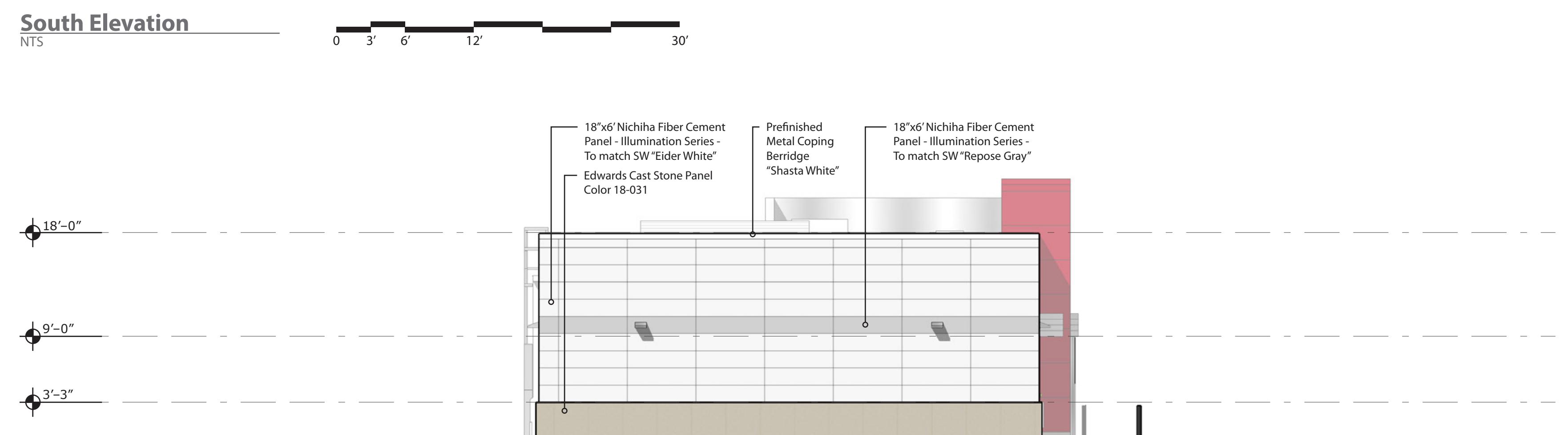
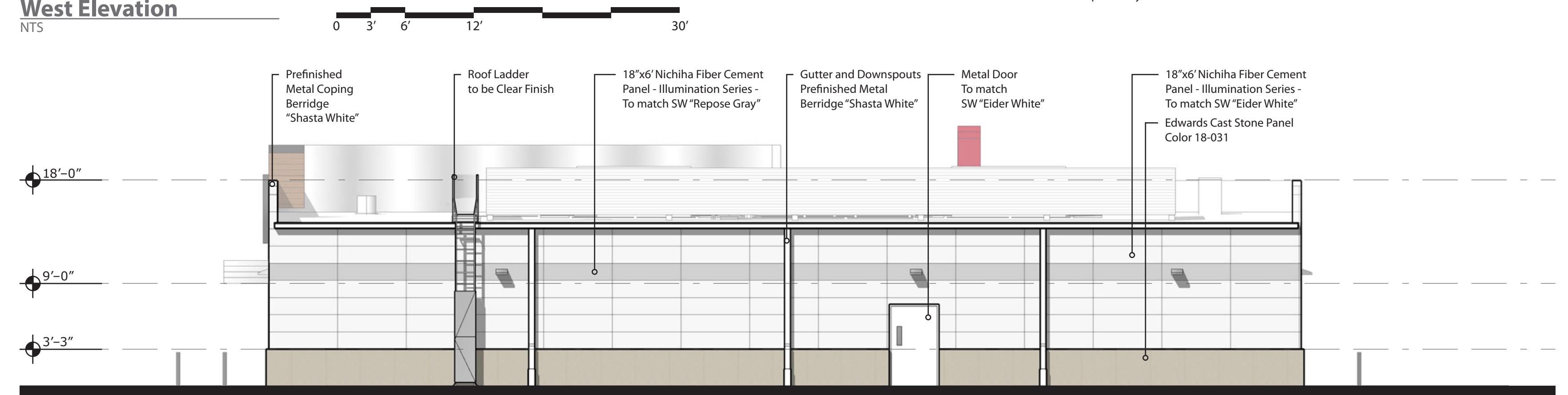
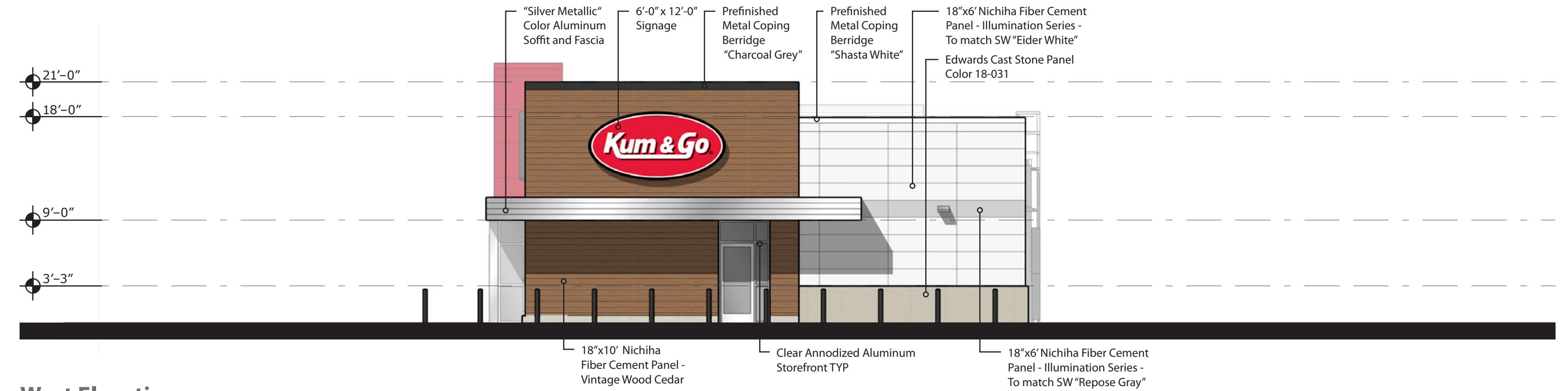
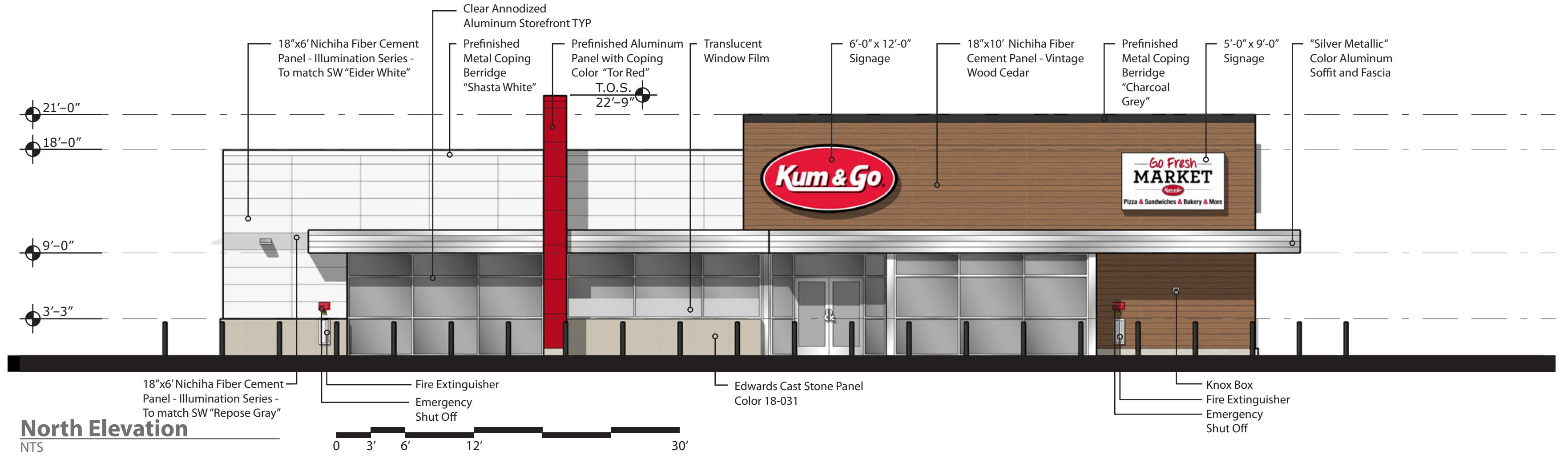
DATE: 10/29/2021

SHEET NUMBER:

14 OF 18

#### Proposed Building Signage

| Location        | Sign                   | Size     | Area   |
|-----------------|------------------------|----------|--------|
| North Elevation | "Kum & Go" Sign        | 6' x 12' | 72 SF  |
|                 | "Go Fresh Market" Sign | 5' x 9'  | 45 SF  |
| West Elevation  | "Kum & Go" Sign        | 6' x 12' | 72 SF  |
| South Elevation | No Signage             | ---      | 0 SF   |
| East Elevation  | No Signage             | ---      | ---    |
| Total           |                        |          | 189 SF |



### Proposed Canopy Signage

| Location        | Sign            | Size   | Area         |
|-----------------|-----------------|--------|--------------|
| North Elevation | "Kum & Go" Sign | 3'x 6' | 18 SF        |
| South Elevation | No Signage      | ---    | 0 SF         |
| West Elevation  | "Kum & Go" Sign | 3'x 6' | 18 SF        |
| East Elevation  | "Kum & Go" Sign | 3'x 6' | 18 SF        |
| <b>Total</b>    |                 |        | <b>54 SF</b> |

brr

ARCHITECT OF RECORD:  
BRR ARCHITECTURE, INC  
8131 METCALF AVENUE  
SUITE 300  
OVERLAND PARK, KS 66204  
www.brrarch.com  
TEL: 913-262-9095  
FAX: 913-262-9044

SEAL



1459 Grand Avenue  
Des Moines, Iowa  
50309  
P:515-457-6247

#2505 - MURRAY, UTAH  
6031 900 EAST

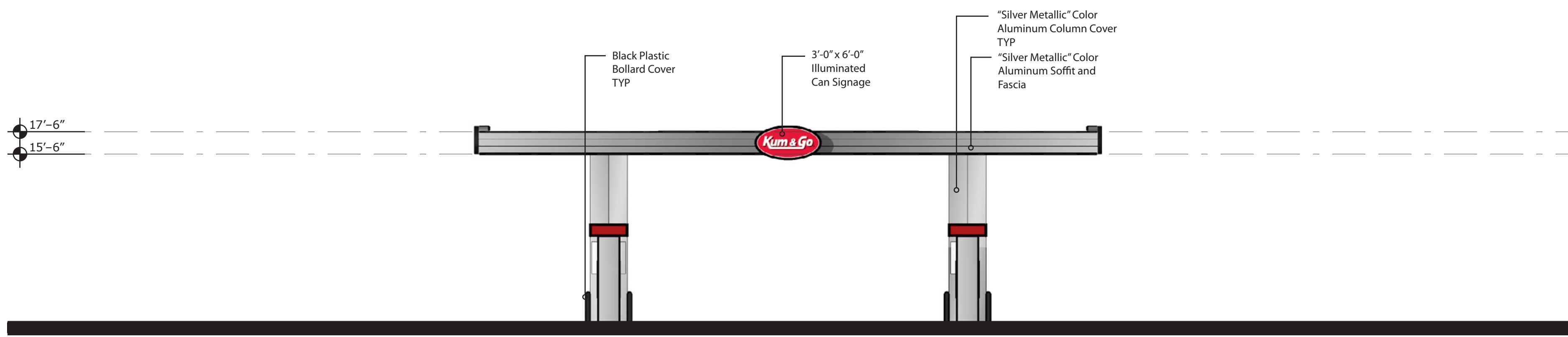
CANOPY ELEVATIONS

KG PROJECT TEAM:  
RDM:  
SDM:  
CPM:

| REVISIONS | REVISION DESCRIPTION |
|-----------|----------------------|
| △         | DATE                 |

DATE: 10/29/2021

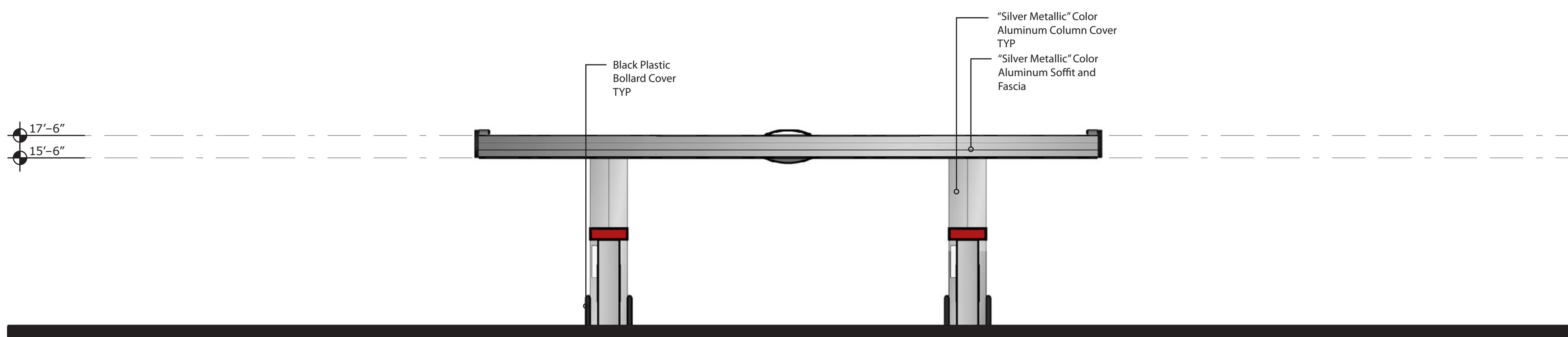
SHEET NUMBER:



North Elevation

NTS

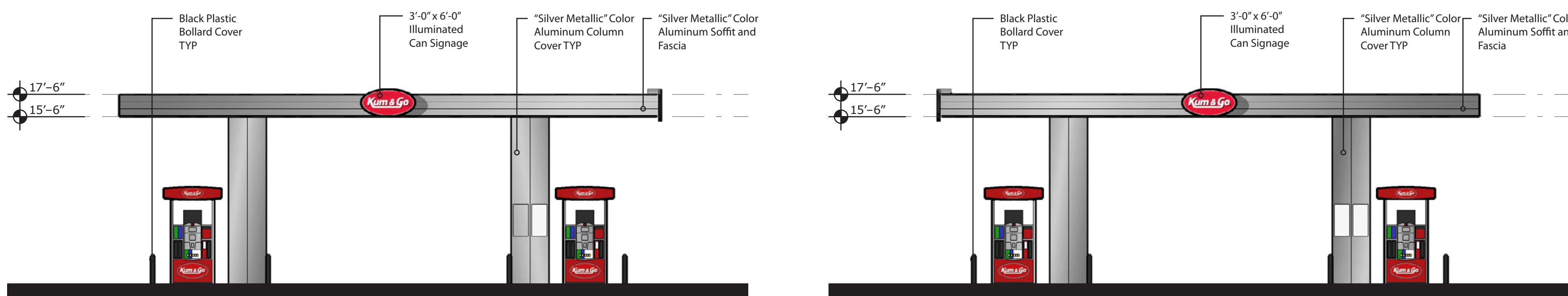
0 3' 6' 12' 30'



South Elevation

NTS

0 3' 6' 12' 30'



West Elevation

NTS

0 3' 6' 12' 30'



East Elevation

NTS

0 3' 6' 12' 30'

SEAL



1459 Grand Avenue  
Des Moines, Iowa  
50309  
P:515-457-6247

#2505 - MURRAY, UTAH  
6031 900 EAST

TRASH ENCLOSURE ELEVATIONS

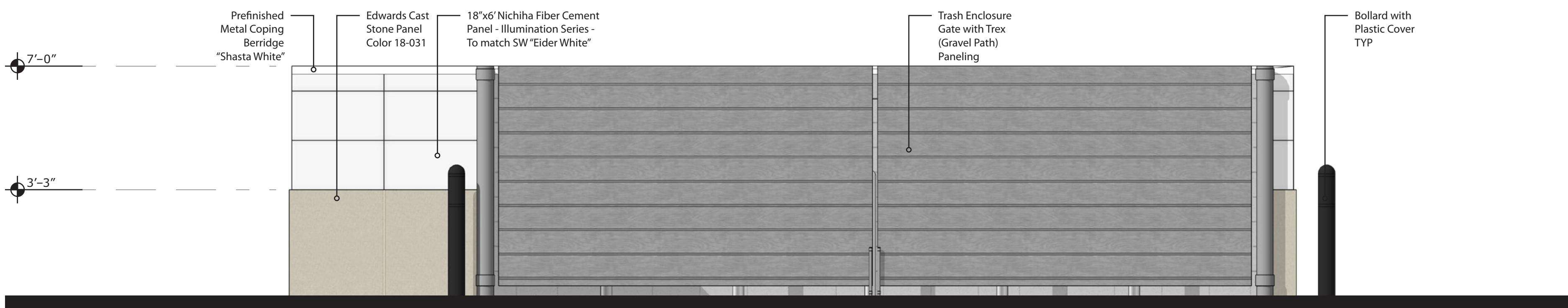
| KG PROJECT TEAM: | REVISION DESCRIPTION |
|------------------|----------------------|
| RDM:             |                      |
| SDM:             |                      |
| CPM:             |                      |
|                  |                      |
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REVISIONS

| DATE | REVISION DESCRIPTION |
|------|----------------------|
|      |                      |
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DATE: 10/29/2021

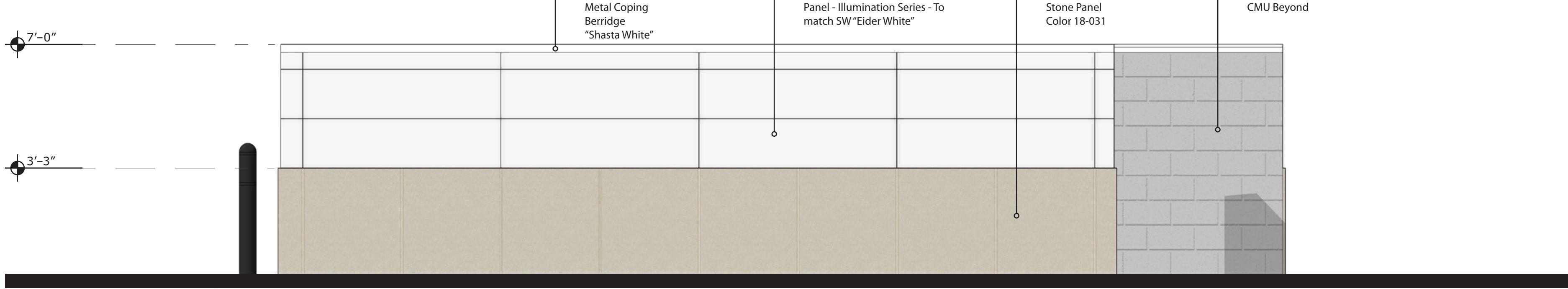
SHEET NUMBER:



**North Elevation**

NTS

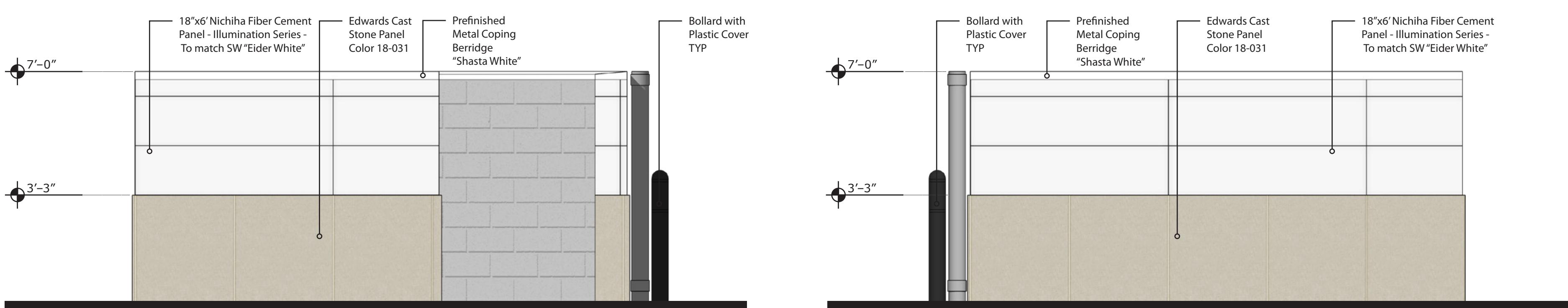
0 3' 6' 12'



**South Elevation**

NTS

0 3' 6' 12'



**East Elevation**

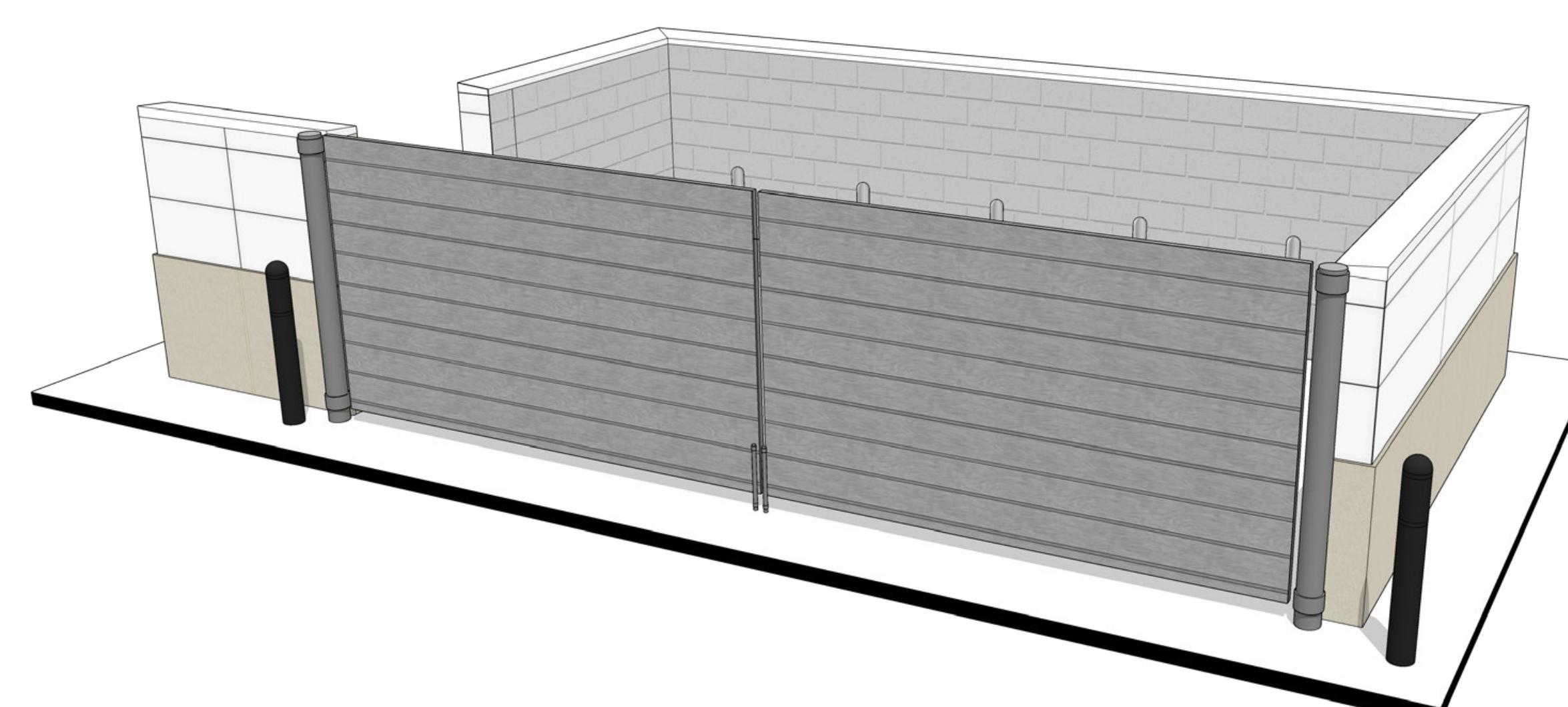
NTS

0 3' 6' 12'

**West Elevation**

NTS

0 3' 6' 12'



**Perspective**

NTS

SEAL



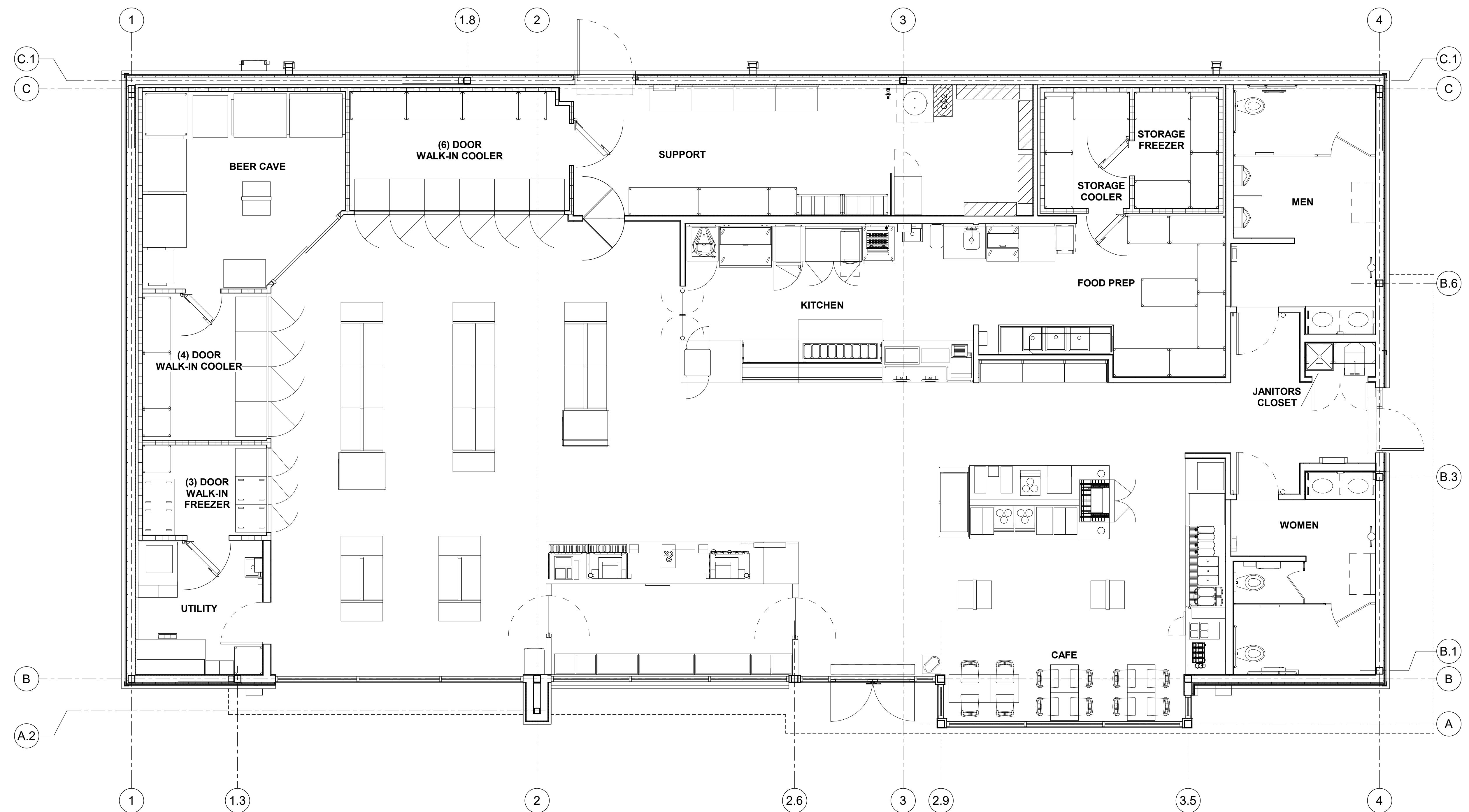
1459 Grand Avenue  
Des Moines, Iowa  
50309  
P:515-457-6247

#2505 - MURRAY, UTAH  
6031 900 EAST  
Fixture Plan

KG PROJECT TEAM:  
RDM:  
SDM:  
CPM:

|       | REVISION DESCRIPTION |
|-------|----------------------|
| DATE: | 10/29/2021           |

REVISIONS  
DATE:  
10/29/2021  
SHEET NUMBER:



Fixture Plan



**Attachment B**  
**Murray City Planning Commission**  
**Findings of Fact and Conclusions dated**  
**March 17, 2022**

## MURRAY CITY PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS

**PROJECT NAME:** KUM & GO GAS STATION AND CONVENIENCE STORE

**APPLICANT:** Nathan Abbott, Galloway & Co.

**APPLICATION TYPE:** Conditional Use Permit

**ADDRESS:** 6029 South 900 East **PROJECT #:** 22-020

### I. 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.

### II. MUNICIPAL CODE AUTHORITY:

The subject property is located in the C-N, Neighborhood Commercial Zone. Gasoline Service Stations and Convenience Stores require a conditional use permit. Additionally, all main buildings require Design Review and approval by the Planning Commission.

### III. APPEAL PROCEDURE:

Municipal Code Section 17.56.070 provides for an appeal of the planning commission's decision on a Conditional Use Permit to the Hearing Officer. An appeal must be presented in writing within 30 days after the date of decision of the planning and zoning commission.

### IV. SUMMARY OF EVIDENCE:

- A.** The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B.** The minutes of the public meeting held by the Planning Commission on March 3, 2022 which are attached as **Exhibit B** summarize the oral testimony presented and are hereby incorporated herein.

### V. FINDINGS OF FACT:

Based upon the information presented and oral testimony given the planning commission found that the request meets the standards contained in Section 17.56.060 based on the findings below:

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.**

With compliance to city regulations, the proposed use will add to the services that are located in the area and contribute to the reinvestment in an area that has deteriorated over time.

- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

Various agencies have reviewed the proposed plans and do not anticipate any detrimental effects to the health, safety, or general welfare of the community. With the conditions outlined below, the proposed use will not be a detriment to the community and will provide a reinvestment to an existing property along a highly traveled corridor.

- C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets.**

The proposed use will contribute to the overall quality of the area by reinvesting in the property, and providing a safe location and adequate buffering from the existing single-family residence to the east. Fuel Stations and Convenience Stores are in harmony with the allowed uses in the zoning district and others found in the area.

- D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.**

The applicant has submitted sufficient information for the review of this Conditional Use Permit application by Murray City Staff and the Murray City Planning Commission.

## **VI. CONCLUSION**

Based on the analysis of the Conditional Use Permit application request for a gas station and convenience store, and a survey of the site, staff concludes the following:

1. The proposed use for a fuel station and convenience store business is allowed in the C-N, Neighborhood Commercial Zone subject to Conditional Use Permit approval.
2. The proposed building is allowed in the C-N Zone and is appropriate for the types of buildings that are often built in this zone.
3. The need for additional fencing height on this property is warranted due to its location adjacent to single-family residential uses.
4. The placement of the dumpster enclosure between the street and building is warranted because of the potential impact to neighboring residential.
5. The proposed building and use are consistent with the goals and objectives of the Murray City General Plan.

6. With conditions, the proposed plans will meet the requirements of the Murray City Land Use Ordinance.

## VII. DECISION AND SUMMARY

The Planning Commission **APPROVED** the request for a Conditional Use Permit allowing a gas station and convenience store on the property addressed 6029 South 900 East. The vote was 4-0 with Commissioners Richards, Pehrson, Milkavich, and Lowry in favor and none opposed. The approval is contingent on the following conditions:

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 shall work with Planning Division staff to install up to an eight foot (8') masonry fence along the south side of the property.

**VIII. FINDINGS OF FACT APPROVED BY THE MURRAY PLANNING COMMISSION**  
this 17th day of March, 2022.



\_\_\_\_\_  
Jeremy Lowry, Chair  
Murray Planning Commission

**Attachment C**

**Minutes of the Murray City Planning  
Commission meeting held March 3, 2022**

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](http://www.murraycitylive.com) or <https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item may submit comments via email at [planningcommission@murray.utah.gov](mailto: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 17<sup>th</sup> 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 ft<sup>2</sup> building. Parking for gas stations is required to have one stall per 200 ft<sup>2</sup> 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 not 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 facia 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

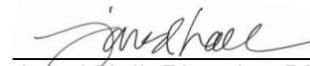
Planning Commission Meeting

March 3, 2022

Page 13

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.

  
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Jared Hall, Planning Division Manager

**Attachment D**

**Audio Transcription of the March 3,  
2022 Planning Commission Meeting**

# **MURRAY CITY PLANNING**

## **AUDIO TRANSCRIPTION**

**March 03, 2022**

**ADVANCED REPORTING SOLUTIONS**

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 **REPORTING SOLUTIONS**  
**ADVANCED**

\* \*OFFICIAL TRANSCRIPTION\* \*

OF MINUTES OF MURRAY CITY PLANNING  
COMMISSION MEETING  
REGARDING KUM & GO GAS STATION

MARCH 3RD, 2022

25 | Reported by: Amber R. Fraass, RPR, CSR

|   |               |  |               |
|---|---------------|--|---------------|
| <p>1           P R O C E E D I N G S<br/>2           -O0O-</p> <p>3</p> <p>4           COMMISSIONER LOWRY: Moving on to -- and<br/>5 again, for the record, we have tabled Item No. 5, Dirty<br/>6 Devil Disposal until the March 17th planning commission<br/>7 meeting, and we're moving on to Item No. 6, which is the<br/>8 Kum &amp; Go gas station and convenience store located at<br/>9 6029 South 9th East.</p> <p>10          Is the applicant here? Welcome. Okay.<br/>11          And Zach is --</p> <p>12          MR. SMALLWOOD: Uh-huh.</p> <p>13          COMMISSIONER LOWRY: Zach Smallwood is -- is<br/>14 presenting this.</p> <p>15          MR. SMALLWOOD: Yes. Thank you. Sorry.<br/>16 Just getting all prepped.</p> <p>17          So this is Item No. 6, Kum &amp; Go. It's a<br/>18 conditional use permit application for a gas station and<br/>19 convenience store at 6029 South 9th East. As you can see<br/>20 it's right there on the corner of, pretty much where Vine<br/>21 picks back up, and 9th East. It's currently used as a<br/>22 self-serve car wash, and I -- and Flowers on Vine is<br/>23 right there on the corner as well.</p> <p>24          It's a 1.07 acre site. They are proposing a<br/>25 3,968 square-foot building. It is in the CN zone, which</p>  | <p>Page 2</p> | <p>1 you can't get in there. They -- they craft those really<br/>2 well.</p> <p>3           The north side, however, onto Vine Street<br/>4 where there currently is no access, they are proposing to<br/>5 place a bridge over Little Cottonwood Creek and have a<br/>6 full access, so that would allow for right-in, right-out,<br/>7 left-in, left-out.</p> <p>8           COMMISSIONER PEHRSON: Can I ask a question<br/>9 about that --</p> <p>10          MR. SMALLWOOD: Please.</p> <p>11          COMMISSIONER PEHRSON: -- while you're<br/>12 talking?</p> <p>13          MR. SMALLWOOD: Yeah.</p> <p>14          COMMISSIONER PEHRSON: Currently the road is<br/>15 double striped in the center on that road. So would it<br/>16 not be illegal for them to turn -- turn left into that --</p> <p>17          MR. SMALLWOOD: According --</p> <p>18          COMMISSIONER PEHRSON: -- parking lot?</p> <p>19          MR. SMALLWOOD: According to Trey, they would<br/>20 be able to turn left. So I'll leave it up to him.</p> <p>21          Trey's the city engineer.</p> <p>22          COMMISSIONER MILKAVICH: Maybe -- maybe<br/>23 that -- maybe he has the intent of them re-striping that<br/>24 section. I don't know.</p> <p>25          MR. SMALLWOOD: Potentially. I'm not sure.</p>  | <p>Page 4</p> |
| <p>1 a -- allows convenience stores and fuel stations subject<br/>2 to obtaining a conditional use permit. So we'll go ahead<br/>3 and get started right into it.</p> <p>4          So parking for gasoline -- or fuel stations<br/>5 are required 1- to 200 square feet. It's basic retail<br/>6 is -- is how we calculate it. So they need approximately<br/>7 16 stalls. They have requested -- or they are proposing<br/>8 21.</p> <p>9          I will get into more of this a little bit<br/>10 later, but -- and you can't see it very well right here,<br/>11 but there are two parking stalls, one there and one<br/>12 there, that we are proposing that they remove due to<br/>13 its -- the -- the entrance on 9th East. It just<br/>14 feels a little too close.</p> <p>15          And then also I think providing that open<br/>16 access to the proposed dumpster as well. So we are<br/>17 recommending that they remove those two stalls, so that<br/>18 would bring it down to 19 stalls. Still over what<br/>19 they're required to have.</p> <p>20          So access, they have -- they are proposing<br/>21 two accesses on this site. The one on 9th East, which is<br/>22 right here. It's approximately 41 feet wide. This would<br/>23 be a right-in, right-out only, so people from 9th East<br/>24 would not be able to turn into -- turn left into the Kum<br/>25 &amp; Go. There would be a hard median divider in there, so</p> | <p>Page 3</p> | <p>1 That -- that was all just redone, so I highly doubt<br/>2 they're going to re-stripe it. But I don't know. But<br/>3 technically we would allow for a full access there.</p> <p>4          So there was a traffic impact study done --<br/>5 conducted, 118 pages long. I provided the executive<br/>6 summary to you guys because 110 of those pages are just<br/>7 diagrams of -- of models that are done.</p> <p>8          So -- in -- in the executive summary it was<br/>9 stated that no changes were recommended. That actually<br/>10 it would help 9th East go from a level -- that<br/>11 intersection going from a Level F, I believe, up to a D.<br/>12 So it -- it -- having that would -- would eliminate --<br/>13 having that right-in, right-out would help that<br/>14 intersection quite a bit.</p> <p>15          Let's see. So we will move on to the<br/>16 building design. So staff didn't have any concerns here.<br/>17 It's a mix of Hardie board. So this -- this would<br/>18 Hardie -- Hardie board area with wood plank material as<br/>19 well. It's not actually wood, it's fiber cement board<br/>20 with metal accents on there. On the back it's mostly<br/>21 the -- the fiber cement board with -- with very -- yeah.<br/>22 Not a lot of accents on the back there because you don't<br/>23 really need it.</p> <p>24          Same goes for the -- the two sides. This<br/>25 would be the side that faces 9th East here. This would</p> | <p>Page 5</p> |

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|---|--------|--|--------|
| <p>1 be the side that faces the east side of the property.<br/>2 And I just realized I didn't fix these pictures before I<br/>3 did this slide show. This is the proposed canopy --<br/>4 actually, before I do that, let's go back to this.<br/>5 So the building itself is proposed to be 21<br/>6 feet high. The zone allows for up to 35 feet, so they<br/>7 are well within their height restrictions there. And 21<br/>8 is at the peak of this -- this point here, which is on<br/>9 the northwest corner of -- of the building.</p> <p>10 COMMISSIONER RICHARDS: Zach, what's the<br/>11 building right around there again? Is it R1-10?</p> <p>12 MR. SMALLWOOD: R1-8.</p> <p>13 COMMISSIONER RICHARDS: It's R1-8?</p> <p>14 MR. SMALLWOOD: Yep.</p> <p>15 COMMISSIONER RICHARDS: And what's the<br/>16 height -- what's the height limitation on a residential<br/>17 building?</p> <p>18 MR. SMALLWOOD: 35 feet.</p> <p>19 COMMISSIONER RICHARDS: Okay. So it's the<br/>20 same height?</p> <p>21 MR. SMALLWOOD: Correct.</p> <p>22 COMMISSIONER RICHARDS: Thank you.</p> <p>23 MR. SMALLWOOD: Okay. So -- let's see.</p> <p>24 So it's not letting me edit these, but you<br/>25 get the -- the general idea in that it actually shows</p>  | Page 6 | <p>1 help buffer that single-family residence, again. There<br/>2 are already establish -- well established trees on -- on<br/>3 that property to -- to the east, so we feel pretty good<br/>4 about that.</p> <p>5 Let's see. Fencing. We'll get to the<br/>6 fencing side now. So the planning commission can permit<br/>7 up to an eight-foot fence -- eight foot tall fence of<br/>8 whatever material you decide. Staff is recommending that<br/>9 they be required to place the fence on the east side, as<br/>10 the -- I believe the code calls out that that can be<br/>11 allowed between residential and commercial properties.</p> <p>12 In the staff report specifically I didn't<br/>13 state that we would require the -- the south property<br/>14 have an eight-foot fence, but from some of the e-mailed<br/>15 comments in, I think that might be a good -- good<br/>16 approach to take is put the eight-foot on the south side<br/>17 as well. So we don't have any concerns with that either.</p> <p>18 So then we'll move on to the dumpster area.</p> <p>19 So our code technically states that a dumpster cannot be<br/>20 located between the street and the building. However,<br/>21 the -- the planning commission may grant that in<br/>22 exceptions. So as you can see, they are proposing a<br/>23 dumpster between the building and the street.</p> <p>24 I believe this is -- we as staff believe this<br/>25 is the best option so it's not placed next to the</p> | Page 8 |
| <p>1 what I'm trying to point out anyway. So this is<br/>2 approximately 17 1/2 feet tall for the canopy structure.</p> <p>3 In the staff report I had called out that<br/>4 I -- that staff wants to see this specific sign be<br/>5 removed. It's a 3 by 6 illuminated can sign. It<br/>6 actually faces east, which I think would face directly<br/>7 into the neighboring property. So I recommended that --<br/>8 that the planning commission make that go away because<br/>9 I -- I don't think it's needed. Especially since it's<br/>10 right next to a single-family home.</p> <p>11 So moving on to the landscaping plan. So<br/>12 the -- Vine side we were good with the calculations.<br/>13 They have the -- an adequate amount of -- number of<br/>14 trees, shrubs, bushes. However, the 900 East side is<br/>15 missing some trees.</p> <p>16 I apologize, it's in my staff report. Let<br/>17 me -- I think it was four. I lied. Five. So five<br/>18 additional trees need to be placed on that 900 East side.<br/>19 And we can work with them during the building permit<br/>20 process to -- to get those incorporated.</p> <p>21 I will command them that they proactively<br/>22 placed -- you can't see it very well in here, but<br/>23 these -- these little guys right -- wait, no. These<br/>24 little guys right here are evergreen trees that they are<br/>25 proactively planting along that east side there that will</p> | Page 7 | <p>1 residential to the east. So we are willing to support<br/>2 that -- that request by -- by the -- by the applicant.</p> <p>3 Let's see. Okay. So couple little things.</p> <p>4 Signage. As was stated in your -- in your staff report,<br/>5 they've proposed an eight-foot tall monument sign. I<br/>6 pulled this straight from the code. We only allow a<br/>7 maximum height of six feet, a one-foot base with a<br/>8 five-foot max sign area. So they'll need to cut that<br/>9 down. And it looks like they have enough space to kind<br/>10 of bring that down a little bit. So we're not concerned.<br/>11 I think they can make that happen.</p> <p>12 The rest of the sign -- the proposed signage<br/>13 that was in the packet meets the code, so -- except for<br/>14 that one on the east side that I've recommended them --<br/>15 take out.</p> <p>16 Next are -- are -- the lighting plan. So we<br/>17 as staff -- or the city requires that the -- any light<br/>18 pollution be eliminated to zero foot-candles at the<br/>19 property line. We saw significant -- significant<br/>20 lighting at the property line, up to -- let's see. On<br/>21 the east side I saw up to one foot-candle, on the south<br/>22 side I saw up to seven -- seven --</p> <p>23 COMMISSIONER LOWRY: Can you define what a --<br/>24 what one foot-candle is and what zero is?</p> <p>25 MR. SMALLWOOD: That's a great question. I</p>   | Page 9 |

Audio Transcription  
March 03, 2022

Pages 10..13

| Page 10   | Page 12  |
|---|--|
| <p>1 can't really. I don't understand it 100 percent. I just<br/>2 know that it's -- really the zero -- zero means you're<br/>3 not having any light spill over in -- from any light<br/>4 source into another property.<br/>5 So obviously anything above that we don't --<br/>6 we need to have an absolute zero at the property lines.<br/>7 So that's typically downward -- facing down so that<br/>8 there's not deflecting out, so.<br/>9 COMMISSIONER LOWRY: And -- and inward facing<br/>10 towards the property mostly?<br/>11 MR. SMALLWOOD: Correct, yes. Yep. So<br/>12 that's -- that's what we require here as well.<br/>13 COMMISSIONER LOWRY: Okay.<br/>14 COMMISSIONER RICHARDS: Sorry. Was that a<br/>15 condition, or was that just the code?<br/>16 MR. SMALLWOOD: The code requires it. And<br/>17 because they are show -- they are not -- they are showing<br/>18 that it is above that amount, it is in a condition that<br/>19 they work with us and provide a photometric plan that<br/>20 shows that they meet that zero foot-candle.<br/>21 COMMISSIONER LOWRY: Okay.<br/>22 MR. SMALLWOOD: I made a couple suggestions<br/>23 in there that they could use, like, bollard lighting,<br/>24 especially in the rear to where it doesn't, kind of,<br/>25 spill over into properties.</p> | <p>1 MR. SMALLWOOD: Yeah. They would need<br/>2 lighting back there. And I think for their -- I'll --<br/>3 I'll let the applicant address this, but I would assume<br/>4 they would want lighting back there as well because they<br/>5 don't want to see that either.<br/>6 Because this is technically how they get<br/>7 to -- there's a door right here. This is how they get<br/>8 to --<br/>9 COMMISSIONER MILKAVICH: Employees?<br/>10 MR. SMALLWOOD: -- the -- the -- the -- the<br/>11 dumpster location, so they want that to feel safe for<br/>12 their employees as well.<br/>13 So there -- there are ways of shielding that<br/>14 light. Like, I believe, Commissioner Lowry said that you<br/>15 can actually change that light to kind of hit the<br/>16 building as opposed to just kind of out. So.<br/>17 COMMISSIONER MILKAVICH: Maybe potentially<br/>18 changing the bulbs and wattage as well or --<br/>19 MR. SMALLWOOD: Exactly.<br/>20 COMMISSIONER MILKAVICH: -- something like<br/>21 that? Just not as strong?<br/>22 MR. SMALLWOOD: Yeah.<br/>23 COMMISSIONER MILKAVICH: Okay.<br/>24 MR. SMALLWOOD: So -- great. We'll move on<br/>25 to --</p>   |
| <p>1 COMMISSIONER MILKAVICH: Can I ask you a<br/>2 theoretical question, Zach?<br/>3 MR. SMALLWOOD: Sure.<br/>4 COMMISSIONER MILKAVICH: And we'll still be<br/>5 friends?<br/>6 MR. SMALLWOOD: Am I going to question my<br/>7 life?<br/>8 COMMISSIONER MILKAVICH: No. Not that deep.<br/>9 So the lighting on the backside.<br/>10 MR. SMALLWOOD: Yeah.<br/>11 COMMISSIONER MILKAVICH: So one of the<br/>12 concerns with a facility like this is that people<br/>13 lingering back there at night or hanging out back in the<br/>14 back at night --<br/>15 MR. SMALLWOOD: Sure.<br/>16 COMMISSIONER MILKAVICH: -- and that's a<br/>17 concern for the community. And part of the way we try to<br/>18 discourage that is to have lights back there.<br/>19 MR. SMALLWOOD: Uh-huh.<br/>20 COMMISSIONER MILKAVICH: So by saying we want<br/>21 zero at the fence line, are we allowing them to just take<br/>22 the lights out completely --<br/>23 MR. SMALLWOOD: No.<br/>24 COMMISSIONER MILKAVICH: -- in the back?<br/>25 There's still some recommendations? We need lighting --</p>   | <p>1 So we did send out 55 public notices of the<br/>2 meeting for tonight. The planning division, as of -- as<br/>3 of right now, I just checked the e-mail just a moment<br/>4 ago, we've received ten e-mails from seven different<br/>5 property owners. There was also one phone call where<br/>6 staff spoke to the property owner nearby.<br/>7 So I summarized largely what the concerns<br/>8 were. We will read those into the record at -- at the<br/>9 beginning of the public comment portion. But to<br/>10 summarize, largely, the -- the citizens had e-mailed<br/>11 concerning property values, traffic, environmental,<br/>12 considering tank leaking and gas leakage, lights and<br/>13 potential crime in the area.<br/>14 So I -- I'm just going to go over a couple of<br/>15 those just really briefly real quick. So regarding<br/>16 property values, typically we see -- there's been a lot<br/>17 of empirical evidence that shows when people reinvest in<br/>18 their properties, regardless of it being commercial or<br/>19 residential, that it typically brings up property values<br/>20 across the board.<br/>21 So we don't anticipate that that will be<br/>22 affected. The housing market in Utah is very strong at<br/>23 the moment. I don't anticipate that changing. That's<br/>24 not expected to go down any time soon.<br/>25 Traffic, this is -- this is a service use --</p> |

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|---|---|
| <p>1 how I wrote it down is a service use -- so it's not<br/>2 specifically a destination. You know, people aren't, you<br/>3 know, hanging out in Midvale and saying, Oh, I want to go<br/>4 to the Kum &amp; Go in Murray. It's -- it's primarily people<br/>5 are going to use this facility if they're already<br/>6 traveling on 9th East, so we don't anticipate additional<br/>7 large impact from that. It -- it just -- I don't see<br/>8 that happening.</p> <p>9 Environmental, this was reviewed by all city<br/>10 departments, including the water department, the waste<br/>11 water department, city engineer, police, fire. I don't<br/>12 think I've left anybody out. And all of their concerns<br/>13 were addressed in your staff report. And a lot of those<br/>14 were considered in the conditions of approval, especially<br/>15 the city engineer.</p> <p>16 Specifically regarding the state requirements<br/>17 that there are -- there are state, and I believe county<br/>18 requirements that need to be addressed in getting<br/>19 those -- those tanks.</p> <p>20 And do you want me to speak to the -- the --<br/>21 what you had just mentioned in the pre-meeting about<br/>22 the -- the storm water thing? Yeah. Do you want to do<br/>23 that? Would you mind? Yeah, I -- I'll let Danny speak<br/>24 just quickly to those -- those environmental things<br/>25 that -- that we kind of talked about in our pre-meeting.</p> | <p>Page 14</p> <p>1 like this when there's a water source close by, obviously<br/>2 the river, that could immediately go to the -- to the<br/>3 river, there are storm drain requirements. Water has to<br/>4 be contained on the site for a short time. And if a<br/>5 spill does happen, it's not going to get to the river.<br/>6 There are those types of things already in place.<br/>7 But in addition to that, it's in a well<br/>8 protection zone, a well head protection zone. Murray<br/>9 owns a well just a little bit east of that. And so<br/>10 there's a little bit more requirements in there that<br/>11 require welded pipe so that there's no joints in the pipe<br/>12 so that nothing can leak out, either the sewer or the<br/>13 storm water so it can't contaminate the site as well.<br/>14 So there's -- there's lots of things that<br/>15 have gone through this that -- this -- this has been<br/>16 vetted quite significantly. Do you have any -- did that<br/>17 answer their questions?</p> <p>18 COMMISSIONER LOWRY: Thank you very much.<br/>19 MR. SMALLWOOD: Awesome. So I'll keep --<br/>20 I'll keep going on.<br/>21 So the lights, like I said, we kind of<br/>22 addressed that just a couple sections back. We -- we<br/>23 were concerned about that, and we would require the<br/>24 applicant to work with us to bring something forward<br/>25 that -- that works.</p> |
| <p>1 Just for the meeting, Danny Astill's the<br/>2 public work's director and interim community development<br/>3 director.</p> <p>4 DANNY ASTILL: Yeah. It's fine.</p> <p>5 So, you know, to -- to -- speaking to the<br/>6 question about -- the environmental questions in -- in<br/>7 regards to the underground storage tanks, and -- so there<br/>8 are limitations. And one of the things that the county<br/>9 has as part of their -- they have a setback requirement<br/>10 from the river, and that's really about the limit to what<br/>11 they do.</p> <p>12 But the state controls really, really stiffly<br/>13 the underground storage tank program. So all of these --<br/>14 any -- anything -- anything that goes in, whether it's<br/>15 replaced or brand new has to meet these new regulations.<br/>16 And -- and they're pretty onerous. And they're -- you<br/>17 know, double-walled tanks and a couple lined lines going<br/>18 from the pump to the -- to the supply. The pump<br/>19 shutoffs, emergency shutoffs and things like that.<br/>20 They also require regular testing of those<br/>21 tanks as well. But the other things that -- that -- you<br/>22 know, that the city looked at, waste water and storm<br/>23 water, are -- are -- those very things. What's going to<br/>24 happen with the storm water?<br/>25 And any time we -- we -- we deal with things</p>  | <p>Page 15</p> <p>1 And lastly, crime. So this will actually be<br/>2 more of an active use than what was previously there,<br/>3 which was a self-serve car wash. There will be employees<br/>4 on site being able to monitor and -- and see what's going<br/>5 on.</p> <p>6 I anticipate, I can't speak for the<br/>7 applicant, but I anticipate they're probably going to<br/>8 have some sort of camera, at least on the back, but -- so<br/>9 that they can monitor and make sure people aren't just<br/>10 loitering and hanging out back there.</p> <p>11 So I -- I feel like the safety thing is -- it<br/>12 will actually be a little bit safer. It will be well<br/>13 lit, but not overly lit. So we'll make sure -- make sure<br/>14 we clarify that. And -- and they'll have -- there'll be<br/>15 an active employee there almost constantly. So.</p> <p>16 With that, I thought I was going to have to<br/>17 talk about the site some more. So with that, staff is<br/>18 recommending that the planning commission approve the<br/>19 conditional use permit and grant the design approval to<br/>20 the allow -- to allow the construction of the Kum &amp; Go<br/>21 gas station at the -- at 6029 South 900 East subject to<br/>22 the conditions in your staff report.</p> <p>23 COMMISSIONER LOWRY: Thank you for your<br/>24 report.</p> <p>25 MR. SMALLWOOD: Questions?</p>                   |

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| <p>1        COMMISSIONER LOWRY: Yeah. Are there<br/>2 questions for the -- for staff? From the -- from the --<br/>3 from the -- the commission?</p> <p>4        UNIDENTIFIED FEMALE: (Inaudible).</p> <p>5        COMMISSIONER LOWRY: You'll have a -- any --<br/>6 there'll -- there'll be -- yes. So if you remember<br/>7 our -- our agenda is we -- the staff presents, and then<br/>8 the planning commission will ask questions. At that<br/>9 point we will -- we will turn the time over to the<br/>10 applicant, and then public comment will be -- will be<br/>11 after that.</p> <p>12       So, yes, you'll have -- you'll all have time.</p> <p>13       Does the commission have any questions for<br/>14 staff at this point?</p> <p>15       COMMISSIONER PEHRSON: Do -- do you know -- I<br/>16 could ask this to the applicant, but the canopy and the<br/>17 light you're recommending -- or the sign you're<br/>18 recommending they take down.</p> <p>19       MR. SMALLWOOD: Uh-huh.</p> <p>20       COMMISSIONER PEHRSON: The sign was lit. Is<br/>21 the canopy lit on the side? Do you know that?</p> <p>22       MR. SMALLWOOD: Let's take a look.</p> <p>23       COMMISSIONER PEHRSON: Or I can wait and...</p> <p>24       MR. SMALLWOOD: I would assume not. I mean,<br/>25 it would -- they probably have downward directing lights</p> | <p>Page 18</p> <p>1        COMMISSIONER MILKAVICH: Would that fall in<br/>2 that category?</p> <p>3        MR. SMALLWOOD: Yeah. I just included it as<br/>4 part of this review for design review anyway, but, yes,<br/>5 they do have to get a building permit to install signs.</p> <p>6        COMMISSIONER MILKAVICH: Okay.</p> <p>7        COMMISSIONER PEHRSON: I -- I guess you --<br/>8 you recommended that we put a condition on -- as removing<br/>9 that sign.</p> <p>10       MR. SMALLWOOD: Uh-huh.</p> <p>11       COMMISSIONER PEHRSON: If -- if -- having<br/>12 that sign on there and it still falls below the zero<br/>13 candle whatever they are --</p> <p>14       MR. SMALLWOOD: Uh-huh. Yeah.</p> <p>15       COMMISSIONER PEHRSON: -- then is that even<br/>16 necessary?</p> <p>17       MR. SMALLWOOD: Maybe not. But I mean<br/>18 that --</p> <p>19       COMMISSIONER PEHRSON: (Inaudible).</p> <p>20       MR. SMALLWOOD: -- just -- it --</p> <p>21       COMMISSIONER PEHRSON: -- what I'm saying;<br/>22 right?</p> <p>23       MR. SMALLWOOD: I'm trying to think of -- of<br/>24 the neighbor next door. I wouldn't necessarily want a<br/>25 light like there.</p> | <p>Page 19</p> <p>1 to -- to light the pumps themselves.</p> <p>2        COMMISSIONER PEHRSON: Yeah.</p> <p>3        MR. SMALLWOOD: But I would -- I wouldn't<br/>4 assume the actual canopy itself is lit. But that is<br/>5 definitely a question -- we can actually probably answer<br/>6 that with this guy right here. Actually that's not going<br/>7 to tell me because that's going to tell me overhead<br/>8 lighting.</p> <p>9        COMMISSIONER PEHRSON: Either way, the -- the<br/>10 light would be mitigated by the condition that you put in<br/>11 there for the zero light -- whatever that term --</p> <p>12       MR. SMALLWOOD: Foot-candle.</p> <p>13       COMMISSIONER MILKAVICH: Foot-candle.</p> <p>14       COMMISSIONER PEHRSON: -- is --</p> <p>15       MR. SMALLWOOD: Foot-candle.</p> <p>16       COMMISSIONER PEHRSON: -- at the property<br/>17 line?</p> <p>18       MR. SMALLWOOD: Yes.</p> <p>19       COMMISSIONER PEHRSON: Okay.</p> <p>20       COMMISSIONER MILKAVICH: My -- my thought or<br/>21 question is very similar because I was thinking by<br/>22 removing that sign we're mitigating the issue. But I<br/>23 guess it -- there -- is that sign one of the signs they<br/>24 would have to apply for a permit for signage?</p> <p>25       MR. SMALLWOOD: Yes.</p> | <p>Page 20</p> <p>1        COMMISSIONER PEHRSON: Yeah.</p> <p>2        COMMISSIONER MILKAVICH: And I don't really<br/>3 think --</p> <p>4        MR. SMALLWOOD: Regardless.</p> <p>5        COMMISSIONER MILKAVICH: -- it sounds<br/>6 appropriate. It's not hindering the applicant.</p> <p>7        MR. SMALLWOOD: Right. I -- I -- I don't<br/>8 honestly see, as you're driving west, that you'll<br/>9 actually see that sign through the trees.</p> <p>10       COMMISSIONER PEHRSON: I -- yeah. I guess<br/>11 what I was saying is I don't think they'll be able to put<br/>12 it there no matter what --</p> <p>13       MR. SMALLWOOD: Possibly.</p> <p>14       COMMISSIONER PEHRSON: -- because we already<br/>15 have a condition -- I guess we could clarify --</p> <p>16       MR. SMALLWOOD: Yeah. Possibly.</p> <p>17       COMMISSIONER PEHRSON: -- and just have them<br/>18 remove it.</p> <p>19       MR. SMALLWOOD: Are there other questions<br/>20 from the commission?</p> <p>21       COMMISSIONER LOWRY: Zach, I would -- one of<br/>22 the -- one of the topics we addressed in our pre-meeting<br/>23 was the state statute regarding permitted conditional<br/>24 uses and a planning commission's role. And could you --<br/>25 would you mind summarizing?</p> |
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Audio Transcription  
March 03, 2022

Pages 22..25

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| <p>1        MR. SMALLWOOD: Definitely. So I'll give the<br/>2 medium answer.</p> <p>3        So there are -- in zoning there are three<br/>4 types of uses: There are not permitted uses, which means<br/>5 they're just not allowed in the zone; there are permitted<br/>6 uses, which means they don't need to come to you as a<br/>7 body, they are just allowed to go in, apply for business<br/>8 licensing, do what they want.</p> <p>9        Like a restaurant along State Street doesn't<br/>10 need to come to you guys every single time.</p> <p>11       COMMISSIONER MILKAVICH: Within the statute.</p> <p>12       MR. SMALLWOOD: Yes. Yeah.</p> <p>13       And then the third one, which is why we're<br/>14 here tonight is called conditional uses. The state has<br/>15 mandated that conditional uses -- that the planning<br/>16 commission must approve a conditional use if the<br/>17 reasonable application of conditions would mitigate<br/>18 potential impacts.</p> <p>19       So that -- that's pretty much it. So the --<br/>20 your role as the planning commission is to make sure that<br/>21 they are meeting the -- that the impacts that we've kind<br/>22 of laid out, you know, through conditions are being met<br/>23 reasonably. And -- yeah. That's -- that's pretty much<br/>24 it.</p> <p>25       COMMISSIONER PEHRSON: Can I -- I just want</p> | <p>Page 22</p> <p>1        MR. MICHAELSON: Good evening, commissioners.<br/>2 I'm Christian Michaelson with Galloway &amp; Co., and I'm<br/>3 representing Kum &amp; Go tonight at this hearing.</p> <p>4        I want to thank Zach and all the staff.</p> <p>5 We've done a lot of coordination with them and tried to<br/>6 do exactly what exact has -- has been explained here<br/>7 tonight in mitigating any negative impacts that the --<br/>8 that the store might have in coming to -- to Murray.</p> <p>9        Kum &amp; Go's really excited to be part of the<br/>10 Murray community, and this will be one of the first<br/>11 stores that they're launching in Utah. So -- most people<br/>12 in -- in Utah aren't familiar with the -- the product<br/>13 that they have, but the -- Kum &amp; Go's owned by the -- the<br/>14 Krauss family, and it is a family-owned business.</p> <p>15       These are all corporately owned stores.</p> <p>16 They're not franchised. And so they're well maintained<br/>17 and well kept and well lit. And all the equipment is<br/>18 kept up to standard, and it's a very, very professional<br/>19 operation, I think.</p> <p>20       I actually wasn't familiar with it either<br/>21 until we -- we started representing these guys. And I<br/>22 went and toured a bunch of their stores over in Colorado,<br/>23 and was really impressed with the -- the operation that<br/>24 they -- they have and the way that they conduct their<br/>25 stores and -- and -- and perform.</p>               |
| <p>1 to clarify -- or clarify with a question. But basically,<br/>2 we have determined that a gas station may have impacts --</p> <p>3        MR. SMALLWOOD: Uh-huh.</p> <p>4        COMMISSIONER PEHRSON: -- and that's why<br/>5 we've made it condition --</p> <p>6        MR. SMALLWOOD: Uh-huh.</p> <p>7        COMMISSIONER PEHRSON: -- conditional use.<br/>8 And our job now is to try to mitigate those impacts. Not<br/>9 necessarily determine if we want a gas station here --</p> <p>10       MR. SMALLWOOD: Not remove impacts --</p> <p>11       COMMISSIONER PEHRSON: Right.</p> <p>12       MR. SMALLWOOD: -- or -- or the use, yes.</p> <p>13       COMMISSIONER PEHRSON: Okay.</p> <p>14       MR. SMALLWOOD: Yeah.</p> <p>15       COMMISSIONER PEHRSON: Thank you.</p> <p>16       MR. SMALLWOOD: Correct.</p> <p>17       COMMISSIONER LOWRY: Okay.</p> <p>18       MR. SMALLWOOD: Okay?</p> <p>19       COMMISSIONER LOWRY: Are there any more<br/>20 questions? Thank you very much.</p> <p>21       MR. SMALLWOOD: Thank you.</p> <p>22       COMMISSIONER LOWRY: We'll invite the<br/>23 applicant to come forward and to -- if they have a<br/>24 presentation, and speak to the commission. We'd ask you<br/>25 to state your name and your address for the record.</p>  | <p>Page 23</p> <p>1        I don't have a big -- big presentation to<br/>2 give you tonight, but I do want to say that Kum &amp; Go is<br/>3 an amazing community partner. I think you'll find<br/>4 that -- that they're pretty -- pretty awesome to have in<br/>5 your town. They do give 10 percent of their profits back<br/>6 to nonprofit organizations within the community, and they<br/>7 do a lot of community outreach things.</p> <p>8        They -- they actually have a food give back<br/>9 program that they do. So when -- when food doesn't meet<br/>10 their standard, which is extraordinarily high, they'll<br/>11 actually take those and -- and give them to local food<br/>12 pantries. And it's still really good food, but they just<br/>13 don't want it to go to waste. And they do a lot of<br/>14 really cool things within the community -- community<br/>15 partners that they have.</p> <p>16       I guess a couple of other things to mention<br/>17 is that the state requires that they have an A, B and a C<br/>18 operator. And -- and they always do have an A, B and C<br/>19 operator for underground storage tanks. And so most of<br/>20 their employees are certified as C operators, and the B<br/>21 operators are the managers.</p> <p>22       And then their A managers are subcontract,<br/>23 like, Seneca is a -- is a company that they work with in<br/>24 their -- they're professional fuel tank and -- and system<br/>25 installers, and they deal with these systems all over the</p> <p>Page 25</p> |

Audio Transcription  
March 03, 2022

Pages 26..29

| Page 26   | Page 28  |
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| <p>1 country, so. All of the systems they install will be<br/>2 installed to meet all the federal, state and local<br/>3 guidelines.</p> <p>4 I know some of these questions come up and --<br/>5 and I just want to say that I think the staff's done a<br/>6 really good job of -- of giving you information. I would<br/>7 be happy to answer any questions that you might have.</p> <p>8 And so just want to -- want to thank you for your time.</p> <p>9 COMMISSIONER LOWRY: Before you get to<br/>10 that -- questions, I -- I don't believe we got your<br/>11 address. And you can feel free to give us --</p> <p>12 MR. MICHAELSON: Oh.</p> <p>13 COMMISSIONER LOWRY: -- your corporate<br/>14 address.</p> <p>15 MR. MICHAELSON: My apologies. Yeah. It's<br/>16 172 North East Promontory, Suite 274.</p> <p>17 COMMISSIONER LOWRY: Very good.</p> <p>18 Have you -- have you and the applicant<br/>19 reviewed the -- the currently 15 -- the 15 conditions?</p> <p>20 MR. MICHAELSON: Yes, we have.</p> <p>21 COMMISSIONER LOWRY: Would you be able to<br/>22 comply with those?</p> <p>23 MR. MICHAELSON: Yeah. Yeah.</p> <p>24 COMMISSIONER LOWRY: I'll open it to<br/>25 questions from the commission for the applicant.</p>   | <p>1 residential or commercial?</p> <p>2 COMMISSIONER LOWRY: It's commercial.</p> <p>3 COMMISSIONER RICHARDS: Commercial.</p> <p>4 COMMISSIONER PEHRSON: So I think we have --<br/>5 we have a condition 14 that already talks about that. I<br/>6 think we can just add south side to that condition;<br/>7 right?</p> <p>8 COMMISSIONER LOWRY: Yep. That's a very good<br/>9 idea.</p> <p>10 COMMISSIONER PEHRSON: And wasn't that a<br/>11 recommendation that --</p> <p>12 COMMISSIONER LOWRY: For -- yeah.</p> <p>13 COMMISSIONER PEHRSON: -- the south side?</p> <p>14 UNIDENTIFIED MALE: We -- we encouraged it.</p> <p>15 MR. MICHAELSON: You encouraged it, yes.</p> <p>16 UNIDENTIFIED MALE: Okay.</p> <p>17 COMMISSIONER MILKAVICH: So, then, just -- so<br/>18 the south side approaches 9th East, so there will be a<br/>19 vision issue with coming in and out of the parking lot,<br/>20 so there's setbacks required with the fence line; right?</p> <p>21 Okay.</p> <p>22 MR. MICHAELSON: To -- to the extent that --<br/>23 that UDOT will allow us to do, and -- and we can comply<br/>24 with the code, I think, you know, the indications from --<br/>25 from the owner, my client, are that they're open to that.</p>  |
| <p>1 COMMISSIONER PEHRSON: I think the only<br/>2 question I have is, we talked about adding a condition<br/>3 for the eight-foot masonry fence along the east and south<br/>4 line, would that be okay?</p> <p>5 MR. MICHAELSON: Yeah. We -- we are willing<br/>6 to comply with that condition, and we're happy to do<br/>7 that. We think that that will help limit the light<br/>8 bleed. It will also affect a lot of the safety concerns<br/>9 that I think frankly exist right now. And I think that<br/>10 it will make the site better, safer and -- and more<br/>11 pleasant all -- all around.</p> <p>12 COMMISSIONER MILKAVICH: I -- I have to ask<br/>13 for clarification. Were you discussing the fence line<br/>14 for the east side only? Or the east and the south? In<br/>15 your report it says it doesn't seem to require any fence<br/>16 line along the south side.</p> <p>17 MR. MICHAELSON: Did we --</p> <p>18 COMMISSIONER MILKAVICH: We recommended --<br/>19 well, we haven't really discussed it. The report we<br/>20 just -- we talked about it -- east side.</p> <p>21 MR. MICHAELSON: I would -- I would -- I<br/>22 would propose there'll be a -- there would be a 16th<br/>23 condition, which would be an eight-foot masonry fence on<br/>24 the -- on the east and south side of the property.</p> <p>25 COMMISSIONER MILKAVICH: Is the south side</p> | <p>1 COMMISSIONER LOWRY: Can you talk about the<br/>2 applicant's environmental -- their operations in terms of<br/>3 how often they do inspections, how often the -- the --<br/>4 the A -- the As, the Bs and the Cs are -- are doing that<br/>5 and what they're -- what they're cadence is for that?</p> <p>6 MR. MICHAELSON: That's really not my area of<br/>7 expertise. I'm a civil engineer, and so I -- you know, I<br/>8 design civil stuff. And so -- but we could certainly<br/>9 provide you with that information.</p> <p>10 And they're -- they're absolutely meeting all<br/>11 of the requirements that -- that -- for inspections,<br/>12 testing, etc., that -- that is required of those ABC UST<br/>13 operators.</p> <p>14 COMMISSIONER LOWRY: Uh-huh.</p> <p>15 MR. MICHAELSON: So. Their compliance<br/>16 operation is significant.</p> <p>17 COMMISSIONER LOWRY: I -- I --</p> <p>18 COMMISSIONER MILKAVICH: And Mr. Lowry, for<br/>19 the -- clarification, our business licensing department<br/>20 would not approve their license if they hadn't met at<br/>21 least the minimal standards required; is that correct?</p> <p>22 COMMISSIONER LOWRY: Right. Love to know<br/>23 they're going above and beyond, but.</p> <p>24 Are there any -- any other questions from<br/>25 the -- from the commission?</p> |

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| <p>1 COMMISSIONER PEHRSON: The only other<br/>2 question I had was the sign on the east side of the<br/>3 canopy. Would you be able to --<br/>4 MR. MICHAELSON: That's fine.<br/>5 COMMISSIONER PEHRSON: -- eliminate that?<br/>6 MR. MICHAELSON: Yeah.<br/>7 COMMISSIONER PEHRSON: Okay.<br/>8 MR. MICHAELSON: Yeah. We're -- we're fine<br/>9 with eliminating that. Not a problem.<br/>10 COMMISSIONER LOWRY: I think that my -- my<br/>11 concerns with this, you know -- and Zach kind of<br/>12 mentioned that whether -- whether -- whether we like the<br/>13 idea of a gas station there or not is a little bit<br/>14 immaterial. But for me, my biggest concerns are<br/>15 environmental -- speaking personally, are the<br/>16 environmental and then the lighting concerns.<br/>17 And I want to emphasize the zero candle<br/>18 that's -- emissions that it's -- expected on the<br/>19 neighboring properties. I've seen in -- in other -- in<br/>20 other -- other developments where they -- you -- you<br/>21 actually will point the lights away, those exterior<br/>22 lights away from -- from the neighborhood and act as a --<br/>23 as a barrier. And you actually get a -- you can get --<br/>24 you can get a zero -- zero -- zero candle on that fence.<br/>25 To me that's something that's of critical</p>                               | <p>Page 30</p> <p>1 candle is. I mean, it's literally the amount of light a<br/>2 foot away from a burning candle.<br/>3 COMMISSIONER LOWRY: Yep.<br/>4 MR. MICHAELSON: And so it's -- it's not a<br/>5 lot of light. In fact, I've heard a lot of people<br/>6 describe it as essentially what you would be -- what kind<br/>7 of light you would get on the ground on a moonlit<br/>8 night --<br/>9 COMMISSIONER LOWRY: Uh-huh.<br/>10 MR. MICHAELSON: -- right? It's pretty --<br/>11 pretty low amount of light.<br/>12 COMMISSIONER LOWRY: Yeah. We -- we like<br/>13 zero in residential areas --<br/>14 MR. MICHAELSON: Right.<br/>15 COMMISSIONER LOWRY: -- from commercial.<br/>16 MR. MICHAELSON: And so --<br/>17 COMMISSIONER LOWRY: For that environment.<br/>18 MR. MICHAELSON: -- that is good. And we're<br/>19 happy to work with the staff in order to achieve that.<br/>20 We do want to have a safe site.<br/>21 COMMISSIONER LOWRY: Uh-huh.<br/>22 MR. MICHAELSON: We want to have it be safe<br/>23 for the employees, we want to have it be safe for the<br/>24 customers. Safety and security is a top priority for Kum<br/>25 &amp; Go. Part of what's happening underneath canopies and</p>   |
| <p>1 importance. I -- I -- like I said, whether -- whether<br/>2 we -- whether -- whether -- it's -- personally, I -- I --<br/>3 I love the -- the gas station use or not, the impact from<br/>4 an environmental standpoint to me is very important for<br/>5 this area.<br/>6 And also the -- the -- the light that -- that<br/>7 could -- that light pollution frankly that could go over<br/>8 to the -- to neighbors is of -- of paramount importance<br/>9 to me, personally.<br/>10 MR. MICHAELSON: Yeah. Absolutely appreciate<br/>11 those concerns. And, I mean, Kum &amp; Go's owner -- owner<br/>12 of over 400 stores and developing more every day, so<br/>13 obviously we hear this -- this concern a lot, and we<br/>14 are -- we completely understand.<br/>15 So something important to understand is that<br/>16 all of the lighting on site is downcast lighting --<br/>17 COMMISSIONER LOWRY: Uh-huh.<br/>18 MR. MICHAELSON: -- so we're -- we're not<br/>19 throwing light horizontally very much on purpose. And<br/>20 all of the -- the lights on the building are shrouded.<br/>21 And so what you're seeing there -- and -- and Galloway<br/>22 does the photometrics plans for Kum &amp; Go for Utah, and so<br/>23 we're happy to rearrange those until we meet the<br/>24 standard.<br/>25 You -- you kind of asked about what a foot</p> | <p>Page 31</p> <p>1 that you're -- you're doing financial transactions.<br/>2 People have their credit cards out. And so we want to<br/>3 make sure that they're able to see what they're doing --<br/>4 And they're also, you know, they're<br/>5 dispensing gasoline. We want to make sure that they have<br/>6 adequate light to be able to do that, and -- and so<br/>7 that's a -- a big priority for us.<br/>8 COMMISSIONER LOWRY: I understand. And I --<br/>9 I would -- I would -- I would -- I think that -- and it<br/>10 may be a little more expensive, but I think that you can<br/>11 accomplish both the -- the -- your -- your safety<br/>12 requirements and also hit the -- the -- be at the zero<br/>13 candlelight --<br/>14 MR. MICHAELSON: Absolutely.<br/>15 COMMISSIONER LOWRY: -- and emissions as<br/>16 well.<br/>17 MR. MICHAELSON: Agreed.<br/>18 COMMISSIONER LOWRY: Very good.<br/>19 COMMISSIONER MILKAVICH: Uh-huh.<br/>20 COMMISSIONER LOWRY: Sorry. I'm --<br/>21 COMMISSIONER RICHARDS: No, you're fine.<br/>22 COMMISSIONER LOWRY: So I had one -- one<br/>23 thought. And we talked about this a bit in the<br/>24 pre-meeting, but I don't know if in other operations that<br/>25 Kum &amp; Go has, and this was spoken to by some of the</p> |

Audio Transcription  
March 03, 2022

Pages 34..37

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| <p>Page 34</p> <p>1 residents who provided feedback, the -- the issue of home<br/>2 values in terms of putting a gas station near their home.<br/>3 Is there anything that you can speak to in<br/>4 other places where that has actually -- I think the<br/>5 discussion we had was that it actually will help the home<br/>6 value. And so I wondered if you could speak to that and<br/>7 affirm that in any way.<br/>8 MR. MICHAELSON: I -- I really don't have<br/>9 anything more to add to what Zach said. I -- I think<br/>10 that's generally true. And I don't really -- I can't say<br/>11 anything beyond what he said.<br/>12 COMMISSIONER RICHARDS: Okay.<br/>13 MR. MICHAELSON: He said it well.<br/>14 If I may, one second.<br/>15 COMMISSIONER LOWRY: Yeah. Please.<br/>16 MR. MICHAELSON: There was a question about<br/>17 cameras and safety on the -- on the building. There will<br/>18 be cameras in the back of the building and cameras<br/>19 inside, 360 degree cameras. And so that will all be<br/>20 monitored. There won't be people camping out back there,<br/>21 loitering or anything like that.<br/>22 In fact, I would -- I mean, I swung by the<br/>23 site on the way here, and I would say that condition's<br/>24 probably going to be a dramatic improvement.<br/>25 COMMISSIONER LOWRY: Yeah.</p> | <p>Page 36</p> <p>1 obviously to the city as well.<br/>2 COMMISSIONER MILKAVICH: Okay.<br/>3 COMMISSIONER LOWRY: Very good.<br/>4 COMMISSIONER MILKAVICH: My one other thought<br/>5 was traffic. We haven't discussed that to -- too much.<br/>6 MR. MICHAELSON: Uh-huh.<br/>7 COMMISSIONER MILKAVICH: Specifically Vine<br/>8 Street. We are permitting you to put an entrance there<br/>9 on Vine Street that has right-in and left-in, but with<br/>10 the caveat that we could come back and restrict it in the<br/>11 future if there was traffic issues there. And I just<br/>12 thought it was worth stating that and stating they were<br/>13 trying to address the traffic needs. And if there's any<br/>14 other thoughts or discussion around it.<br/>15 MR. MICHAELSON: Yeah. We're -- we're<br/>16 obviously sensitive to the traffic around the site.<br/>17 One thing I -- I would like to point out is<br/>18 that as Zach mentioned, convenience stores and fueling<br/>19 stations are really not trip generators, they're just<br/>20 trip absorbers. People are just stopping by on their way<br/>21 some place else. Very, very few trip generations come<br/>22 from the construction of a -- a fueling station.<br/>23 So it -- it's probably not going to add much<br/>24 traffic, if any. I do feel like the right-in, right-out<br/>25 situation on 9th East is going to be a big improvement in</p> |
| <p>Page 35</p> <p>1 COMMISSIONER MILKAVICH: Mr. Chair, I<br/>2 appreciate all the discussion. I have two more --<br/>3 other --<br/>4 COMMISSIONER LOWRY: Please, yeah.<br/>5 COMMISSIONER MILKAVICH: -- thoughts about<br/>6 environmental concerns. Appreciate the discussion we've<br/>7 had. We haven't touched base on the bridge over the<br/>8 river. And I just wanted to discuss that for a second.<br/>9 Condition No. 8 addresses it. And I guess you're good<br/>10 with that.<br/>11 And is there any further thoughts you have on<br/>12 how you're protecting our river with building that<br/>13 bridge?<br/>14 MR. MICHAELSON: Yeah. So Trey Stokes and I<br/>15 have been dialoguing on that. It will be a<br/>16 pile-supported bridge, and it will be pre-manufactured,<br/>17 so it will go in quickly. It's all predesigned and then<br/>18 kind of delivered to the site. So that's how we propose<br/>19 to do that.<br/>20 We're going to completely span the existing<br/>21 channel there so there won't be any, you know, negative<br/>22 influence on that channel. Also went and looked at that<br/>23 tonight, which I was amazed it's almost dry. It's crazy.<br/>24 But, yeah. We -- we are planning on<br/>25 committing to Salt Lake County flood control, and -- and</p>                                  | <p>Page 37</p> <p>1 safety over the dual entrances. Especially with the<br/>2 proximity of the north entrance to that intersection<br/>3 beyond what's -- what's already there. As far as 9th --<br/>4 or Vine Street goes, the left-in, left-out isn't<br/>5 essential to our operation.<br/>6 So we fully intend on being able to function<br/>7 without that. I think that -- that time will tell,<br/>8 essentially. You know, I think people tend to learn<br/>9 traffic patterns and learn how they respond --<br/>10 What's safe at noon might not be safe at 8:30<br/>11 in the morning; right? And so a lot of -- a lot of the<br/>12 decisions we make as drivers is left to our discretion,<br/>13 is this safe right now or is this not safe right now, you<br/>14 know? Conditions affect -- affect what's okay and what's<br/>15 not okay.<br/>16 And so there's a lot of analysis in the -- in<br/>17 the TIS, obviously, and so I -- I would say maybe just<br/>18 refer you to that. But we're fully prepared to function<br/>19 without the left-in, left-out.<br/>20 COMMISSIONER MILKAVICH: Thank you.<br/>21 COMMISSIONER LOWRY: Any other questions?<br/>22 They're good. We'll open -- we thank you for<br/>23 your time.<br/>24 We'll -- likely there'll be some -- some<br/>25 items to address from the -- from the -- from the</p>   |

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| <p>1 upcoming public comments, I'm imagining, so.</p> <p>2 MR. MICHAELSON: Sounds good. Will I get a chance to address those --</p> <p>4 COMMISSIONER LOWRY: Yes, you will.</p> <p>5 MR. MICHAELSON: -- if needed? Okay.</p> <p>6 COMMISSIONER LOWRY: Yeah.</p> <p>7 Zach, I think what might be good out of respect for the folks that are here is to allow those that are here -- if they've made a comment -- we want to let you know, if you've made a comment, we would not read your -- the comment that you -- if you want to make -- if you want to come and make a -- a verbal comment, I'm sorry. I'm going to backup.</p> <p>14 We've received several e-mails and written correspondence making -- making public comment. We haven't -- we have several members of the community, which we are excited to hear your comments. What we -- what we will not do is allow -- so you can't come and make a verbal comment and then have your written comment read into the record as well.</p> <p>21 So we'd ask you to choose if you would like to -- if you'd like to make a verbal comment, we welcome that. We ask you to -- to -- to try to keep it to three minutes if you can. If you would prefer to have your -- your written comment read into the -- in, then -- then --</p> | <p>Page 38</p> | <p>1 the evaporate gas, filled the empty tank, they need to release it. And -- and I want to know how do they going to do it because sometimes they have to make a pipe and release it? Or they just -- collect everything into the -- the delivery tank, and release the new fuel in the tank.</p> <p>7 I'm an owner of the gas station, so I know how it's going, but the problem is, leaking tank or -- that's not the problem. Because that one is really protected and -- but what I'm saying is the evaporate gas is releasing, and that neighbor's going to smell the gas every day, all day.</p> <p>13 And so I think -- I need to know that, you know, how do they going to release those evaporate gas from the tank, and the canopy lights and how long they're going to turn it on. Because even they just, you know, the -- turn the part of it, it's still going to bother the neighbors.</p> <p>19 I don't live that -- right by it, but I just concerned that lights. Because in my experience, I had a gas station, one on 39th, and the -- apartment in the back, and they always complained that my light's on, so I turn it off because it's a -- private owned. But that's a company owned, and I don't think that, you know, they can. So they have to be light on.</p> | <p>Page 40</p> |
| <p>1 then please, you don't even -- you don't need to -- to come to the podium and we will read them in at the end of the -- of the public comments.</p> <p>4 So at this point, I'd like to open up public comments. Again, I'd like to ask you to come to the podium, speak into the microphone, state your name and your address for the -- for the record, and -- and do your best to keep the comments to three minutes.</p> <p>9 So we'll open it up. Please. It's --</p> <p>10 KYUNG HAN: My name is Kyung Han, and I live in 6053 South Bridges Lane. I have a question and a comment.</p> <p>13 The first -- and the -- the project has a canopy light that says candlelight, but the canopy light is 150 watt LED lights. That's a 20,000 lumen. It's really bright. And it's a -- like, a -- even like a 20 LED light is 150 -- the regular light, you know? That's strong.</p> <p>19 So if it's a corporation, are they going to be on in the -- the lights on for 24 hours? And I believe the neighbor that it's -- it's a residential, going to have problem with the night life.</p> <p>23 The second one that I want to ask the developer how do they going to evaporate those evaporate gas in the tank? When they deliver they have to release</p>                            | <p>Page 39</p> | <p>1 And plus, the canopy, the side always they have a light. And that's a -- just, like, a design of it. And I never seen the canopy doesn't -- the side doesn't have a light. So that's what I want to tell --</p> <p>5 COMMISSIONER LOWRY: We appreciate your comments and questions.</p> <p>7 KYUNG HAN: -- tell you. For sure.</p> <p>8 COMMISSIONER LOWRY: We'll -- we'll -- we'll -- as -- as we mentioned, the -- the applicant will have a question to answer all the questions --</p> <p>11 KYUNG HAN: Uh-huh.</p> <p>12 COMMISSIONER LOWRY: -- at the end of the public comments. So thank you very much.</p> <p>14 KYUNG HAN: Okay. Thank you.</p> <p>15 Do I have a -- one more minute?</p> <p>16 COMMISSIONER LOWRY: Sure.</p> <p>17 KYUNG HAN: Sorry. Okay. So the -- even that there is a no leakage or anything, when they deliver the gas, the driver always spills all over the parking. I mean, the ground. And plus, as a customer, and I even -- sometimes in, like, spilled a little bit because that's, you know, it's a fueling, and that happens most of the time.</p> <p>24 But all those is accumulated in, like, a -- you know, ten years, twenty years. And it's going to</p>   | <p>Page 41</p> |

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| <p>1 accumulate the -- it's going to contaminate the soil, and<br/>2 the -- and the -- the rain waters and the -- whatever the<br/>3 clean -- the parking lot. It's going to -- you know --<br/>4 if that -- I mean, the -- effect, you know, the stream --<br/>5 My pretty creek's going to be contaminated<br/>6 little by little. Because my -- the property that I got<br/>7 rid of, I -- I grind it up. I just make it -- right now<br/>8 I'm trying to build a retail for that corner, but when I<br/>9 did the phase 2, the test, the soil test, even my<br/>10 property -- not even my property, it's across the street,<br/>11 corner, has -- they find it out that the residual of<br/>12 the -- you know, the fuel.<br/>13 So that's my -- another concern that if -- if<br/>14 that comes to our property. And I don't want to --<br/>15 that's my dream house, and I don't want to -- it away.<br/>16 Thanks.<br/>17 COMMISSIONER LOWRY: Thank you very much.<br/>18 BRITTANY NOBLE: Hi. I'm Brittany Noble.<br/>19 I'm probably the second closest house to --<br/>20 COMMISSIONER LOWRY: Will you state your<br/>21 address?<br/>22 BRITTANY NOBLE: -- where this will be --<br/>23 yes. It's 935 East Bridges Court.<br/>24 And I will just read, basically, my e-mail<br/>25 and make a couple points off of that. So I just want to</p>  | <p>Page 42</p> <p>1 really handle even more traffic through here? All of the<br/>2 U-turns trying to get into this gas station, that's what<br/>3 would happen.<br/>4 Has a traffic study been done? I -- I guess<br/>5 we heard that it has, but to figure out what's going to<br/>6 happen. It doesn't seem like an -- like an easy area to<br/>7 get in and out of, really. And we know that people will<br/>8 turn left trying to get in.<br/>9 Also, what kind of environmental studies have<br/>10 been done? The gasoline will run off into the creek.<br/>11 With the crime, traffic accidents, environmental issues<br/>12 and value that we will lose on our homes, I would wonder<br/>13 why this would even be considered. Thank you for<br/>14 listening.<br/>15 Just a couple of things I wanted to add is<br/>16 that gas stations really aren't supposed to be put within<br/>17 500 feet of homes because of the fumes that we are all<br/>18 going to be breathing in. And there has been a board<br/>19 member or somebody fill -- in affiliation with the board<br/>20 that had -- Nan's property that was sold about six months<br/>21 ago, and she didn't have any information about this.<br/>22 So my question is, why would she have sold<br/>23 this property other than she knew that her property was<br/>24 going to go down in value? So regardless of saying that<br/>25 they're not going to go down in value, well, obviously</p> |
| <p>Page 43</p> <p>1 thank you for taking the time to listen to us and having<br/>2 this meeting. What I would like to ask is how many<br/>3 people in the room would like to have a gas station put<br/>4 right next to their house because that's what's about to<br/>5 happen to me.<br/>6 Please go ahead and raise your hand. Knowing<br/>7 that it will decrease your home value because that's what<br/>8 most studies say is about 16 percent on average.<br/>9 Regardless of what other people in the room have said.<br/>10 The 24-hour canopy lighting blaring in your<br/>11 window while you're trying to sleep at night, and the<br/>12 clientele that it will more than likely bring, making you<br/>13 feel that it's not safe for your kids to play right over<br/>14 the fence in your backyard.<br/>15 We all understand that the properties along<br/>16 9th East have been zoned commercial, but you have to<br/>17 understand that when we all moved in, they were all used<br/>18 as residential, aside from the car wash that's always<br/>19 been there, and the quiet yoga studio just -- aside from<br/>20 my fence.<br/>21 My question would be, what kinds of studies<br/>22 have been done to support this? There are already so<br/>23 many accidents at the corner of 9th East. Just last<br/>24 night we had a car flip over and everybody had to go<br/>25 through the 7-Eleven parking lot to get home. Can it</p> | <p>Page 45</p> <p>1 she felt like it was. So.<br/>2 Thank you for listening.<br/>3 COMMISSIONER MILKAVICH: Can --<br/>4 COMMISSIONER LOWRY: Thank you for coming.<br/>5 COMMISSIONER MILKAVICH: Mr. Chair, can I ask<br/>6 a quick question?<br/>7 COMMISSIONER LOWRY: Sure.<br/>8 COMMISSIONER MILKAVICH: Do you have a<br/>9 citation for the 500-feet-from-a-home reference?<br/>10 BRITTANY NOBLE: No. I can get that for you.<br/>11 COMMISSIONER LOWRY: Will you come back to<br/>12 the podium so the folks that are online can hear you<br/>13 and -- as you -- as you read this into record?<br/>14 BRITTANY NOBLE: Yeah. I'll have to find it<br/>15 for you, but --<br/>16 COMMISSIONER LOWRY: Okay. All right.<br/>17 BRITTANY NOBLE: -- yes. I will.<br/>18 COMMISSIONER LOWRY: All right. Okay. We'll<br/>19 get you back.<br/>20 Any other public comments? Please.<br/>21 STERLING HANSEN: My name is Sterling Hansen,<br/>22 6067 Bridges Lane. I'm the president of the HOA there.<br/>23 And I sent an e-mail, so I'm kind of double doing it<br/>24 here.<br/>25 COMMISSIONER LOWRY: Great.</p>  |

Audio Transcription  
March 03, 2022

Pages 46..49

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| <p>1       STERLING HANSEN: If you get my e-mail, it's<br/>2 got a lot of bullet points.<br/>3       COMMISSIONER LOWRY: We -- I read it.<br/>4       STERLING HANSEN: And there's a few other<br/>5 things that came to my attention as we were sitting here<br/>6 that I wanted to add on.<br/>7       Mark Noble, her husband, actually got that<br/>8 500 foot notation from the mayor. He -- he was speaking<br/>9 to the mayor today and -- isn't that correct?<br/>10      BRITTANY NOBLE: Oh, actually, it was from --<br/>11 it was from the Eaglemountaincity.com.<br/>12      STERLING HANSEN: Oh.<br/>13      BRITTANY NOBLE: But we were talking to the<br/>14 mayor about it.<br/>15      STERLING HANSEN: Okay.<br/>16      COMMISSIONER LOWRY: So --<br/>17      STERLING HANSEN: So that's something to<br/>18 explore, obviously. And I'm sure -- I mean, if -- if you<br/>19 had a gas station proposed to be built right next to you,<br/>20 you'd probably feel the same way that we do.<br/>21      The fence that they're proposing on the east<br/>22 side, I'd like to know what kind of fence. They say it's<br/>23 masonry. Is it cinder block? I mean, is it going to be<br/>24 nice looking? I'd like to know the -- the details on<br/>25 that. And I'd like -- if -- if it goes in, I'd like to</p>  | <p>1 Vine, that bridge that they're proposing is going to be<br/>2 really close to the intersection. I see that as a -- as<br/>3 a super hazardous situation. So I don't know how they're<br/>4 going to -- how that got approved.<br/>5       Okay. Those are the main things I wanted to<br/>6 bring to your attention. Thank you for your time.<br/>7       COMMISSIONER LOWRY: Thank you. Appreciate<br/>8 your comments.<br/>9       Please. Yeah.<br/>10      KIMBERLY FURNESS: I sent an e-mail as well,<br/>11 so I'll keep this very brief. I apologize. It's just --<br/>12 something that came up --<br/>13      COMMISSIONER LOWRY: You're good.<br/>14      KIMBERLY FURNESS: -- as you were discussing.<br/>15      COMMISSIONER LOWRY: What -- what's your name<br/>16 and your address?<br/>17      KIMBERLY FURNESS: Kimberly Furness, and my<br/>18 address is 959 East Bridges Court. And if you'll excuse<br/>19 me, I hate public speaking so I get jittery.<br/>20      COMMISSIONER LOWRY: You're doing great.<br/>21      KIMBERLY FURNESS: So if you come out of our<br/>22 neighborhood and you go a couple blocks to the north, you<br/>23 hit a 7-Eleven gas station, and before that, on the west<br/>24 side there you hit a massive Macey's grocery store. If<br/>25 you come out of our -- or come out on to 9th East and go</p>   |
| <p>1       go higher than eight foot. I mean, I think the higher<br/>2 the better.<br/>3       And then -- sorry. These are kind of just<br/>4 disjointed comments, but -- and then why is -- why is<br/>5 this public meeting taking place so far down the road? I<br/>6 mean, shouldn't this be happening before they're ready to<br/>7 build? I mean --<br/>8       And by the way, I didn't even receive a<br/>9 letter. It says that you -- you said, like, 56 letters<br/>10 went out, but I -- I didn't get one, and I don't know<br/>11 why. Did you just randomly send to whoever you -- you<br/>12 felt -- that was appropriate? I mean, how does that<br/>13 process work?<br/>14      You talked a lot about shielding the light,<br/>15 but you didn't shield it 100 percent. I mean, light will<br/>16 go over things. And -- and of course you can't shield<br/>17 odor, which we've talked about. Odor's a big deal, and<br/>18 nobody wants to smell gasoline.<br/>19      They talked about a -- 21-lot parking, that's<br/>20 a lot of -- that's a lot of parking. I mean, most little<br/>21 convenience stores that I've seen on corners, maybe five<br/>22 or six or seven. 21? We're talking about a pretty big<br/>23 gas station here. And that's going to increase the<br/>24 traffic.<br/>25      And speaking of traffic, going across on</p> | <p>1       south, you hit a gas station a couple blocks that way,<br/>2 right there before you get to the freeway.<br/>3       If you just cross our street, just walk<br/>4 across 9th East, you hit a 7-Eleven. And if you were to<br/>5 turn and go east, behind us, you will hit a gas station<br/>6 at the end of that street. So we are literally<br/>7 surrounded by convenience stores and gas stations. I<br/>8 just -- I have no idea why Murray needs another one right<br/>9 there.<br/>10      It's great that they give to the community,<br/>11 but those of us that live the closest, we're not<br/>12 considered actual Murray. We don't get Murray power, we<br/>13 don't get Murray garbage pick up. We do that through<br/>14 Salt Lake County. So we're in Murray, but we're not<br/>15 Murray. I've been told we're annexed Murray. So this is<br/>16 going to affect as, but the most that -- we will see no<br/>17 benefits of the Murray City charitable donations, etc.<br/>18      So, again, we're surrounded by gas stations,<br/>19 why do we need another one right there? And it does<br/>20 sound pretty huge if they need that many parking spots<br/>21 and there's that big grocery store, that Macey's that has<br/>22 plenty of parking and shopping and whatnot.<br/>23      And also, the 7-Eleven that's across from us,<br/>24 it had gas pumps when we moved in. There were two or<br/>25 three gas pumps there, and they took them out. And it</p> |

Audio Transcription  
March 03, 2022

Pages 50..53

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| <p>1 did smell like gas. It smelled like gas when they fueled<br/>2 up, it smelled like gas during the summer when it gets so<br/>3 hot. It did -- caused traffic and problems.<br/>4 It -- they took the pumps out and everyone<br/>5 appreciated it very much. So to put them even closer to<br/>6 us now kind of blows my mind.<br/>7 And also with what was mentioned about<br/>8 contaminating the soil, that's the type of thing that if<br/>9 it does seep into the soil, not from leakage, but from<br/>10 people spilling. People are going to spill gas. We're<br/>11 not all as competent as we'd like to think. That's the<br/>12 type of thing that will affect our soil, and we won't<br/>13 know for ten or fifteen years.<br/>14 So those of us growing vegetable gardens,<br/>15 there are only a handful of kids that live in the<br/>16 neighborhood, but there are enough that I don't want to<br/>17 feed my kids poisoned vegetables and not know it until<br/>18 they're 18, you know?<br/>19 And, yeah. I think that's about it.<br/>20 COMMISSIONER LOWRY: Thank you for your<br/>21 comments.<br/>22 KIMBERLY FURNESS: Thank you.<br/>23 COMMISSIONER LOWRY: We appreciate them.<br/>24 NANTAWAN MORTENSEN: My name is Nantawan<br/>25 Mortensen. My address is 6051 South 900 East, which is</p>  | <p>Page 50</p> <p>1 Are there any other additional public<br/>2 comments?<br/>3 In that case, Zach, I think it would be<br/>4 appropriate to read in the -- the public comments that<br/>5 have not -- for folks that -- that are not in the meeting<br/>6 today -- at this time.<br/>7 MR. SMALLWOOD: Okay.<br/>8 So first one -- so just as a caveat, I am<br/>9 reading these in order of receipt. So first one was from<br/>10 March 1st, and we'll go through the most recent one that<br/>11 I have.<br/>12 COMMISSIONER LOWRY: Great.<br/>13 MR. SMALLWOOD: So they're not in any<br/>14 particular order except that.<br/>15 This is from Rex Wheeler at 6061 Bridges<br/>16 Lane.<br/>17 "Dear commission, I live in the small<br/>18 subdivision adjacent to the proposed project. I am<br/>19 not in -- in opposition to this. It will probably<br/>20 be a nicer property after the development. I would<br/>21 only ask that a block fence at least eight feet<br/>22 high be built against our subdivision property.<br/>23 Thank you."<br/>24 Okay. Next is from Diane Dykman. I<br/>25 apologize if I said that wrong. Doesn't give an address.</p>  |
| <p>1 next to the car wash right now, and I -- I bought it in<br/>2 September. But I didn't know anything about gas station,<br/>3 and -- until it's closed. Everything done. And then I<br/>4 hear something -- but it come too late.<br/>5 And then in that property we do a spa,<br/>6 like -- and as the owner, I turn down a lot of turn in<br/>7 because I want to keep that -- that area quiet, not too<br/>8 traffic because we have limited parking.<br/>9 And -- I'm sorry, I -- and then when I heard<br/>10 that we can -- they're not allowed to turn left, which it<br/>11 going to affect my parking area because we are afraid<br/>12 that people are going to -- oh, we got to turn to our<br/>13 parking and then walk to the convenience gas station.<br/>14 And we have limited parking already. We<br/>15 don't want any surprise. And sometime people turn to our<br/>16 parking, and then they cannot go around, so they have to<br/>17 go back, so we -- we try to keep it more -- more peaceful<br/>18 because we have, like a personal fitness -- one -- on<br/>19 one, so it's not that many people there, and we have a<br/>20 peaceful spa.<br/>21 And we try to keep our -- our place like calm<br/>22 and peaceful environment, like a -- a -- health issue.<br/>23 But -- so I don't know. I'm kind of overwhelmed when I<br/>24 heard about this, so. Just -- thank you.<br/>25 COMMISSIONER LOWRY: Thank you for your time.</p> | <p>Page 51</p> <p>1 "To whom it may concern, my property is<br/>2 within 300 feet of this proposed fuel station and<br/>3 convenience store. As a matter of fact, I will<br/>4 have a bird's eye view of this business as my<br/>5 property abuts this business on the west side of my<br/>6 property. I am against approval of the fuel<br/>7 station and convenience store for the following<br/>8 reasons:<br/>9 A commercial property with high-flow traffic<br/>10 can be seen from my front door, and thus will<br/>11 devalue your property value. Increased traffic<br/>12 with the concern for increased theft and crime.<br/>13 I am a single woman and purchased this home seven<br/>14 years ago because it was a gated community. The<br/>15 current HOA fencing, which is on the west side of<br/>16 my property, height is too low and will not deter<br/>17 from jumping the fence and committing crime.<br/>18 My environmental peace and comfort will be<br/>19 negatively impacted due to increased traffic in the<br/>20 area. If the following fuel station and<br/>21 convenience store is approved, I would ask the<br/>22 counsel to require Galloway and company to replace<br/>23 the existing fence with the same type of fence, but<br/>24 substantially higher so residents don't have to see<br/>25 the approved property.</p> |

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| <p>1       Thank you for your consideration, Diane<br/>2       Dykman."<br/>3       Okay. Never mind. Brittany spoke.<br/>4       So this one was actually from a commissioner.<br/>5       This is from Travis Nay. He is on the planning<br/>6       commission. This was in response to Brittany's e-mails.<br/>7       Brittany Noble's e-mails.<br/>8       COMMISSIONER LOWRY: It might -- it might --<br/>9       it may not be a bad idea to read Ms. Noble's e-mail into<br/>10      the record --<br/>11      MR. SMALLWOOD: Okay.<br/>12      COMMISSIONER LOWRY: -- as -- as Travis<br/>13      does -- does respond to it.<br/>14      MR. SMALLWOOD: Sure. Okay.<br/>15      BRITTANY NOBLE: Well, I read my e-mail.<br/>16      MR. SMALLWOOD: The first e-mail.<br/>17      BRITTANY NOBLE: Oh.<br/>18      MR. SMALLWOOD: So I will read the first<br/>19      e-mail that was put in.<br/>20      "So I am e-mailing in regards to the board<br/>21      meeting Thursday night. I have self concerns, but<br/>22      frankly, from what I have heard, this is already a<br/>23      done deal, so what is this meeting really about?<br/>24      My first concern is that apparently<br/>25      Mrs. Wilson, who owned the property right next door</p>  | <p>Page 54</p> <p>1       So Travis Nay. He didn't give his address.<br/>2       "My fellow planning commissioners, I will not<br/>3       be in attendance this evening, but as I live four<br/>4       houses away from this project, I'd like to express<br/>5       my support. The river is hard panned in concrete<br/>6       on three sides as it flows towards the intersection<br/>7       Vine/5900 South and 9th East. Adding an entrance<br/>8       on Vine will do little to nothing to add to the<br/>9       traffic that already exists at this intersection.<br/>10      While there is also an environmental risk<br/>11      with projects like this, the likelihood of<br/>12      contamination into the river is lessened by the --<br/>13      the existing hard panned of the stream. The<br/>14      neighborhood to the east of the project is<br/>15      currently adjacent to the car wash. This car wash<br/>16      was frequently -- this car wash frequently has<br/>17      suspect vehicles and pedestrians on site at all<br/>18      hours of the day. It is my belief this will<br/>19      improve the overall site and add more eyes looking<br/>20      out for each other.<br/>21      Additionally, I do not question the integrity<br/>22      of former Commissioner Wilson. There are many<br/>23      conditions that have contributed to selling the<br/>24      property. If she did, in fact, sell her property.<br/>25      There is nothing to suggest she has any information</p> |
| <p>1       to the gas station, was able to sell her property<br/>2       before this transaction, thus not losing any<br/>3       equity. I have heard she is on the board or has<br/>4       some relations with the -- with the city, so of<br/>5       course we have to start to wonder why this deal was<br/>6       really approved in the first place.<br/>7       Second, why in the world would a gas station<br/>8       be approved so close to a creek? Was an<br/>9       environmental evaluation done before this was<br/>10      approved? This is almost unheard of. Talk about a<br/>11      contamination issue.<br/>12      Lastly, a wall of eight feet is required<br/>13      separating businesses from residential communities.<br/>14      This needs to be enforced, and it would need to, of<br/>15      course, be concrete.<br/>16      Lastly, thank you so much for giving thought<br/>17      and concern to the loss of equity that our homes in<br/>18      this community with -- lose base -- based on this<br/>19      decision. I hope all your decisions think about --<br/>20      I hope all your decisions think about the<br/>21      individual impacts on residents living in the city<br/>22      and not just taxes one more business will bring in.<br/>23      With respect, Mark and Brittany Noble."<br/>24      So this -- now I'll move on to the<br/>25      commissioner's statement.</p> | <p>Page 55</p> <p>1       that would have contributed to moving this project<br/>2       forward in the city. Private property transactions<br/>3       are between private owner property owners.<br/>4       Thank you, Travis Nay."<br/>5       Okay. So I will move on to Doreen Hansen.<br/>6       Doesn't give an address.<br/>7       "To the Murray City planning commission, we<br/>8       and a number of our neighbors are opposed to the<br/>9       plan to put a new office fuel station and<br/>10      convenience store on the property addressed as 6029<br/>11      South 900 East. The proposed property has a large<br/>12      creek frontage, and any spills during delivery<br/>13      would contaminate the creek water way. In<br/>14      addition, customers also spill gas at the pump, and<br/>15      sometimes over fill their tanks of the cars or gas<br/>16      containers, again, causing spills.<br/>17      The spilled gasoline will be on the ground,<br/>18      which will then wash into the creek every time it<br/>19      rains creating negative environmental impact to the<br/>20      creek and its immediate surroundings, as well as<br/>21      continuing downstream at the creek flows.<br/>22      There is also a possibility of the ground<br/>23      tanks themselves leaking. There is no need for a<br/>24      gas station at that location because there are<br/>25      already two different gas stations available in</p>   |

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| <p>1 close proximity. One which is about half a mile<br/>2 east, and another which is about two-thirds of a<br/>3 mile south along 900 East.</p> <p>4       Homes backup directly to the proposed<br/>5 property, and this would negatively impact the<br/>6 homes and the entire neighborhood with increased<br/>7 crime, noise and lights. Each time there is a gas<br/>8 delivery there will be a release of gas fumes from<br/>9 the ground tank so that the driver can fill up the<br/>10 tank.</p> <p>11       This should not be permitted in such close<br/>12 proximity to a residential neighborhood. Thank<br/>13 you for consideration, Doreen Hansen."</p> <p>14       This is from -- I want to say it's a Holly<br/>15 Warren. The e-mail says Scott Warren, but it's signed<br/>16 Holly. So I'm assuming it's Holly Warren.</p> <p>17       "We are against the new gas station plan<br/>18 (proposed convenience store 6029 South 900 East).<br/>19 Please do not move forward. We do not want or<br/>20 need it in the area. Thank you."</p> <p>21       This is by Marisa DaGloria.</p> <p>22       "I am against the proposed 6029 South 900<br/>23 East convenience store."</p> <p>24       And then this was from Nick Furness.</p> <p>25 Originally we had received an e-mail from Nick and his --</p>               | Page 58 | <p>1 fence year round. The thought of someone being<br/>2 able to hop the fence and access them or even talk<br/>3 with them over the fence is very concerning. Even<br/>4 if someone were to toss something over the fence<br/>5 like empty alcohol containers or cigarette butts --<br/>6 sorry, I lost my place. Cigarette butts, that is<br/>7 something my kids -- my kids and their friends<br/>8 could easily find.</p> <p>9       I understand that kids can come into contact<br/>10 with those things in any environment, but I would<br/>11 like to think that they are safe and protected in<br/>12 our own yard and the yard of our close neighbors.</p> <p>13       Our community is a small one with only 11<br/>14 homes, and though we border a somewhat busy road,<br/>15 the gate we have to our neighborhood helps me<br/>16 feel -- to feel okay by my kids playing outside<br/>17 without me there to watch. If a fuel station were<br/>18 to border us to the west, I would defeat -- it<br/>19 would defeat the point of our gate in that the --<br/>20 in that people could easily access our neighborhood<br/>21 as I've described.</p> <p>22       Another issue I have with the fuel station is<br/>23 the environmental impact it may have. It is almost<br/>24 guaranteed that gasoline will be spilled by patrons<br/>25 and the fuel trucks, posing a hazard to the</p> | Page 60 |
| <p>1 and his wife. But since we still have Nick's I'm going<br/>2 to read this one into the record as well.</p> <p>3       "Dear planning commission, I am writing you<br/>4 to ask that you please put a stop to the proposed<br/>5 fuel station that would be built on the property at<br/>6 6029 South 900 East. I am a resident in the small<br/>7 neighborhood that backs the -- that property to the<br/>8 east.</p> <p>9       Currently, the property is occupied by a car<br/>10 wash and a flower shop. The car wash is not<br/>11 ideal, but thus far has not presented a huge<br/>12 problem because it is not open all hours, and it is<br/>13 not particularly busy. A fuel station, however,<br/>14 would be the opposite.</p> <p>15       I am extremely concerned that a fuel station<br/>16 and market in that location would be<br/>17 detrimental to our neighborhood for a number of<br/>18 reasons.</p> <p>19       First, a gas station and market are likely to<br/>20 have very early -- early and late hours that will<br/>21 have people coming and going constantly. The<br/>22 nature of such a place will have people loitering<br/>23 at all hours, and very possibly not the kind of<br/>24 people I would want right behind my back fence.</p> <p>25       I have two small children who play near that</p> | Page 59 | <p>1 surrounding creek, as well as a fire hazard.</p> <p>2       I am shocked that fuel pumps are allowed to<br/>3 be so close to residents' homes. I hate to think<br/>4 of the vapors drifting into our yards throughout<br/>5 the hot summer when we are barbecuing or playing<br/>6 with our families outside.</p> <p>7       Yet another concern I have is for the traffic<br/>8 that a fuel station and market would attract. The<br/>9 intersection at 60th South and 900 East is<br/>10 notoriously dangerous. A number of accidents<br/>11 happen there every week. My wife was hit in her<br/>12 car in that very intersection.</p> <p>13       The speed limit for that street is 45 miles<br/>14 per hour. If people pulling on to and off of the<br/>15 street to access the fuel station, there will most<br/>16 definitely be accidents.</p> <p>17       Many will be turning left from the south to<br/>18 access it, increasing the risk for accidents both<br/>19 with cars and with pedestrians using the sidewalk.</p> <p>20       The pick up location for the school bus that takes<br/>21 our neighborhood kids to Bonneville Junior High is<br/>22 right in front of the proposed fuel station<br/>23 location. It is close enough the kids can walk to<br/>24 it themselves if the weather is good.</p> <p>25       If there were to be a fuel station there, I</p>            | Page 61 |

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| <p>1 personally would not feel comfortable letting my<br/>2 child wait for the school bus anywhere nearby. If<br/>3 the pick up location is moved because of the fuel<br/>4 station, that would be disappointing.</p> <p>5       Lastly, I have to say the name of the<br/>6 proposed fuel station is just awful. It is<br/>7 suggestive and unnecessary. I would much rather<br/>8 tell people to turn at the flower shop to access<br/>9 our neighborhood, rather than the Kum &amp; Go. Please<br/>10 consider the long term effects this build could<br/>11 have on our neighborhood and this part of Murray.</p> <p>12       We currently have the 7-Eleven across the<br/>13 street, and there are gas stations one block south,<br/>14 north and east. Every other gas station I have<br/>15 seen near neighborhoods has a buffer of some kind<br/>16 between them and a neighborhood. This would<br/>17 literally -- literally be in my neighbor's<br/>18 backyard.</p> <p>19       Thank you for your time, sincerely, Nick<br/>20 Furness, 959 East Bridges Court."</p> <p>21       And that is it.</p> <p>22       COMMISSIONER LOWRY: Great. Please stay<br/>23 where you are. That's okay.</p> <p>24       There's -- there were several questions that<br/>25 I think we are -- we -- we -- were addressed a little bit</p> | <p>1 be --</p> <p>2       COMMISSIONER LOWRY: -- forward.</p> <p>3       MR. SMALLWOOD: -- in the way if somebody<br/>4 wants to come up and talk. So I'll just be here.</p> <p>5       MR. MICHAELSON: We're happy to be with you<br/>6 all night long, but I think -- I think we do have the<br/>7 provision that we stop at 10:00. Or no new business<br/>8 after 10:00. So if -- forgive my haste.</p> <p>9       Are there any other additional public<br/>10 comments that would like to be heard, and did we have any<br/>11 that came in during the meeting electronically?</p> <p>12       MR. SMALLWOOD: Thank you. I will check<br/>13 that.</p> <p>14       No. We haven't.</p> <p>15       COMMISSIONER LOWRY: Okay. It appears there<br/>16 are no -- we've received no additional electronic public<br/>17 comments, and it appears there are no additional public<br/>18 comments. I think we can close the comment -- public<br/>19 comment section.</p> <p>20       With that, Zach, I think there's a few -- a<br/>21 few questions that would be best that are -- that are<br/>22 best addressed by staff. I mentioned a couple already,<br/>23 and I think there were some questions -- especially<br/>24 around traffic studies, and -- and -- and -- and -- and<br/>25 the -- and -- and -- and bridge studies and whatnot.</p>                 |
| <p>1 towards staff, and I would like to handle, if we could,<br/>2 Mr. Hansen had a question about the times of -- of the<br/>3 meeting.</p> <p>4       And I'd also love to talk about the times<br/>5 of -- of when commissioners receive notice of -- of --<br/>6 of -- of projects.</p> <p>7       MR. SMALLWOOD: I would like to just stop --</p> <p>8       COMMISSIONER LOWRY: Okay.</p> <p>9       MR. SMALLWOOD: -- you right there real<br/>10 quick.</p> <p>11       COMMISSIONER LOWRY: Oh -- yep. My bad.<br/>12 Yep.</p> <p>13       MR. SMALLWOOD: That -- we need to see if<br/>14 there's any public comments.</p> <p>15       COMMISSIONER LOWRY: Oh. Yes. Thank you so<br/>16 much. Yes.</p> <p>17       MR. SMALLWOOD: And -- and -- and -- and --<br/>18 and then possibly close the public comments.</p> <p>19       COMMISSIONER LOWRY: Yeah. Very true. I --<br/>20 my apologies.</p> <p>21       MR. SMALLWOOD: You're fine. Don't worry<br/>22 about it.</p> <p>23       COMMISSIONER LOWRY: I'm -- I'm moving -- I'm<br/>24 moving -- moving -- moving -- moving --</p> <p>25       MR. SMALLWOOD: I just -- I don't want to</p>   | <p>1       MR. SMALLWOOD: Sure. So from what I wrote<br/>2 down -- and I apologize, I'm -- I'm -- I'm going to go<br/>3 through these just as I have them.</p> <p>4       So lighting concerns, the canopy lights. I<br/>5 don't disagree there are going to be bright lights, you<br/>6 know, facing downward on the canopy. However, we are<br/>7 requiring that that zero foot-candle is -- is mandated at<br/>8 the property line. So it has to go down significantly by<br/>9 the time it hits that property line. It has to be zero<br/>10 there.</p> <p>11       Concerning the lights on the canopy itself,<br/>12 like around it, I -- I would -- I would defer that to --<br/>13 to the applicant to address that because I don't see<br/>14 indication of that, but I -- I could be -- I could be<br/>15 wrong.</p> <p>16       COMMISSIONER MILKAVICH: Mr. Smallwood?</p> <p>17       MR. SMALLWOOD: Yeah.</p> <p>18       COMMISSIONER MILKAVICH: Can I ask you some<br/>19 more information on that topic?</p> <p>20       MR. SMALLWOOD: Sure.</p> <p>21       COMMISSIONER MILKAVICH: On some of our<br/>22 signage requirements we have lighting requirements that<br/>23 vary according to the time of day. So at certain times<br/>24 of day, they have certain candle watts required and --</p> <p>25       MR. SMALLWOOD: Yeah. Foot-candles.</p> |

Audio Transcription  
March 03, 2022

Pages 66..69

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| <p style="text-align: right;">Page 66</p> <p>1        COMMISSIONER MILKAVICH: -- night -- yeah.<br/>     2 There you go. How does that apply to the canopy? Does<br/>     3 it vary meaning, you know, business hours are whatever<br/>     4 they are, 7:00 to 11:00? And then after 11:00, does the<br/>     5 wattage change or the amount of light that's allowed<br/>     6 to -- change like we do with our signage?<br/>     7        MR. SMALLWOOD: In -- in signage -- so if it<br/>     8 were to be an EMC, yeah, we could require that. We don't<br/>     9 have any such code provisions for actual lighting.<br/>     10      COMMISSIONER MILKAVICH: Huh. Disappointing.<br/>     11      MR. SMALLWOOD: Yeah.<br/>     12      So the -- the gas fumes and the release of<br/>     13 the gas fumes, I can't speak to that at all. I would<br/>     14 suggest the applicant address that one.<br/>     15      COMMISSIONER LOWRY: Uh-huh.<br/>     16      MR. SMALLWOOD: If -- if able. Gas leakage,<br/>     17 I know that Mr. Astill had -- had brought that up. That<br/>     18 there is contingencies within the storm water drains<br/>     19 that -- that capture that runoff and -- and store it for<br/>     20 a time. And -- and -- yeah.<br/>     21      So I -- I know that we are aware of it. And<br/>     22 we -- the Murray City water, Cottonwood improvement<br/>     23 district, all of those would be working together to make<br/>     24 sure that that is -- that is addressed. So.<br/>     25      COMMISSIONER MILKAVICH: So Mr. Smallwood, I</p> | <p style="text-align: right;">Page 68</p> <p>1        COMMISSIONER MILKAVICH: How common it is.<br/>     2        MR. SMALLWOOD: I don't know --<br/>     3        COMMISSIONER LOWRY: Right. (Inaudible) --<br/>     4        MR. SMALLWOOD: -- how common it is.<br/>     5        COMMISSIONER LOWRY: Okay.<br/>     6        MR. SMALLWOOD: It's the first I'm hearing of<br/>     7 it.<br/>     8        COMMISSIONER MILKAVICH: That -- that says<br/>     9 something.<br/>     10      MR. SMALLWOOD: Yeah. So if -- if it's<br/>     11 something that wants to get pursued, I would recommend<br/>     12 that residents reach out to their council people to --<br/>     13 to -- to bring it up as -- as a potential --<br/>     14      COMMISSIONER LOWRY: I think --<br/>     15      MR. SMALLWOOD: -- item for discussion.<br/>     16      COMMISSIONER LOWRY: -- the point I'm trying<br/>     17 to make is our -- this commission would not have the<br/>     18 authority to -- to impose that.<br/>     19      MR. SMALLWOOD: Correct. And -- and even if<br/>     20 you were able to do that, there -- there are vested<br/>     21 rights. Once somebody is -- has applied for the<br/>     22 conditional use permit, they are vested under the current<br/>     23 code as they were -- have applied, so it wouldn't apply<br/>     24 to anybody that has currently applied.<br/>     25      So -- also Mr. Hansen had mentioned the --</p>  |
| <p style="text-align: right;">Page 67</p> <p>1 assume, then, I don't work in water or drainage, but --<br/>     2        MR. SMALLWOOD: Me either.<br/>     3        COMMISSIONER MILKAVICH: Right. So -- but --<br/>     4 and those professionals who do spend a lot of time and<br/>     5 concern about this area, I -- I believe part of the<br/>     6 standards are so that drainage goes toward the drainage<br/>     7 system.<br/>     8        So it's collected in the drainage system --<br/>     9 so anything that's spilled or kept there once it is<br/>     10 cleaned or it rains, it's intended to go into the<br/>     11 drainage system; right?<br/>     12      MR. SMALLWOOD: Correct.<br/>     13      COMMISSIONER MILKAVICH: That's the purpose<br/>     14 of setting up a drainage system?<br/>     15      MR. SMALLWOOD: Correct. Yep.<br/>     16      COMMISSIONER MILKAVICH: Okay.<br/>     17      MR. SMALLWOOD: Let's see. So a couple<br/>     18 things. The -- the 500-foot buffer that was brought up<br/>     19 that was stated from Eagle Mountain City, that probably<br/>     20 wasn't a study by -- probably a code requirement from<br/>     21 Eagle Mountain City. Murray City doesn't have anything<br/>     22 that -- like that on the books.<br/>     23      COMMISSIONER LOWRY: Can you talk about how<br/>     24 it -- how -- how -- how -- how a code like that would<br/>     25 be -- would go on the books?</p>  | <p style="text-align: right;">Page 69</p> <p>1 not receiving a notice. I checked the -- the mailing<br/>     2 list to make sure. He was not on the mailing list. I<br/>     3 did do a calculation real quickly. Very rough<br/>     4 calculation. He is about five feet outside that radius.<br/>     5 So he would not have received a notification.<br/>     6        COMMISSIONER LOWRY: What -- what is the<br/>     7 radius of notification?<br/>     8        MR. SMALLWOOD: 300 feet.<br/>     9        COMMISSIONER LOWRY: 300 feet.<br/>     10      MR. SMALLWOOD: Yep. As the crow flies.<br/>     11      And that would have been -- but I will say, I<br/>     12 believe Mr. Hansen stated that he's the president of the<br/>     13 HOA, and we did send notice to the HOA at -- at a<br/>     14 property in Draper. So the HOA did receive notice.<br/>     15      COMMISSIONER LOWRY: Okay.<br/>     16      Mr. Hansen talked about a -- a fence over<br/>     17 eight feet tall. Maybe you can talk about why -- we're<br/>     18 talking about a fence at eight feet because -- for -- for<br/>     19 what we -- what our authority is as a commission.<br/>     20      MR. SMALLWOOD: Yeah. The Murray City code<br/>     21 only allows properties to go -- only allows for up to an<br/>     22 eight-foot fence, and that is only permitted if the<br/>     23 planning commission permits it. We don't have taller<br/>     24 fences except in very rare circumstances. Specifically,<br/>     25 along the freeway and along the Trax corridor.</p> |

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| <p>Page 70</p> <p>1        COMMISSIONER PEHRSON: Can you -- can you<br/>2 talk about the -- the look or make of that fence?</p> <p>3        MR. SMALLWOOD: Oh, sure.</p> <p>4        Masonry fence, it -- it is kind of a concrete<br/>5 fence. I -- I don't want to say it's pure concrete, but<br/>6 it usually has decorative materials. I would -- I would<br/>7 speak to probably the applicant on what type -- they<br/>8 probably haven't made the decision on exactly what colors<br/>9 and design --</p> <p>10      COMMISSIONER PEHRSON: And will that --</p> <p>11      MR. SMALLWOOD: -- it's going to have.</p> <p>12      COMMISSIONER PEHRSON: -- be submitted to the<br/>13 city once they draw that up or no?</p> <p>14      MR. SMALLWOOD: It's not required to be. We<br/>15 don't have a fence permit requirement. But as part of<br/>16 the conditions of approval, we will see that in their<br/>17 building permit application.</p> <p>18      COMMISSIONER PEHRSON: Okay.</p> <p>19      COMMISSIONER RICHARDS: Can you speak to the<br/>20 gas and odor issue? It seems to me that may be somewhat<br/>21 of the reasoning behind the 500 foot thing. Not sure if<br/>22 there's --</p> <p>23      BRITTANY NOBLE: (Inaudible) they're all over<br/>24 the internet.</p> <p>25      COMMISSIONER LOWRY: Yeah. We -- you need</p>                         | <p>Page 72</p> <p>1        COMMISSIONER LOWRY: -- commissioners<br/>2 receive.</p> <p>3        MR. SMALLWOOD: So technically, the public<br/>4 actually gets notice before the planning commission gets<br/>5 notice of what's on an agenda. We are required to have<br/>6 noticing to all affecting -- or, you know, the -- the --<br/>7 the affected neighbors, which is 300 feet, affected<br/>8 properties, within ten days prior to the meeting.</p> <p>9        You, as the commission, get a packet with an<br/>10 agenda at -- approximately a week before. Typically a<br/>11 little bit less than. Typically a Friday afternoon at<br/>12 6:00 when I'm walking out the door.</p> <p>13      So -- so you -- you all, as the planning<br/>14 commission, don't know what's on an agenda until it's<br/>15 sent to you. Before then, I -- I -- to address the<br/>16 comment about -- about the -- the development of the<br/>17 project, as you, as the commission, are well aware, we<br/>18 don't normally see such well developed plans.</p> <p>19      Kum &amp; Go has done their work. I don't often<br/>20 get a lot of plans that -- you -- I mean, you can see a<br/>21 lot of conditional use permits where we don't get these<br/>22 plans as solid as -- as these are. These -- I -- I would<br/>23 just say that Galloway knows how to develop their --<br/>24 their package materials.</p> <p>25      I can't really speak to anything else other</p> |
| <p>Page 71</p> <p>1        the -- let's -- again, we -- we want to make sure that<br/>2 all comments are made at the podium.</p> <p>3        BRITTANY NOBLE: I understand.</p> <p>4        COMMISSIONER RICHARDS: Yeah. I just don't<br/>5 know if there's anything we can do as a commission to --<br/>6 to mitigate that.</p> <p>7        MR. SMALLWOOD: Honestly, no. There's --<br/>8 I -- I don't have anything in code to -- to mitigate<br/>9 that.</p> <p>10      I -- I will say that they do have to go<br/>11 through various permits at the federal, state and local<br/>12 level. I know that they do have to go through DEQ, which<br/>13 is the division -- or Department of Environmental<br/>14 Quality. So they -- there are things that will be<br/>15 addressed as -- as part of that.</p> <p>16      But at this -- at this municipal level and at<br/>17 this land use level, I don't have anything that would<br/>18 address that.</p> <p>19      COMMISSIONER LOWRY: Will -- will you mind<br/>20 talking about the timing of the meeting? Mr. Hansen<br/>21 had -- a meeting about -- this is -- why -- why the<br/>22 meeting's happening at this -- at this point of the -- of<br/>23 the project. And maybe -- I would -- I would -- it would<br/>24 be nice to talk about the notice -- notification that --</p> <p>25      MR. SMALLWOOD: Sure.</p> | <p>Page 73</p> <p>1        than that because we do, as planning staff and as you as<br/>2 the commission, see things in all sorts of forms.</p> <p>3        COMMISSIONER LOWRY: I -- I think Mr. Hansen<br/>4 maybe was referring to during -- at -- at this point<br/>5 they -- they -- they -- maybe they've acquired the<br/>6 property, and -- and once they acquired the property<br/>7 they've owned it for a period of time. And now -- why<br/>8 now is the application coming forward?</p> <p>9        And I think the answer is because they're<br/>10 taking action on the property as opposed to just owning<br/>11 it?</p> <p>12      MR. SMALLWOOD: I can't speak to it exactly.<br/>13 Actually, maybe I can. Hold on one second.</p> <p>14      COMMISSIONER LOWRY: Okay.</p> <p>15      MR. SMALLWOOD: This isn't the right one.</p> <p>16      Sorry about that.</p> <p>17      COMMISSIONER LOWRY: And maybe I didn't ask<br/>18 the question well. I guess the -- what I'm -- what I'm<br/>19 trying to --</p> <p>20      MR. SMALLWOOD: Well, I understand what<br/>21 you're asking, and I want to address it. So I don't<br/>22 think they technically have even purchased the property<br/>23 yet.</p> <p>24      COMMISSIONER LOWRY: Okay.</p> <p>25      MR. SMALLWOOD: According to the property</p>   |

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| <p>1 owner affidavit, that's not owned by Kum &amp; Go. It's<br/>2 owned by a Nielson LC. So that's what I wanted to<br/>3 address is that I don't even think they've closed on the<br/>4 property yet.</p> <p>5 Typically in these type of -- in these type<br/>6 of conditions, they are in their due diligence period,<br/>7 and they have written into the contract that if the<br/>8 sale -- or if they are not approved to do this, that they<br/>9 will cancel the sale.</p> <p>10 That's typically what happens. So I would<br/>11 say I don't think it's -- the -- the property probably<br/>12 hasn't even been executed completely yet, so.</p> <p>13 COMMISSIONER LOWRY: Thank you.</p> <p>14 MR. SMALLWOOD: Let's see. There was a<br/>15 question about location to the intersection on the<br/>16 north --</p> <p>17 COMMISSIONER LOWRY: And I think traffic<br/>18 studies kind of came up a couple of times.</p> <p>19 MR. SMALLWOOD: Yeah. And -- and I can only<br/>20 speak to the traffic study as -- as I kind of did in<br/>21 the -- in the staff report. The executive summary of<br/>22 that, without getting into too much really deep, dark<br/>23 detail. Is that the traffic engineer recommended that no<br/>24 changes be made.</p> <p>25 Commissioner Milkavich will remember, we've</p>  | <p>Page 74</p> <p>1 gas stations and convenience stores approximate to that.</p> <p>2 MR. SMALLWOOD: Correct.</p> <p>3 COMMISSIONER LOWRY: And -- you know, I think<br/>4 this is one of -- maybe something for us to talk about<br/>5 that we don't get to decide the types of businesses that<br/>6 go into commercial properties.</p> <p>7 COMMISSIONER MILKAVICH: Yeah. And -- and --<br/>8 and I would appreciate it if you also -- we brought that<br/>9 up -- as residents --</p> <p>10 COMMISSIONER LOWRY: Yeah.</p> <p>11 COMMISSIONER MILKAVICH: -- serving our<br/>12 community, we brought that up as a concern in the<br/>13 pre-meeting.</p> <p>14 MR. SMALLWOOD: Correct.</p> <p>15 COMMISSIONER LOWRY: Yeah.</p> <p>16 MR. SMALLWOOD: You -- you are 100 percent<br/>17 correct. In commercially zoned -- so I will say that the<br/>18 commission does, to a degree, have a -- a control over<br/>19 what goes on on properties. That's through zoning. The<br/>20 zoning at this location, which is neighborhood/commercial<br/>21 has been in effect for a number of years. That's what<br/>22 allowed the car wash to go into -- in to this property.<br/>23 And as part of that a neighborhood/commercial allows for<br/>24 gas stations.</p> <p>25 Now, anybody that purchase (sic) a property,</p>  |
| <p>Page 75</p> <p>1 seen plenty of times where they have asked for changes<br/>2 in -- in traffic flows. For the -- Vine, for example,<br/>3 asked for, you know, a change in -- on State and Vine.<br/>4 So it's actually quite odd that they -- they haven't<br/>5 requested -- they haven't recommended anything.</p> <p>6 They do say that the -- the proposed<br/>7 right-in, right-out is probably the best option for 9th<br/>8 East. And -- and make no recommendations. They don't<br/>9 see a potential -- they -- they don't see any negative<br/>10 impact to a full access on the north.</p> <p>11 And -- and our city engineer, who's very<br/>12 involved with traffic throughout the entire city, he<br/>13 reads these backwards and forwards, and he -- he agreed,<br/>14 and that you can see it in his -- in his conditions as<br/>15 well.</p> <p>16 And that brings me into the location of the<br/>17 intersection on the north.</p> <p>18 COMMISSIONER LOWRY: Yep.</p> <p>19 MR. SMALLWOOD: That was a concern for us at<br/>20 first. We thought it was too close. We measured it,<br/>21 though, however, and -- and used it -- measured it<br/>22 against our standards, and it does meet city standards<br/>23 for distance from an intersection.</p> <p>24 COMMISSIONER LOWRY: Appreciate that.</p> <p>25 There were some questions about the number of</p> | <p>Page 77</p> <p>1 as long as they are meeting zoning rules, are allowed to<br/>2 do with their property what they will. Just like I<br/>3 can't -- I can't ask my neighbor to take down a -- a shed<br/>4 imposing on somebody else's property rights.</p> <p>5 If there is something allowed in the zoning<br/>6 direct, we are -- we can't just say, Oh, I'm sorry,<br/>7 there's too many. They do their market research, they --<br/>8 they see that there is a missing need here, and -- and<br/>9 that's typically what drives -- drives new gas stations.</p> <p>10 Any other questions?</p> <p>11 COMMISSIONER LOWRY: I think that covers it<br/>12 from my -- from my notes.</p> <p>13 Do you guys have anything else?</p> <p>14 COMMISSIONER PEHRSON: The school bus --<br/>15 sorry. The school bus pickup.</p> <p>16 MR. SMALLWOOD: Uh-huh.</p> <p>17 COMMISSIONER PEHRSON: On -- the -- you know,<br/>18 in terms of the -- the traffic study, I'm not sure if<br/>19 that was taken into account or whether that could be<br/>20 moved to mitigate some of those fears.</p> <p>21 MR. SMALLWOOD: It could -- it could probably<br/>22 be -- be moved. I'm not exactly sure where it is. That<br/>23 would be something that would be handled through the<br/>24 school district. And typically in these types of things,<br/>25 we send notice to the school district as well.</p> |

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| <p>1        COMMISSIONER PEHRSON: Okay.</p> <p>2        BRITTANY NOBLE: (Inaudible).</p> <p>3        COMMISSIONER LOWRY: So again, let's -- let's</p> <p>4 keep our comments at the podium. I'll give -- I'll give</p> <p>5 you another minute if you'd like.</p> <p>6        BRITTANY NOBLE: I can just give you all this</p> <p>7 information (inaudible).</p> <p>8        COMMISSIONER LOWRY: Okay. Well, keep --</p> <p>9 let's keep our comments at the podium. I'm happy to open</p> <p>10 public comment up if we have -- if we have any new</p> <p>11 information that we'd like to share. But -- great.</p> <p>12       I think that -- yeah?</p> <p>13       COMMISSIONER MILKAVICH: So school district</p> <p>14 drop offs and pickups aren't stationary. It's not</p> <p>15 demanding. It's always based on a need --</p> <p>16       COMMISSIONER LOWRY: Uh-huh.</p> <p>17       COMMISSIONER MILKAVICH: -- and the driver's</p> <p>18 need to manipulate the -- the bus and pick up the</p> <p>19 majority of children. So that's always flexible. And</p> <p>20 it's not done by the city, it's done by the school</p> <p>21 district.</p> <p>22       MR. SMALLWOOD: Correct.</p> <p>23       COMMISSIONER MILKAVICH: So.</p> <p>24       I just have one more comment. It's -- I --</p> <p>25 I -- honestly I'm saddened -- I'm very sad. I serve on</p>   | <p>Page 78</p> <p>1 that's something I wanted to address, and I wanted the</p> <p>2 public to understand when, as a commission, we receive</p> <p>3 notice.</p> <p>4       You know, I -- I picked this up and -- and</p> <p>5 saw this on Saturday. This past Saturday. So. I</p> <p>6 have -- I have no reason to believe that anyone else</p> <p>7 would have received advanced notice. That's when I</p> <p>8 received my notice.</p> <p>9       So Zach, thank you very much for your time.</p> <p>10 Appreciate it.</p> <p>11       MR. SMALLWOOD: Thank you.</p> <p>12       COMMISSIONER LOWRY: Mr. Michaelson, do you</p> <p>13 want to -- would you like to come back and address some</p> <p>14 of these questions? Would you like to --</p> <p>15       Ms. Noble, would you like another minute for</p> <p>16 public comment? We're happy to give it to you. Okay.</p> <p>17 All right.</p> <p>18       MR. MICHAELSON: Thank you for the -- the</p> <p>19 chance to come and -- and address some of these concerns.</p> <p>20 And as an engineer and a developer and a, you know,</p> <p>21 Utahan and a father, I take things seriously. And we try</p> <p>22 to mitigate all these risks as -- as best we can,</p> <p>23 whenever we come into a community, and -- and bring our</p> <p>24 clients with us.</p> <p>25       And so as these came up, I -- I tried to</p>  |
| <p>Page 79</p> <p>1 this commission because it's an honor. It's great to be</p> <p>2 part of the community that I live in. And it's a --</p> <p>3 beyond that, it's been rewarding to see how Murray's --</p> <p>4 people in Murray treat each other. How we treat our</p> <p>5 community and how we treat each other when topics come</p> <p>6 up.</p> <p>7       The people on the board work hard to be</p> <p>8 respectful of our community, and the people in our</p> <p>9 community have always worked to be respectful of our</p> <p>10 community. When they come in and insult one board member</p> <p>11 who used to be on the board, it's an insult to all of us.</p> <p>12 When -- we don't know what's going on in other people's</p> <p>13 lives.</p> <p>14       Everybody on this board has -- does not have</p> <p>15 advanced notice of the topics to make financial decisions</p> <p>16 around. I have never had advanced notice. And people</p> <p>17 who are making financial decisions or making decisions</p> <p>18 based on their family needs, which at this point could be</p> <p>19 medical needs, having -- other people's lives.</p> <p>20       So for us to accuse other people of doing</p> <p>21 things illegal, I feel like it's also accusing us, and</p> <p>22 I'm saddened by that. I just wanted to make that</p> <p>23 statement.</p> <p>24       COMMISSIONER LOWRY: I -- I appreciate that.</p> <p>25 And you know, I -- I want -- I -- like I mentioned,</p> | <p>Page 81</p> <p>1 write down some -- some items to -- to talk about. The</p> <p>2 first question there was the illumination question. And</p> <p>3 I think Zach answered it really well. The zero</p> <p>4 foot-candles at the property line's actually a very</p> <p>5 strict requirement. That is -- that is pretty stringent.</p> <p>6 Even more stringent than what we see in a lot of other</p> <p>7 communities. There is no fascia lighting on the canopy,</p> <p>8 so that's not -- that's not going to happen.</p> <p>9       I want to talk a -- a minute about the -- the</p> <p>10 vapor situation. So a lot of people don't understand how</p> <p>11 that works. So I -- I'd like to explain it a little bit.</p> <p>12 When a -- when a --</p> <p>13       COMMISSIONER LOWRY: Oh, one second. I think</p> <p>14 we may have a --</p> <p>15       MR. MICHAELSON: Oh, did I turn it off? I'm</p> <p>16 sorry. I was just adjusting it. Oh. Sorry. There we</p> <p>17 go.</p> <p>18       When a fuel truck comes in and the ports are</p> <p>19 opened up for fuel to be put into the tanks, there's</p> <p>20 another hose that is also connected to the vent from the</p> <p>21 tanks. And as fuel enters into the fuel tanks, air</p> <p>22 leaves. That air leaves through a different hose and is</p> <p>23 captured in the tank.</p> <p>24       The -- the fueling tanker.</p> <p>25       COMMISSIONER LOWRY: So there's not --</p> |

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| <p>1 there's not an opening exhaust pipe is what you're<br/>2 saying?</p> <p>3 MR. MICHAELSON: That is correct.</p> <p>4 In fact, the vents that you see at fueling<br/>5 stations are to let air into the tank as that process<br/>6 happens. Not to vent vapors out of the tank. This is<br/>7 called a stage 1 vapor recovery system. And all the Kum<br/>8 &amp; Go's have this.</p> <p>9 So some of -- some of the other, older<br/>10 fueling stations may not. I know one of the -- one of<br/>11 the community members here noted some other things about<br/>12 spills.</p> <p>13 Each -- each one of those fueling ports has<br/>14 what's called a spill bucket, and -- and they anticipate<br/>15 that some fuel might be spilled during that operation.</p> <p>16 There's actually a spill bucket there to capture these<br/>17 spills; right? So every precaution that can be taken is<br/>18 being taken.</p> <p>19 One -- one more thing I want -- I want to<br/>20 bring up here, too, is at each -- at each fueling station<br/>21 there's what's called hanging hardware, okay? This is --<br/>22 the pumps are not at -- where -- where you fill up your<br/>23 car. Those are called dispensers, okay? And as the<br/>24 pumps pump fuel out of the tank to the dispensers,<br/>25 there's what's called hanging hardware, okay?</p>                    | Page 82 | <p>1 does -- I mean, you really can't mitigate that, but, I<br/>2 mean you're saying that there's venting on -- when<br/>3 it's -- you know, pumped into the tank. But not when<br/>4 a -- somebody's putting it in the --</p> <p>5 MR. MICHAELSON: Yeah. When someone's<br/>6 filling their car up with gas, I mean -- you obviously --<br/>7 you see that there's, like, a -- there's, like, a little<br/>8 shroud on there. And there's valves and stuff that<br/>9 keep -- you know, that keep -- and -- and actually also<br/>10 on cars, I believe -- oh, I'm going to get this wrong.</p> <p>11 I think it's since, like, 1994 they've<br/>12 actually had to have certain valves installed in the --<br/>13 in the fueling nozzle to keep those vapors from coming<br/>14 out, too. And so there's a lot of stuff that's being<br/>15 done in order to prevent that.</p> <p>16 I mean, I would think probably that your<br/>17 greatest exposure to that is when you're filling up your<br/>18 own car. I mean, I -- I drive a car that -- that has a<br/>19 gasoline -- it's what it uses. So it's probably my<br/>20 greatest exposure, too.</p> <p>21 COMMISSIONER PEHRSON: So it may be the<br/>22 technology, recent technology is mitigating some of those<br/>23 concerns that I have had, and people are having about<br/>24 that?</p> <p>25 MR. MICHAELSON: Sure. Yeah. Yeah. Agreed.</p> | Page 84 |
| <p>1 The hanging hardware's the nozzle that you're<br/>2 using. The -- the types of nozzles that these guys use<br/>3 are Husky XS nozzles, and they shut off when the pump<br/>4 shuts off, the gas tank is full, the lever is open before<br/>5 the pump is turned on or the leak detector has not<br/>6 completed its test cycle.</p> <p>7 And then one other thing is that if the<br/>8 nozzle is dropped, there's a valve in there that shuts<br/>9 that off. It's a spill guard. So the hanging hardware<br/>10 that's being installed with these newer fueling stations<br/>11 is real state of the art. It -- it's not -- it's not the<br/>12 gas pump of twenty years ago. Probably not even the gas<br/>13 pumps you and I learned to use when we were young and we<br/>14 were learning to fill up a car. They're a lot more safe.</p> <p>15 And so, you know, one thing I would say is,<br/>16 you know, there -- the -- the concept that there's more<br/>17 gas stations around, maybe those -- maybe they're not as<br/>18 safe as this one will be. And still -- still in your<br/>19 community. So.</p> <p>20 Let's see.</p> <p>21 COMMISSIONER PEHRSON: Can I ask you one<br/>22 quick question?</p> <p>23 MR. MICHAELSON: Yeah. Yeah.</p> <p>24 COMMISSIONER PEHRSON: What about, like, the<br/>25 concern of just smelling the vapors over time? How</p> | Page 83 | <p>1 Let's see. Oh. Another thing I want to<br/>2 bring up, too, on that same spill issue is that Kum &amp; Go<br/>3 actually owns their own fuel transportation company, it's<br/>4 called Solar Transport.</p> <p>5 So they're not just relying on whoever's the<br/>6 lowest bid guy to come out there and, you know, fill up<br/>7 their tanks. They own it, they regulate it and --<br/>8 and it's part of the corporation that owns, you know --<br/>9 that Kum &amp; Go owns. So.</p> <p>10 It's very much more strictly enforced the<br/>11 way -- the training of these employees as they're<br/>12 dropping off fuel, how they do it, procedures, it's much<br/>13 more carefully undertaken than I think probably most<br/>14 other fueling stations are.</p> <p>15 The fence on the east side, there were some<br/>16 questions about what kind of fence that might be. Right<br/>17 now we're speaking what's called Olympus precast. You<br/>18 see these all over the Wasatch Front. They're really<br/>19 good looking walls. They're textured and usually have<br/>20 some color to them, and they're -- they look really nice.</p> <p>21 Really nice.</p> <p>22 And eight foot is a -- a big, big wall. I<br/>23 mean, I'm 6' 2", and it's going to be a -- you know,<br/>24 it's a big wall. You're not going to hop over an<br/>25 eight-foot wall. So.</p>                            | Page 85 |

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| <p>1        COMMISSIONER MILKAVICH: Can you state it on<br/>2 the east wall? Would -- is it safe to assume the south<br/>3 wall would be the same material?</p> <p>4        MR. MICHAELSON: Yeah --</p> <p>5        COMMISSIONER MILKAVICH: As the south one?</p> <p>6        MR. MICHAELSON: Yeah. The same material.<br/>7 I -- I don't -- I haven't looked into the zoning<br/>8 requirements for setback or how high that might be or --<br/>9 there might be some variation in the height on the south<br/>10 side. So we'll have to look at that and work on it with<br/>11 staff. But it -- it would be the same material, yeah.</p> <p>12        COMMISSIONER MILKAVICH: That's -- that's a<br/>13 good point. I think in our conditions we're saying we<br/>14 want it to be eight foot on both sides.</p> <p>15        COMMISSIONER LOWRY: We will. I think that<br/>16 it's subject -- subject to UDOT and other -- and -- and<br/>17 -- and other -- and other statute --</p> <p>18        MR. MICHAELSON: Yeah.</p> <p>19        COMMISSIONER LOWRY: -- requirements.</p> <p>20        MR. MICHAELSON: One -- one thing to keep in<br/>21 mind is that that is the high side of the site.</p> <p>22        COMMISSIONER LOWRY: Uh-huh.</p> <p>23        MR. MICHAELSON: And so you may -- you may be<br/>24 stepping that up as you're coming -- coming along there.</p> <p>25        COMMISSIONER LOWRY: Uh-huh.</p> | <p>Page 86</p> <p>1 they're trying to make us put in more.<br/>2        COMMISSIONER LOWRY: Right.<br/>3        MR. MICHAELSON: That's usually the battle<br/>4 we're fighting.<br/>5        COMMISSIONER LOWRY: Yeah.<br/>6        MR. MICHAELSON: But this is the opposite,<br/>7 so.<br/>8        The -- the spa to the south, I just want to<br/>9 point out that the vacuums that are on site are probably<br/>10 pretty loud when they're operating. And in this case,<br/>11 that would be buffered by the building and the wall<br/>12 itself. So I would submit that you're probably going to<br/>13 end up with a quieter place than -- than before. I<br/>14 haven't measured that, but, yeah. That's probably going<br/>15 to be quieter.<br/>16        And then -- I -- I think that, you know -- I<br/>17 don't know for sure, but I would -- I would assume that<br/>18 there's nothing that would prevent me from driving over<br/>19 there and putting coins in the wall and washing my car or<br/>20 vacuuming my car right now. So it's kind of a 24/7<br/>21 operation as it is.<br/>22        COMMISSIONER LOWRY: What will your hours of<br/>23 operation be?<br/>24        MR. MICHAELSON: 24/7.<br/>25        COMMISSIONER LOWRY: Okay.</p>   |
| <p>1        MR. MICHAELSON: And so just something to<br/>2 note.</p> <p>3        COMMISSIONER LOWRY: There was a question<br/>4 about parking stalls. I think there's 19 or 21 parking<br/>5 stalls.</p> <p>6        MR. MICHAELSON: That's right. Yeah. That<br/>7 was next on my list, too. Yeah. So we're going to go<br/>8 ahead and reduce those parking stalls from -- from 21 to<br/>9 19, and that's basically just, you know, code --<br/>10 code-driven, so.</p> <p>11        COMMISSIONER LOWRY: Is -- and so you're --<br/>12 so explain that -- as -- so are you -- you're required to<br/>13 have that many based on the square footage of -- of the<br/>14 building? Or -- yeah.</p> <p>15        So that's -- we're -- that's a Murray<br/>16 requirement they have to -- based on the square footage<br/>17 of the building you have to have a certain number of<br/>18 parking stalls.</p> <p>19        MR. MICHAELSON: Correct. Yeah.</p> <p>20        COMMISSIONER LOWRY: And so that's -- that --<br/>21 you -- they would -- they may like to have less and have<br/>22 a bigger building to sell more products in.</p> <p>23        MR. MICHAELSON: That's usually the fight --<br/>24 the battle we're fighting is trying to get enough, and --<br/>25 and -- or trying -- we're not proposing as many, and</p>  | <p>Page 87</p> <p>1        MR. MICHAELSON: But with better lighting.<br/>2 And -- and better separation with the wall and the -- and<br/>3 the buffer --</p> <p>4        COMMISSIONER LOWRY: I -- I know we touched<br/>5 on this, but maybe I missed it. You can't regulate<br/>6 the -- the wattage of the light? You know, over that<br/>7 24-hour site?</p> <p>8        MR. MICHAELSON: You -- you can. It's<br/>9 expensive to do it that way, and -- I mean, I think as<br/>10 long as we're meeting the zero at the property line code,<br/>11 it feels like that would be sufficient.</p> <p>12        COMMISSIONER LOWRY: Uh-huh.</p> <p>13        COMMISSIONER MILKAVICH: So --</p> <p>14        MR. MICHAELSON: That's really all that I<br/>15 have to offer unless you have any additional questions.</p> <p>16        I do want to thank the council for -- for<br/>17 listening to our -- our presentation tonight and<br/>18 considering our project. And as I said before, we're --<br/>19 we're excited to be part of Murray, and -- and, you know,<br/>20 get to know the neighbors. And I think you'll find that<br/>21 it's a -- it will be a good addition.</p> <p>22        COMMISSIONER LOWRY: Any -- are there some<br/>23 questions for -- by the commission?</p> <p>24        COMMISSIONER MILKAVICH: I have two<br/>25 questions, but I think they're going to be directed to</p> |

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| <p>1 staff.</p> <p>2 COMMISSIONER LOWRY: Okay. Great. Well,</p> <p>3 let's --</p> <p>4 MR. MICHAELSON: Thank you very much.</p> <p>5 COMMISSIONER LOWRY: Mr. Michaelson, thank</p> <p>6 you so much.</p> <p>7 COMMISSIONER MILKAVICH: Maybe --</p> <p>8 MR. SMALLWOOD: Hello.</p> <p>9 COMMISSIONER MILKAVICH: Hey. Maybe two</p> <p>10 questions and a comment, we'll see.</p> <p>11 MR. SMALLWOOD: Sure.</p> <p>12 COMMISSIONER MILKAVICH: So two questions</p> <p>13 around lighting and hours of operation. Do we have in</p> <p>14 our code hours of operation for this zone?</p> <p>15 MR. SMALLWOOD: No.</p> <p>16 COMMISSIONER MILKAVICH: Okay. So that's</p> <p>17 what it is right now. It's -- then lighting. I know</p> <p>18 it's not in our code for this area, but what are our</p> <p>19 options?</p> <p>20 I mean, I know he says it's an expense to the</p> <p>21 applicant, but is it within our per -- purview to say</p> <p>22 we'd like to have the lighting reduced from midnight to</p> <p>23 4:00 in the morning or something? Is that something we</p> <p>24 could write in the conditions? Or is that --</p> <p>25 MR. SMALLWOOD: Because I don't have any</p>  | <p>Page 90</p> <p>1 and where this -- where the city council's does. Yeah.</p> <p>2 We may all agree that we like to have 500 or a 1,000 feet</p> <p>3 between a -- a gas station or 10,000 between a gas</p> <p>4 station and a -- and residential.</p> <p>5 The fact that I agree with you about that or</p> <p>6 I think that, I can't -- I can't -- I couldn't propose</p> <p>7 a -- I couldn't propose -- propose a motion and bind the</p> <p>8 city to that. I would have to go to the city council,</p> <p>9 and they would have to do that.</p> <p>10 And so, you know, I -- I think that would be</p> <p>11 a -- a wonderful thing for us to talk to our city council</p> <p>12 representatives about in the future. But I -- I think</p> <p>13 that -- that's -- that's -- that's a -- something to --</p> <p>14 to consider.</p> <p>15 The other thing I want to probably -- and</p> <p>16 I -- if you can touch on it again is in our -- in the</p> <p>17 role that we're in, we provide -- as a matter of fact, in</p> <p>18 a condition until use situation, the statute says we're</p> <p>19 supposed to -- to -- to ascertain if the -- if the --</p> <p>20 these are -- if it's a reasonable expectation.</p> <p>21 And so what I've been weighing in my mind are</p> <p>22 the environmental concerns, which I -- I share. I -- I</p> <p>23 think that -- I don't think -- I -- I certainly,</p> <p>24 personally, wouldn't argue that a -- that a gas station</p> <p>25 is necessarily a -- a clean use of -- of -- of -- of</p> |
| <p>1 standard for it --</p> <p>2 COMMISSIONER MILKAVICH: There's no standard</p> <p>3 to compare to?</p> <p>4 MR. SMALLWOOD: Right. Yeah. So the zero --</p> <p>5 the zero foot at the -- zero foot-candles at the property</p> <p>6 line is -- is how we've treated it in the past.</p> <p>7 COMMISSIONER MILKAVICH: Okay.</p> <p>8 COMMISSIONER LOWRY: Any other -- other</p> <p>9 questions for staff?</p> <p>10 COMMISSIONER MILKAVICH: So then my one</p> <p>11 comment, this is a -- the distance between a gas station</p> <p>12 and residential area has come up before, and as residents</p> <p>13 we've had concerns before. So it might be something good</p> <p>14 that residents look into talking to city and -- city</p> <p>15 council about adding that to some of the verbiage in some</p> <p>16 of our zoning areas. Because it's -- currently it isn't.</p> <p>17 MR. SMALLWOOD: Sure.</p> <p>18 COMMISSIONER MILKAVICH: So.</p> <p>19 COMMISSIONER LOWRY: And I think whenever</p> <p>20 there's -- whenever there's significant public interest</p> <p>21 in a -- in a project, I think it's -- it's -- it's a good</p> <p>22 idea to explain what our role is and what -- where --</p> <p>23 where our authority begins and ends, if that makes sense.</p> <p>24 MR. SMALLWOOD: Right.</p> <p>25 COMMISSIONER LOWRY: And I think -- and --</p> | <p>Page 91</p> <p>1 property. I think that there's -- there -- there are</p> <p>2 concerns.</p> <p>3 They're -- they're -- around that, they're</p> <p>4 at -- the state and the county -- and the city have --</p> <p>5 have -- have ordinances, and -- and we have procedures.</p> <p>6 And, you know, I think that that might be -- and the</p> <p>7 representation that Mr. Michaelson has made is that -- is</p> <p>8 that this organization complies with those, and it</p> <p>9 complies with those fully. If they don't, then -- then</p> <p>10 the state and the county and the city will deal with</p> <p>11 that.</p> <p>12 The other one for me is quality of life for</p> <p>13 residents. You know, for me, zero -- the -- the --</p> <p>14 the -- the -- the zero candles is a -- is -- is huge.</p> <p>15 And I want to thank Mr. Michaelson for defining that for</p> <p>16 us. That was a very good definition.</p> <p>17 And so how this -- how this ought to look</p> <p>18 when the -- if -- if this was approved is when that --</p> <p>19 over that fence zero candles. And so what I'm weighing</p> <p>20 is -- is this reason -- are they being reasonable? Is</p> <p>21 this a reasonable request in light of the -- the -- the</p> <p>22 concerns that the residents have? Which I -- I</p> <p>23 understand those concerns.</p> <p>24 I'll -- I'll -- I -- I -- we'll --</p> <p>25 commissioners will make some more comments, but I do</p>  |

Audio Transcription  
March 03, 2022

Pages 94..97

| Page 94  | Page 96   |
|--|---|
| <p>1 think it's a -- it's -- it's good to kind of stop and<br/>2 under -- and -- and share that we don't get to decide --<br/>3 you know, we --<br/>4 We can't arbitrarily say, Well, we have too<br/>5 many of one type of business in an area and get to do<br/>6 that. Or -- or get to decide arbitrarily to change -- to<br/>7 change the usage of zones. That has to go through a -- a<br/>8 legislative process, basically.</p> <p>9 MR. SMALLWOOD: Correct.</p> <p>10 COMMISSIONER LOWRY: Sorry. Sorry, Zach.</p> <p>11 MR. SMALLWOOD: No, you're good.</p> <p>12 COMMISSIONER LOWRY: Any other questions<br/>13 for -- for staff? All right.</p> <p>14 With that, I think we'll -- we'll open it up<br/>15 to the commission for -- for discussion. Is there any<br/>16 discussion amongst the commission?</p> <p>17 COMMISSIONER PEHRSON: I can make a motion.</p> <p>18 COMMISSIONER LOWRY: Okay. Well, we'll --</p> <p>19 COMMISSIONER PEHRSON: I can make a motion if<br/>20 you --</p> <p>21 COMMISSIONER LOWRY: We'll entertain a<br/>22 motion, then.</p> <p>23 BRITTANY NOBLE: I'm sorry. (Inaudible).</p> <p>24 COMMISSIONER LOWRY: We are pretty late in<br/>25 the process. I -- we're -- we're -- at this point we're</p>                    | <p>1 would --</p> <p>2 COMMISSIONER PEHRSON: Let's --</p> <p>3 COMMISSIONER LOWRY: I propose to make an<br/>4 amendment to -- to -- to No. 14.</p> <p>5 COMMISSIONER PEHRSON: The -- the reason --</p> <p>6 COMMISSIONER LOWRY: Oh, go ahead.</p> <p>7 COMMISSIONER PEHRSON: Since I've made a<br/>8 motion, I'm not sure what we can do, here.</p> <p>9 COMMISSIONER LOWRY: Yep.</p> <p>10 MR. SMALLWOOD: You can. You can amend your<br/>11 motion.</p> <p>12 COMMISSIONER PEHRSON: Okay. I want to amend<br/>13 it. Let me just explain before I amend it why I'm doing<br/>14 a second condition for the -- the fence.</p> <p>15 I think that I -- I think it would be better<br/>16 to say work with the planning commission to do a fence up<br/>17 to eight feet so they can determine what the best fence<br/>18 would be along that property line.</p> <p>19 COMMISSIONER LOWRY: Do you mean staff or<br/>20 commission?</p> <p>21 COMMISSIONER PEHRSON: Planning division.</p> <p>22 Sorry.</p> <p>23 COMMISSIONER LOWRY: Okay. So you -- you<br/>24 want to separate the -- so the -- the east -- the east<br/>25 fence would be eight feet across the board, masonry, and</p>   |
| <p>1 at a motion, so I apologize.</p> <p>2 COMMISSIONER PEHRSON: I'll make a motion<br/>3 that the planning commission approve a conditional use<br/>4 permit and grant design approval to allow the<br/>5 construction of the proposed Kum &amp; Go gas station and<br/>6 convenience store on the property located at 6029 South<br/>7 900 East subject to conditions one through fifteen with<br/>8 an added two conditions that will be that they remove the<br/>9 lighted logo signage on the east side of the canopy. And<br/>10 the other condition is that the applicant shall work with<br/>11 staff to install a fence up to eight feet, masonry, along<br/>12 the south property line.</p> <p>13 COMMISSIONER MILKAVICH: Mr. Chair? Point of<br/>14 order.</p> <p>15 COMMISSIONER LOWRY: Yep.</p> <p>16 COMMISSIONER MILKAVICH: I think Condition<br/>17 No. 11 already addresses that east facing illuminated<br/>18 sign.</p> <p>19 COMMISSIONER LOWRY: Yes.</p> <p>20 COMMISSIONER PEHRSON: Yes. You're correct.</p> <p>21 COMMISSIONER LOWRY: Yep.</p> <p>22 COMMISSIONER MILKAVICH: And then Condition<br/>23 14, maybe, do we need to add a condition? Or can we just<br/>24 add two?</p> <p>25 COMMISSIONER LOWRY: I would -- I would -- I</p> | <p>Page 97</p> <p>1 the south fence might be a staggered fence is what you're<br/>2 saying?</p> <p>3 COMMISSIONER PEHRSON: Yes.</p> <p>4 COMMISSIONER MILKAVICH: I appreciate the<br/>5 explanation.</p> <p>6 COMMISSIONER PEHRSON: Okay. So -- so -- so<br/>7 can I just clarify my --</p> <p>8 COMMISSIONER LOWRY: Why don't you -- why<br/>9 don't you amend your motion.</p> <p>10 COMMISSIONER PEHRSON: -- condition --</p> <p>11 MR. SMALLWOOD: Yeah.</p> <p>12 COMMISSIONER PEHRSON: Do you want me to just<br/>13 do the whole thing again?</p> <p>14 COMMISSIONER LOWRY: Yep.</p> <p>15 MR. SMALLWOOD: If you'd like. It would --</p> <p>16 it would probably help Jamie while she's doing minutes.</p> <p>17 COMMISSIONER LOWRY: Yep.</p> <p>18 COMMISSIONER PEHRSON: Here we go.</p> <p>19 I would like to make a motion that the<br/>20 planning commission approve a conditional use permit and<br/>21 grant design approval to allow the construction of the<br/>22 proposed Kum &amp; Go gas station and convenience store on<br/>23 the property located at 6029 South 900 East subject to<br/>24 conditions one through fifteen, and adding another<br/>25 condition that will read, The applicant shall work with</p> |

Audio Transcription  
March 03, 2022

Pages 98..100

| Page 98   | Page 100  |
|---|---|
| <p>1 the planning division to install a -- up to an eight-foot<br/>2 masonry fence along the south property line.<br/>3 COMMISSIONER LOWRY: Okay. We have a<br/>4 motion --<br/>5 MR. SMALLWOOD: Perfect.<br/>6 COMMISSIONER LOWRY: -- to approve a<br/>7 conditional use permit and grant design approval to allow<br/>8 the construction of the proposed Kum &amp; Go gas station and<br/>9 convenience store on the property located at 6029 South<br/>10 900 East subject to the 15 stated conditions, with an<br/>11 additional 16th condition, which -- and -- and<br/>12 encompasses the -- the south fence, and -- and will have<br/>13 the -- the applicant work with the Murray City planning<br/>14 staff to -- to -- to -- for approval.<br/>15 Do we have a second for this motion?<br/>16 COMMISSIONER RICHARDS: I'll second.<br/>17 COMMISSIONER LOWRY: Okay. So we have an<br/>18 approve -- we have a motion from Commissioner Pehrson,<br/>19 and a second by Commissioner Richards.<br/>20 Zach, will you do a -- a roll call --<br/>21 MR. SMALLWOOD: Yep.<br/>22 COMMISSIONER LOWRY: -- vote?<br/>23 MR. SMALLWOOD: Commissioner Pehrson?<br/>24 COMMISSIONER PEHRSON: Yes.<br/>25 MR. SMALLWOOD: Commissioner Richards?</p> | <p>TRANSCRIBER'S CERTIFICATE<br/>STATE OF UTAH )<br/> ) ss<br/>COUNTY OF SALT LAKE )<br/>I, Amber R. Fraass, a Utah Certified Court Reporter<br/>and Registered Professional Reporter, do hereby certify:<br/>That I listened to the recorded and took down in<br/>shorthand the foregoing on ^ ^, 2022.<br/>That I thereafter transcribed my said shorthand<br/>notes into typewriting and that the typewritten<br/>transcript of said conversation is a complete, true and<br/>accurate transcription of my said shorthand notes taken<br/>down at said time, to the best of my ability to hear and<br/>understand the audio file.<br/>I further certify that I am not a relative or<br/>employee of an attorney or counsel involved in said<br/>action, nor a person financially interested in said<br/>action.<br/>IN WITNESS WHEREOF, I hereby certify this<br/>transcript in the County of Utah, State of Utah, this<br/>22nd day of April, 2022.<br/><br/>Amber R. Fraass, RPR, CSR</p> |
| Page 99   |   |

|                             |                                  |                                |
|-----------------------------|----------------------------------|--------------------------------|
|                             |                                  |                                |
|                             |                                  | 92:2                           |
|                             | <b>2</b>                         |                                |
| <b>-000-</b> 2:2            | <b>2</b> 42:9                    | <b>500-feet-from-a-home</b>    |
|                             | <b>2"</b> 85:23                  | 45:9                           |
| <b>1</b>                    | <b>20</b> 39:16                  | <b>500-foot</b> 67:18          |
| <b>1</b> 82:7               | <b>20,000</b> 39:15              | <b>55</b> 13:1                 |
| <b>1,000</b> 92:2           | <b>200</b> 3:5                   | <b>56</b> 47:9                 |
| <b>1-</b> 3:5               | <b>21</b> 3:8 6:5,7 47:22 87:4,8 |                                |
| <b>1.07</b> 2:24            | <b>21-lot</b> 47:19              | <b>6</b> 2:7,17 7:5            |
| <b>1/2</b> 7:2              | <b>24</b> 39:20                  | <b>6'</b> 85:23                |
| <b>10</b> 25:5              | <b>24-hour</b> 43:10 89:7        | <b>6029</b> 2:9,19 17:21 57:10 |
| <b>10,000</b> 92:3          | <b>24/7</b> 88:20,24             | 58:18,22 59:6 95:6 97:23       |
| <b>100</b> 10:1 47:15 76:16 | <b>274</b> 26:16                 | 98:9                           |
| <b>10:00</b> 64:7,8         |                                  |                                |
| <b>11</b> 60:13 95:17       | <b>3</b>                         | <b>6051</b> 50:25              |
| <b>110</b> 5:6              | <b>3</b> 7:5                     | <b>6053</b> 39:11              |
| <b>118</b> 5:5              | <b>3,968</b> 2:25                | <b>6061</b> 52:15              |
| <b>11:00</b> 66:4           | <b>300</b> 53:2 69:8,9 72:7      | <b>6067</b> 45:22              |
| <b>14</b> 28:5 95:23 96:4   | <b>35</b> 6:6,18                 | <b>60th</b> 61:9               |
| <b>15</b> 26:19 98:10       | <b>360</b> 34:19                 | <b>6:00</b> 72:12              |
| <b>150</b> 39:15,17         | <b>39th</b> 40:21                |                                |
| <b>16</b> 3:7 43:8          |                                  | <b>7</b>                       |
| <b>16th</b> 27:22 98:11     |                                  | <b>7-eleven</b> 43:25 48:23    |
| <b>17</b> 7:2               | <b>400</b> 31:12                 | 49:4,23 62:12                  |
| <b>172</b> 26:16            | <b>41</b> 3:22                   |                                |
| <b>17th</b> 2:6             | <b>45</b> 61:13                  | <b>8</b> 35:9                  |
| <b>18</b> 50:18             | <b>4:00</b> 90:23                | <b>8:30</b> 37:10              |
| <b>19</b> 3:18 87:4,9       |                                  | <b>8:35</b> 99:14              |
| <b>1994</b> 84:11           | <b>5</b>                         |                                |
| <b>1st</b> 52:10            | <b>5</b> 2:5                     |                                |
|                             | <b>500</b> 44:17 46:8 70:21      | <b>900</b> 7:14,18 17:21 50:25 |

|  |  |   |
|--|--|---|
| 57:11 58:3,18,22 59:6<br>61:9 95:7 97:23 98:10   | <b>action</b> 73:10<br><b>active</b> 17:2,15<br><b>actual</b> 19:4 49:12 66:9<br><b>add</b> 28:6 34:9 36:23<br>44:15 46:6 56:8,19<br>95:23,24<br><b>added</b> 95:8<br><b>adding</b> 27:2 56:7 91:15<br>97:24<br><b>addition</b> 16:7 57:14<br>89:21<br><b>additional</b> 7:18 14:6 52:1<br>64:9,16,17 89:15 98:11<br><b>Additionally</b> 56:21<br><b>address</b> 12:3 23:25<br>26:11,14 36:13 37:25<br>38:3 39:7 42:21 48:16,18<br>50:25 52:25 56:1 57:6<br>65:13 66:14 71:18 72:15<br>73:21 74:3 80:1,13,19<br><b>addressed</b> 14:13,18<br>16:22 21:22 57:10 62:25<br>64:22 66:24 71:15<br><b>addresses</b> 35:9 95:17<br><b>adequate</b> 7:13 33:6<br><b>adjacent</b> 52:18 56:15<br><b>adjourn</b> 99:10,14,16<br><b>adjusting</b> 81:16<br><b>advanced</b> 79:15,16 80:7<br><b>affect</b> 27:8 37:14 49:16<br>50:12 51:11<br><b>affected</b> 13:22 72:7<br><b>affecting</b> 72:6<br><b>affidavit</b> 74:1<br><b>affiliation</b> 44:19 | <b>affirm</b> 34:7<br><b>afraid</b> 51:11<br><b>afternoon</b> 72:11<br><b>agenda</b> 18:7 72:5,10,14<br>99:8<br><b>agree</b> 92:2,5<br><b>agreed</b> 33:17 75:13<br>84:25<br><b>ahead</b> 3:2 43:6 87:8 96:6<br><b>air</b> 81:21,22 82:5<br><b>alcohol</b> 60:5<br><b>allowed</b> 8:11 22:5,7<br>51:10 61:2 66:5 76:22<br>77:1,5<br><b>allowing</b> 11:21<br><b>amazed</b> 35:23<br><b>amazing</b> 25:3<br><b>amend</b> 96:10,12,13 97:9<br><b>amendment</b> 96:4<br><b>amount</b> 7:13 10:18 32:1,<br>11 66:5<br><b>analysis</b> 37:16<br><b>annexed</b> 49:15<br><b>anticipate</b> 13:21,23 14:6<br>17:6,7 82:14<br><b>apartment</b> 40:21<br><b>apologies</b> 26:15 63:20<br><b>apologize</b> 7:16 48:11<br>52:25 65:2 95:1<br><b>apparently</b> 54:24<br><b>appears</b> 64:15,17<br><b>applicant</b> 2:10 9:2 12:3<br>16:24 17:7 18:10,16 21:6<br>23:23 26:18,25 41:9 |
| <b>A</b>   |  |   |
| <b>ABC</b> 29:12<br><b>absolute</b> 10:6<br><b>absolutely</b> 29:10 31:10<br>33:14<br><b>absorbers</b> 36:20<br><b>abuts</b> 53:5<br><b>accents</b> 5:20,22<br><b>access</b> 3:16,20 4:4,6 5:3<br>60:2,20 61:15,18 62:8<br>75:10<br><b>accesses</b> 3:21<br><b>accidents</b> 43:23 44:11<br>61:10,16,18<br><b>accomplish</b> 33:11<br><b>account</b> 77:19<br><b>accumulate</b> 42:1<br><b>accumulated</b> 41:24<br><b>accuse</b> 79:20<br><b>accusing</b> 79:21<br><b>achieve</b> 32:19<br><b>acquired</b> 73:5,6<br><b>acre</b> 2:24<br><b>act</b> 30:22 |  |   |

|   |   |  |
|---|---|--|
| 65:13 66:14 70:7 90:21<br>95:10 97:25 98:13   | <b>Astill's</b> 15:1<br><b>attendance</b> 56:3<br><b>attention</b> 46:5 48:6<br><b>attract</b> 61:8<br><b>authority</b> 68:18 69:19<br>91:23<br><b>average</b> 43:8<br><b>aware</b> 66:21 72:17<br><b>awesome</b> 16:19 25:4<br><b>awful</b> 62:6<br><b>aye</b> 99:20   | <b>battle</b> 87:24 88:3<br><b>beginning</b> 13:9<br><b>begins</b> 91:23<br><b>belief</b> 56:18<br><b>benefits</b> 49:17<br><b>bid</b> 85:6<br><b>big</b> 25:1 33:7 36:25<br>47:17,22 49:21 85:22,24<br><b>bigger</b> 87:22<br><b>biggest</b> 30:14<br><b>bind</b> 92:7<br><b>bird's</b> 53:4<br><b>bit</b> 3:9 5:14 9:10 16:9,10<br>17:12 30:13 33:23 41:21<br>62:25 72:11 81:11<br><b>blaring</b> 43:10<br><b>bleed</b> 27:8<br><b>block</b> 46:23 52:21 62:13<br><b>blocks</b> 48:22 49:1<br><b>blows</b> 50:6<br><b>board</b> 5:17,18,19,21<br>13:20 44:18,19 54:20<br>55:3 79:7,10,11,14 96:25<br><b>body</b> 22:7<br><b>bollard</b> 10:23<br><b>Bonneville</b> 61:21<br><b>books</b> 67:22,25<br><b>border</b> 60:14,18<br><b>bother</b> 40:17<br><b>bought</b> 51:1<br><b>brand</b> 15:15<br><b>breathing</b> 44:18 |
| <b>applicant's</b> 29:2<br><b>application</b> 2:18 22:17<br>70:17 73:8<br><b>applied</b> 68:21,23,24<br><b>apply</b> 19:24 22:7 66:2<br>68:23<br><b>appreciated</b> 50:5<br><b>approach</b> 8:16<br><b>approaches</b> 28:18<br><b>approval</b> 14:14 17:19<br>53:6 70:16 95:4 97:21<br>98:7,14<br><b>approve</b> 17:18 22:16<br>29:20 95:3 97:20 98:6,18<br><b>approved</b> 48:4 53:21,25<br>55:6,8,10 74:8 93:18<br><b>approximate</b> 76:1<br><b>approximately</b> 3:6,22 7:2<br>72:10<br><b>arbitrarily</b> 94:4,6<br><b>area</b> 5:18 8:18 9:8 13:13<br>29:6 31:5 44:6 51:7,11<br>53:20 58:20 67:5 90:18<br>91:12 94:5<br><b>areas</b> 32:13 91:16<br><b>argue</b> 92:24<br><b>art</b> 83:11<br><b>ascertain</b> 92:19<br><b>assume</b> 12:3 18:24 19:4<br>67:1 86:2 88:17<br><b>assuming</b> 58:16<br><b>Astill</b> 15:4 66:17 | <b>B</b><br><b>back</b> 2:21 5:20,22 6:4<br>11:13,14,18,24 12:2,4<br>16:22 17:8,10 25:5,8<br>34:18,20 36:10 40:22<br>45:11,19 51:17 59:24<br>80:13<br><b>backs</b> 59:7<br><b>backside</b> 11:9<br><b>backup</b> 38:13 58:4<br><b>backwards</b> 75:13<br><b>backyard</b> 43:14 62:18<br><b>bad</b> 54:9 63:11<br><b>barbecuing</b> 61:5<br><b>barrier</b> 30:23<br><b>base</b> 9:7 35:7 55:18<br><b>based</b> 55:18 78:15 79:18<br>87:13,16<br><b>basic</b> 3:5<br><b>basically</b> 23:1 42:24 87:9<br>94:8 |  |

|   |   |   |
|---|---|---|
| <b>bridge</b> 4:5 35:7,13,16<br>48:1 64:25  | <b>bushes</b> 7:14  | <b>car</b> 2:22 17:3 43:18,24<br>51:1 56:15,16 59:9 61:12<br>76:22 82:23 83:14 84:6,<br>18 88:19,20 |
| <b>Bridges</b> 39:11 42:23<br>45:22 48:18 52:15 62:20   | <b>business</b> 22:7 24:14<br>29:19 53:4,5 55:22 64:7<br>66:3 94:5                                  | <b>cards</b> 33:2   |
| <b>briefly</b> 13:15  | <b>businesses</b> 55:13 76:5  | <b>carefully</b> 85:13  |
| <b>bright</b> 39:16 65:5  | <b>busy</b> 59:13 60:14   | <b>cars</b> 57:15 61:19 84:10   |
| <b>bring</b> 3:18 9:10 16:24<br>43:12 48:6 55:22 68:13<br>80:23 82:20 85:2  | <b>butts</b> 60:5,6   | <b>case</b> 52:3 88:10  |
| <b>brings</b> 13:19 75:16   | <b>C</b>  |   |
| <b>Brittany</b> 42:18,22 45:10,<br>14,17 46:10,13 54:3,7,<br>15,17 55:23 70:23 71:3<br>78:2,6 94:23                     | <b>cadence</b> 29:5   | <b>category</b> 20:2  |
| <b>Brittany's</b> 54:6  | <b>calculate</b> 3:6  | <b>caused</b> 50:3  |
| <b>brought</b> 66:17 67:18<br>76:8,12   | <b>calculation</b> 69:3,4   | <b>causing</b> 57:16  |
| <b>Bs</b> 29:4  | <b>calculations</b> 7:12  | <b>caveat</b> 36:10 52:8  |
| <b>bucket</b> 82:14,16  | <b>call</b> 13:5 98:20  | <b>cement</b> 5:19,21   |
| <b>buffer</b> 8:1 62:15 67:18<br>89:3   | <b>called</b> 7:3 22:14 82:7,14,<br>21,23,25 85:4,17  | <b>center</b> 4:15  |
| <b>buffered</b> 88:11   | <b>calls</b> 8:10   | <b>certified</b> 25:20  |
| <b>build</b> 42:8 47:7 62:10  | <b>calm</b> 51:21   | <b>Chair</b> 35:1 45:5 95:13<br>99:4,11   |
| <b>building</b> 2:25 5:16 6:5,9,<br>11,17 7:19 8:20,23 12:16<br>20:5 31:20 34:17,18<br>35:12 70:17 87:14,17,22<br>88:11 | <b>camera</b> 17:8  | <b>chance</b> 38:3 80:19  |
| <b>built</b> 46:19 52:22 59:5   | <b>cameras</b> 34:17,18,19  | <b>change</b> 12:15 66:5,6<br>75:3 94:6,7   |
| <b>bulbs</b> 12:18  | <b>camping</b> 34:20  | <b>changing</b> 12:18 13:23   |
| <b>bullet</b> 46:2  | <b>cancel</b> 74:9  | <b>channel</b> 35:21,22   |
| <b>bunch</b> 24:22  | <b>candle</b> 20:13 30:17,24<br>32:1,2 65:24  | <b>charitable</b> 49:17   |
| <b>burning</b> 32:2   | <b>candlelight</b> 33:13 39:14  | <b>check</b> 64:12  |
| <b>bus</b> 61:20 62:2 77:14,15<br>78:18   | <b>candles</b> 93:14,19   | <b>checked</b> 13:3 69:1  |
|   | <b>canopies</b> 32:25   | <b>child</b> 62:2   |
|   | <b>canopy</b> 6:3 7:2 18:16,21<br>19:4 30:3 39:14 40:15<br>41:1,3 43:10 65:4,6,11<br>66:2 81:7 95:9 | <b>children</b> 59:25 78:19   |
|   | <b>capture</b> 66:19 82:16  | <b>choose</b> 38:21   |
|   | <b>captured</b> 81:23   | <b>Christian</b> 24:2   |
|   |   | <b>cigarette</b> 60:5,6   |
|   |   | <b>cinder</b> 46:23   |
|   |   | <b>circumstances</b> 69:24  |

|  |  |  |
|--|--|--|
| <b>citation</b> 45:9   | <b>colors</b> 70:8   | 28:2,3,4,8,10,12,13,17   |
| <b>citizens</b> 13:10  | <b>comfort</b> 53:18   | 29:1,14,17,18,22 30:1,5,   |
| <b>city</b> 4:21 9:17 14:9,11,15<br>15:22 36:1 49:17 55:4,21<br>57:2,7 66:22 67:19,21<br>69:20 70:13 75:11,12,22<br>78:20 91:14 92:1,8,11<br>93:4,10 98:13 | <b>comfortable</b> 62:1  | 7,10 31:17 32:3,9,12,15,<br>17,21 33:8,15,18,19,20,<br>21,22 34:12,15,25 35:1,<br>4,5 36:2,3,4,7 37:20,21  |
| <b>civil</b> 29:7,8  | <b>commend</b> 7:21  | 38:4,6 41:5,8,12,16  |
| <b>clarification</b> 27:13 29:19   | <b>comment</b> 13:9 18:10  | 42:17,20 45:3,4,5,7,8,11,<br>16,18,25 46:3,16 48:7,<br>13,15,20 50:20,23 51:25   |
| <b>clarify</b> 17:14 21:15 23:1<br>97:7  | 38:9,10,11,12,15,19,22,<br>25 39:12 64:18,19 72:16<br>78:10,24 80:16 90:10<br>91:11  | 52:12 54:4,8,12 56:22  |
| <b>clean</b> 42:3 92:25  | <b>comments</b> 8:15 38:1,17   | 62:22 63:8,11,15,19,23   |
| <b>cleaned</b> 67:10   | 39:3,5,8 41:6,13 45:20<br>47:4 48:8 50:21 52:2,4<br>63:14,18 64:10,17,18<br>71:2 78:4,9 93:25  | 64:2,15 65:16,18,21  |
| <b>client</b> 28:25  | <b>commercial</b> 8:11 13:18   | 66:1,10,15,25 67:3,13,<br>16,23 68:1,3,5,8,14,16   |
| <b>clientele</b> 43:12   | 28:1,2,3 32:15 43:16<br>53:9 76:6  | 69:6,9,15 70:1,10,12,18,<br>19,25 71:4,19 72:1 73:3,<br>14,17,24 74:13,17,25   |
| <b>clients</b> 80:24   | <b>commercially</b> 76:17  | 75:18,24 76:3,7,10,11,15<br>77:11,14,17 78:1,3,8,13,<br>16,17,23 79:24 80:12   |
| <b>close</b> 3:14 16:1 48:2 55:8<br>58:1,11 60:12 61:3,23<br>63:18 64:18 75:20   | <b>commission</b> 2:6 7:8 8:6,<br>21 17:18 18:3,8,13 21:20<br>22:16,20 23:24 26:25<br>29:25 52:17 54:6 57:7<br>59:3 68:17 69:19,23 71:5<br>72:4,9,14,17 73:2 76:18<br>79:1 80:2 89:23 94:15,16<br>95:3 96:16,20 97:20<br>99:23   | 81:13,25 83:21,24 84:21<br>86:1,5,12,15,19,22,25<br>87:3,11,20 88:2,5,22,25<br>89:4,12,13,22,24 90:2,5,<br>7,9,12,16 91:2,7,8,10,18,<br>19,25 94:10,12,17,18,19,<br>21,24 95:2,13,15,16,19,<br>20,21,22,25 96:2,3,5,6,7,<br>9,12,19,21,23 97:3,4,6,8,<br>10,12,14,17,18 98:3,6,<br>16,17,18,19,22,23,24,25 |
| <b>closed</b> 51:3 74:3  | <b>commission's</b> 21:24  | 99:1,2,3,5,7,11,12,13,15,<br>17,18,21  |
| <b>closer</b> 50:5   | <b>commissioner</b> 2:4,13   | <b>commissioner's</b> 55:25  |
| <b>closest</b> 42:19 49:11   | 4:8,11,14,18,22 6:10,13,<br>15,19,22 9:23 10:9,13,<br>14,21 11:1,4,8,11,16,20,<br>24 12:9,14,17,20,23<br>16:18 17:23 18:1,5,15,<br>20,23 19:2,9,13,14,16,<br>19,20 20:1,6,7,11,15,19,<br>21 21:1,2,5,10,14,17,21<br>22:11,25 23:4,7,11,13,<br>15,17,19,22 26:9,13,17,<br>21,24 27:1,12,18,25 | <b>commissioners</b> 24:1  |
| <b>CN</b> 2:25   |  | 56:2 63:5 72:1 93:25   |
| <b>code</b> 8:10,19 9:6,13<br>10:15,16 28:24 66:9<br>67:20,24 68:23 69:20<br>71:8 87:9 89:10 90:14,18  |  | <b>committing</b> 35:25 53:17  |
| <b>code-driven</b> 87:10   |  | <b>common</b> 68:1,4   |
| <b>coins</b> 88:19   |  | <b>communities</b> 55:13 81:7  |
| <b>collect</b> 40:4  |  | <b>community</b> 11:17 15:2  |
| <b>collected</b> 67:8  |  |  |
| <b>color</b> 85:20   |  |  |
| <b>Colorado</b> 24:22  |  |  |

|                                 |                               |   |
|---------------------------------|-------------------------------|---|
| 24:10 25:3,6,7,14 38:16         | 23:7 68:22 72:21 95:3         | 76:1 95:6 97:22 98:9                        |
| 49:10 53:14 55:18 60:13         | 97:20 98:7                    | <b>cool</b> 25:14                           |
| 76:12 79:2,5,8,9,10             | <b>conditions</b> 14:14 17:22 | <b>coordination</b> 24:5                    |
| 80:23 82:11 83:19               | 22:17,22 26:19 37:14          | <b>corner</b> 2:20,23 6:9 42:8,<br>11 43:23 |
| <b>company</b> 25:23 40:24      | 56:23 70:16 74:6 75:14        | <b>corners</b> 47:21                        |
| 53:22 85:3                      | 86:13 90:24 95:7,8 97:24      | <b>corporate</b> 26:13                      |
| <b>compare</b> 91:3             | 98:10                         | <b>corporately</b> 24:15                    |
| <b>competent</b> 50:11          | <b>conduct</b> 24:24          | <b>corporation</b> 39:19 85:8               |
| <b>complained</b> 40:22         | <b>conducted</b> 5:5          | <b>correct</b> 6:21 10:11 23:16             |
| <b>completed</b> 83:6 99:8      | <b>connected</b> 81:20        | 29:21 46:9 67:12,15                         |
| <b>completely</b> 11:22 31:14   | <b>consideration</b> 54:1     | 68:19 76:2,14,17 78:22                      |
| 35:20 74:12                     | 58:13                         | 82:3 87:19 94:9 95:20                       |
| <b>compliance</b> 29:15         | <b>considered</b> 14:14 44:13 | <b>correspondence</b> 38:15                 |
| <b>complies</b> 93:8,9          | 49:12                         | <b>corridor</b> 69:25                       |
| <b>comply</b> 26:22 27:6 28:23  | <b>constantly</b> 17:15 59:21 | <b>Cottonwood</b> 4:5 66:22                 |
| <b>concept</b> 83:16            | <b>construction</b> 17:20     | <b>council</b> 68:12 89:16                  |
| <b>concern</b> 11:17 31:13      | 36:22 95:5 97:21 98:8         | 91:15 92:8,11                               |
| 42:13 53:1,12 54:24             | <b>contact</b> 60:9           | <b>council's</b> 92:1                       |
| 55:17 61:7 67:5 75:19           | <b>contained</b> 16:4         | <b>counsel</b> 53:22                        |
| 76:12 83:25                     | <b>containers</b> 57:16 60:5  | <b>country</b> 26:1                         |
| <b>concerned</b> 9:10 16:23     | <b>contaminate</b> 16:13 42:1 | <b>county</b> 14:17 15:8 35:25              |
| 40:20 59:15                     | 57:13                         | 49:14 93:4,10                               |
| <b>concerns</b> 5:16 8:17       | <b>contaminated</b> 42:5      | <b>couple</b> 9:3 10:22 13:14               |
| 11:12 13:7 14:12 27:8           | <b>contaminating</b> 50:8     | 15:17 16:22 25:16 42:25                     |
| 30:11,14,16 31:11 35:6          | <b>contamination</b> 55:11    | 44:15 48:22 49:1 64:22                      |
| 54:21 65:4 80:19 84:23          | 56:12                         | 67:17 74:18                                 |
| 91:13 92:22 93:2,22,23          | <b>contingencies</b> 66:18    | <b>Court</b> 42:23 48:18 62:20              |
| <b>concrete</b> 55:15 56:5      | <b>continuing</b> 57:21       | <b>covers</b> 77:11                         |
| 70:4,5                          | <b>contract</b> 74:7          | <b>craft</b> 4:1                            |
| <b>condition</b> 10:15,18 19:10 | <b>contributed</b> 56:23 57:1 | <b>crazy</b> 35:23                          |
| 20:8 21:15 23:5 27:2,6,         | <b>control</b> 35:25 76:18    | <b>creating</b> 57:19                       |
| 23 28:5,6 35:9 92:18            | <b>controls</b> 15:12         | <b>credit</b> 33:2                          |
| 95:10,16,22,23 96:14            | <b>convenience</b> 2:8,19 3:1 | <b>creek</b> 4:5 44:10 55:8                 |
| 97:10,25 98:11                  | 36:18 47:21 49:7 51:13        |   |
| <b>condition's</b> 34:23        | 53:3,7,21 57:10 58:18,23      |   |
| <b>conditional</b> 2:18 3:2     |                               |   |
| 17:19 21:23 22:14,15,16         |                               |   |

|                               |                                 |                                |
|-------------------------------|---------------------------------|--------------------------------|
| 57:12,13,18,20,21 61:1        | <b>defeat</b> 60:18,19          | <b>development</b> 15:2 52:20  |
| <b>creek's</b> 42:5           | <b>defer</b> 65:12              | 72:16                          |
| <b>crime</b> 13:13 17:1 44:11 | <b>define</b> 9:23              | <b>developments</b> 30:20      |
| 53:12,17 58:7                 | <b>defining</b> 93:15           | <b>Devil</b> 2:6               |
| <b>critical</b> 30:25         | <b>definition</b> 93:16         | <b>diagrams</b> 5:7            |
| <b>cross</b> 49:3             | <b>deflecting</b> 10:8          | <b>dialoguing</b> 35:15        |
| <b>crow</b> 69:10             | <b>degree</b> 34:19 76:18       | <b>Diane</b> 52:24 54:1        |
| <b>Cs</b> 29:4                | <b>deliver</b> 39:25 41:18      | <b>diligence</b> 74:6          |
| <b>current</b> 53:15 68:22    | <b>delivered</b> 35:18          | <b>direct</b> 77:6             |
| <b>customer</b> 41:20         | <b>delivery</b> 40:5 57:12 58:8 | <b>directed</b> 89:25          |
| <b>customers</b> 32:24 57:14  | <b>demanding</b> 78:15          | <b>directing</b> 18:25         |
| <b>cut</b> 9:8                | <b>department</b> 14:10,11      | <b>directly</b> 7:6 58:4       |
| <b>cycle</b> 83:6             | 29:19 71:13                     | <b>director</b> 15:2,3         |
| <hr/>                         |                                 |                                |
| <b>D</b>                      |                                 |                                |
| <b>Dagloria</b> 58:21         | <b>departments</b> 14:10        | <b>Dirty</b> 2:5               |
| <b>dangerous</b> 61:10        | <b>DEQ</b> 71:12                | <b>disagree</b> 65:5           |
| <b>Danny</b> 14:23 15:1,4     | <b>describe</b> 32:6            | <b>disappointing</b> 62:4      |
| <b>dark</b> 74:22             | <b>design</b> 5:16 17:19 20:4   | 66:10                          |
| <b>day</b> 31:12 40:12 56:18  | 29:8 41:2 70:9 95:4             | <b>discourage</b> 11:18        |
| 65:23,24                      | 97:21 98:7                      | <b>discretion</b> 37:12        |
| <b>days</b> 72:8              | <b>destination</b> 14:2         | <b>discuss</b> 35:8            |
| <b>deal</b> 15:25 25:25 47:17 | <b>detail</b> 74:23             | <b>discussed</b> 27:19 36:5    |
| 54:23 55:5 93:10              | <b>details</b> 46:24            | <b>discussing</b> 27:13 48:14  |
| <b>Dear</b> 52:17 59:3        | <b>detector</b> 83:5            | <b>discussion</b> 34:5 35:2,6  |
| <b>decide</b> 8:8 76:5 94:2,6 | <b>deter</b> 53:16              | 36:14 68:15 94:15,16           |
| <b>decision</b> 55:19 70:8    | <b>determine</b> 23:9 96:17     | <b>disjointed</b> 47:4         |
| <b>decisions</b> 37:12 55:19, | <b>determined</b> 23:2          | <b>dispensers</b> 82:23,24     |
| 20 79:15,17                   | <b>detrimental</b> 59:17        | <b>dispensing</b> 33:5         |
| <b>decorative</b> 70:6        | <b>devalue</b> 53:11            | <b>Disposal</b> 2:6            |
| <b>decrease</b> 43:7          | <b>develop</b> 72:23            | <b>distance</b> 75:23 91:11    |
| <b>deep</b> 11:8 74:22        | <b>developed</b> 72:18          | <b>district</b> 66:23 77:24,25 |
|                               | <b>developer</b> 39:24 80:20    | 78:13,21                       |
|                               | <b>developing</b> 31:12         | <b>divider</b> 3:25            |

|   |  |   |
|---|--|---|
| <b>division</b> 13:2 71:13<br>96:21 98:1  | <b>dropping</b> 85:12  | <b>eight-foot</b> 8:7,14,16 9:5<br>27:3,23 69:22 85:25 98:1 |
| <b>donations</b> 49:17  | <b>dry</b> 35:23   | <b>electronic</b> 64:16                                     |
| <b>door</b> 12:7 20:24 53:10<br>54:25 72:12   | <b>dual</b> 37:1   | <b>electronically</b> 64:11                                 |
| <b>Doreen</b> 57:5 58:13  | <b>due</b> 3:12 53:19 74:6   | <b>eliminate</b> 5:12 30:5                                  |
| <b>double</b> 4:15 45:23  | <b>dumpster</b> 3:16 8:18,19,<br>23 12:11  | <b>eliminated</b> 9:18                                      |
| <b>double-walled</b> 15:17  | <b>Dykman</b> 52:24 54:2   | <b>eliminating</b> 30:9                                     |
| <b>doubt</b> 5:1  |  | <b>else's</b> 77:4  |
| <b>down</b> 3:18 9:9,10 10:7<br>13:24 14:1 18:18 44:24,<br>25 47:5 51:6 65:2,8 77:3<br>81:1 |  | <b>EMC</b> 66:8   |
| <b>downcast</b> 31:16   | <b>e-mail</b> 13:3 42:24 45:23<br>46:1 48:10 54:9,15,16,19<br>58:15,25   | <b>emergency</b> 15:19                                      |
| <b>downstream</b> 57:21   | <b>e-mailed</b> 8:14 13:10   | <b>emissions</b> 30:18 33:15                                |
| <b>downward</b> 10:7 18:25<br>65:6  | <b>e-mailing</b> 54:20   | <b>emphasize</b> 30:17                                      |
| <b>drain</b> 16:3   | <b>e-mails</b> 13:4 38:14 54:6,7   | <b>empirical</b> 13:17                                      |
| <b>drainage</b> 67:1,6,8,11,14  | <b>Eagle</b> 67:19,21  | <b>employee</b> 17:15                                       |
| <b>drains</b> 66:18   | <b>Eaglemountaincity.com.</b><br>46:11   | <b>employees</b> 12:9,12 17:3<br>25:20 32:23 85:11          |
| <b>dramatic</b> 34:24   | <b>early</b> 59:20   | <b>empty</b> 40:1 60:5                                      |
| <b>Draper</b> 69:14   | <b>easily</b> 60:8,20  | <b>encompasses</b> 98:12                                    |
| <b>draw</b> 70:13   | <b>east</b> 2:9,19,21 3:13,21,23<br>5:10,25 6:1 7:6,14,18,25<br>8:3,9 9:1,14,21 14:6 16:9<br>17:21 26:16 27:3,14,20,<br>24 28:18 30:2 36:25<br>42:23 43:16,23 46:21<br>48:18,25 49:4,5 50:25<br>56:7,14 57:11 58:2,3,18,<br>23 59:6,8 61:9 62:14,20<br>75:8 85:15 86:2 95:7,9,<br>17 96:24 97:23 98:10 | <b>encouraged</b> 28:14,15                                  |
| <b>dream</b> 42:15  | <b>easy</b> 44:6   | <b>end</b> 39:2 41:12 49:6<br>88:13 99:23                   |
| <b>drifting</b> 61:4  | <b>edit</b> 6:24   | <b>ends</b> 91:23   |
| <b>drive</b> 84:18  | <b>effect</b> 42:4 76:21   | <b>enforced</b> 55:14 85:10                                 |
| <b>driver</b> 41:19 58:9  | <b>effects</b> 62:10   | <b>engineer</b> 4:21 14:11,15<br>29:7 74:23 75:11 80:20     |
| <b>driver's</b> 78:17   |  | <b>enters</b> 81:21   |
| <b>drivers</b> 37:12  |  | <b>entertain</b> 94:21                                      |
| <b>drives</b> 77:9  |  | <b>entire</b> 58:6 75:12                                    |
| <b>driving</b> 21:8 88:18   |  | <b>entrance</b> 3:13 36:8 37:2<br>56:7                      |
| <b>drop</b> 78:14   |  | <b>entrances</b> 37:1                                       |
| <b>dropped</b> 83:8   |  | <b>environment</b> 32:17<br>51:22 60:10                     |

|   |   |  |
|---|---|--|
| <b>environmental</b> 13:11<br>14:9,24 15:6 29:2 30:15,<br>16 31:4 35:6 44:9,11<br>53:18 55:9 56:10 57:19<br>60:23 71:13 92:22   | <b>expertise</b> 29:7<br><b>explain</b> 81:11 87:12<br>91:22 96:13<br><b>explained</b> 24:6<br><b>explanation</b> 97:5<br><b>explore</b> 46:18<br><b>exposure</b> 84:17,20<br><b>express</b> 56:4<br><b>extent</b> 28:22<br><b>exterior</b> 30:21<br><b>extraordinarily</b> 25:10<br><b>extremely</b> 59:15<br><b>eye</b> 53:4<br><b>eyes</b> 56:19 | <b>fears</b> 77:20<br><b>federal</b> 26:2 71:11<br><b>feed</b> 50:17<br><b>feedback</b> 34:1<br><b>feel</b> 8:3 12:11 17:11<br>26:11 36:24 43:13 46:20<br>60:16 62:1 79:21<br><b>feels</b> 3:14 89:11<br><b>feet</b> 3:5,22 6:6,18 7:2 9:7<br>44:17 52:21 53:2 55:12<br>69:4,8,9,17,18 72:7 92:2<br>95:11 96:17,25<br><b>fellow</b> 56:2<br><b>felt</b> 45:1 47:12<br><b>FEMALE</b> 18:4<br><b>fence</b> 8:7,9,14 11:21<br>27:3,13,15,23 28:20<br>30:24 43:14,20 46:21,22<br>52:21 53:17,23 59:24<br>60:1,2,3,4 69:16,18,22<br>70:2,4,5,15 85:15,16<br>93:19 95:11 96:14,16,17,<br>25 97:1 98:2,12<br><b>fences</b> 69:24<br><b>fencing</b> 8:5,6 53:15<br><b>fiber</b> 5:19,21<br><b>fifteen</b> 50:13 95:7 97:24<br><b>fight</b> 87:23<br><b>fighting</b> 87:24 88:4<br><b>figure</b> 44:5<br><b>fill</b> 44:19 57:15 58:9<br>82:22 83:14 85:6<br><b>filled</b> 40:1<br><b>filling</b> 84:6,17<br><b>financial</b> 33:1 79:15,17 |
| <b>evening</b> 24:1 56:3<br><b>evergreen</b> 7:24<br><b>evidence</b> 13:17<br><b>exact</b> 24:6<br><b>exceptions</b> 8:22<br><b>excited</b> 24:9 38:17 89:19<br><b>excuse</b> 48:18<br><b>executed</b> 74:12<br><b>executive</b> 5:5,8 74:21<br><b>exhaust</b> 82:1<br><b>exist</b> 27:9<br><b>existing</b> 35:20 53:23<br>56:13<br><b>exists</b> 56:9<br><b>expectation</b> 92:20<br><b>expected</b> 13:24 30:18<br><b>expense</b> 90:20<br><b>expensive</b> 33:10 89:9<br><b>experience</b> 40:20 | <b>F</b>  |  |

|   |  |   |
|---|--|---|
| <b>find</b> 25:3 42:11 45:14<br>60:8 89:20                        | <b>freeway</b> 49:2 69:25  | 55:1,7 57:14,15,24,25<br>58:7,8,17 59:19 62:13,14<br>66:12,13,16 70:20 76:1,<br>24 77:9 83:4,12,17 84:6<br>91:11 92:3,24 95:5 97:22<br>98:8 |
| <b>fine</b> 15:4 30:4,8 33:21<br>63:21                            | <b>frequently</b> 56:16  |   |
| <b>fire</b> 14:11 61:1  | <b>Friday</b> 72:11  |   |
| <b>fitness</b> 51:18  | <b>friends</b> 11:5 60:7   |   |
| <b>five-foot</b> 9:8  | <b>front</b> 53:10 61:22 85:18   |   |
| <b>fix</b> 6:2  | <b>frontage</b> 57:12  |   |
| <b>flexible</b> 78:19   | <b>fuel</b> 3:1,4 25:24 40:5<br>42:12 53:2,6,20 57:9<br>59:5,13,15 60:17,22,25<br>61:2,8,15,22,25 62:3,6<br>81:18,19,21 82:15,24<br>85:3,12                            |   |
| <b>flies</b> 69:10  | <b>fueled</b> 50:1   |   |
| <b>flip</b> 43:24   | <b>fueling</b> 36:18,22 41:22<br>81:24 82:4,10,13,20<br>83:10 84:13 85:14  |   |
| <b>flood</b> 35:25  | <b>full</b> 4:6 5:3 75:10 83:4   |   |
| <b>flower</b> 59:10 62:8  | <b>fully</b> 37:6,18 93:9  |   |
| <b>Flowers</b> 2:22   | <b>fumes</b> 44:17 58:8 66:12,<br>13   |   |
| <b>flows</b> 56:6 57:21 75:2                                      | <b>function</b> 37:6,18  |   |
| <b>folks</b> 38:8 45:12 52:5                                      | <b>Furness</b> 48:10,14,17,21<br>50:22 58:24 62:20   |   |
| <b>food</b> 25:8,9,11,12  | <b>future</b> 36:11 92:12  |   |
| <b>foot</b> 8:7 31:25 32:2 46:8<br>47:1 70:21 85:22 86:14<br>91:5 | <hr/> <b>G</b> <hr/>   |   |
| <b>foot-candle</b> 9:21,24<br>10:20 19:12,13,15 65:7              | <b>Galloway</b> 24:2 31:21<br>53:22 72:23  |   |
| <b>foot-candles</b> 9:18 65:25<br>81:4 91:5                       | <b>garbage</b> 49:13   |   |
| <b>footage</b> 87:13,16   | <b>gardens</b> 50:14   |   |
| <b>forgive</b> 64:8   | <b>gas</b> 2:8,18 13:12 17:21<br>23:2,9 30:13 31:3 34:2<br>39:25 40:1,7,10,11,14,21<br>41:19 43:3 44:2,16 46:19<br>47:23 48:23 49:1,5,7,18,<br>24,25 50:1,2,10 51:2,13 |   |
| <b>forms</b> 73:2   |  |   |
| <b>forward</b> 16:24 23:23 57:2<br>58:19 64:2 73:8                |  |   |
| <b>forwards</b> 75:13   |  |   |
| <b>franchised</b> 24:16   |  |   |
| <b>frankly</b> 27:9 31:7 54:22                                    |  |   |
| <b>free</b> 26:11   |  |   |

|   |   |  |  |
|---|---|--|--|
| <b>guaranteed</b> 60:24   | <b>hate</b> 48:19 61:3                            | <b>hop</b> 60:2 85:24  |  |
| <b>guard</b> 83:9   | <b>hazard</b> 60:25 61:1                          | <b>hope</b> 55:19,20   |  |
| <b>guess</b> 19:23 20:7 21:10,<br>15 25:16 35:9 44:4 73:18                              | <b>hazardous</b> 48:3                             | <b>horizontally</b> 31:19  |  |
| <b>guidelines</b> 26:3  | <b>head</b> 16:8                                  | <b>hose</b> 81:20,22   |  |
| <b>guy</b> 19:6 85:6  | <b>health</b> 51:22                               | <b>hot</b> 50:3 61:5   |  |
| <b>guys</b> 5:6 7:23,24 22:10<br>24:21 77:13 83:2                                       | <b>hear</b> 31:13 38:17 45:12<br>51:4             | <b>hour</b> 61:14  |  |
| <b>H</b>  |   |  |  |
| <b>half</b> 58:1  | <b>height</b> 6:7,16,20 9:7<br>53:16 86:9         | <b>hours</b> 39:20 56:18 59:12,<br>20,23 66:3 88:22 90:13,<br>14 |  |
| <b>Han</b> 39:10 41:7,11,14,17  | <b>helps</b> 60:15                                | <b>house</b> 42:15,19 43:4                                       |  |
| <b>hand</b> 43:6  | <b>Hey</b> 90:9                                   | <b>houses</b> 56:4   |  |
| <b>handful</b> 50:15  | <b>high</b> 6:6 25:10 52:22<br>61:21 86:8,21      | <b>housing</b> 13:22   |  |
| <b>handle</b> 44:1 63:1   | <b>high-flow</b> 53:9                             | <b>huge</b> 49:20 59:11 93:14                                    |  |
| <b>handled</b> 77:23  | <b>higher</b> 47:1 53:24                          | <b>husband</b> 46:7  |  |
| <b>hanging</b> 11:13 14:3<br>17:10 82:21,25 83:1,9                                      | <b>highly</b> 5:1                                 | <b>Husky</b> 83:3  |  |
| <b>Hansen</b> 45:21 46:1,4,12,<br>15,17 57:5 58:13 63:2<br>68:25 69:12,16 71:20<br>73:3 | <b>hindering</b> 21:6                             | <b>I</b>   |  |
| <b>happen</b> 9:11 15:24 16:5<br>43:5 44:3,6 61:11 81:8                                 | <b>hit</b> 12:15 33:12 48:23,24<br>49:1,4,5 61:11 | <b>idea</b> 6:25 28:9 30:13 49:8<br>54:9 91:22                   |  |
| <b>happening</b> 14:8 32:25<br>47:6 71:22   | <b>hits</b> 65:9                                  | <b>ideal</b> 59:11   |  |
| <b>happy</b> 26:7 27:6 31:23<br>32:19 64:5 78:9 80:16                                   | <b>HOA</b> 45:22 53:15 69:13,<br>14               | <b>illegal</b> 4:16 79:21  |  |
| <b>hard</b> 3:25 56:5,13 79:7   | <b>Hold</b> 73:13                                 | <b>illuminated</b> 7:5 95:17                                     |  |
| <b>Hardie</b> 5:17,18   | <b>Holly</b> 58:14,16                             | <b>illumination</b> 81:2   |  |
| <b>hardware</b> 82:21,25 83:9   | <b>home</b> 7:10 34:1,2,5 43:7,<br>25 53:13       | <b>imagining</b> 38:1  |  |
| <b>hardware's</b> 83:1  | <b>homes</b> 44:12,17 55:17<br>58:4,6 60:14 61:3  | <b>immaterial</b> 30:14  |  |
| <b>haste</b> 64:8   | <b>honestly</b> 21:8 71:7 78:25                   | <b>immediately</b> 16:2  |  |
|   | <b>honor</b> 79:1                                 | <b>impact</b> 5:4 14:7 31:3<br>57:19 58:5 60:23 75:10            |  |
|   |   | <b>impacted</b> 53:19  |  |
|   |   | <b>impacts</b> 22:18,21 23:2,8,<br>10 24:7 55:21                 |  |
|   |   | <b>importance</b> 31:1,8   |  |

|                                |                                  |                        |
|--------------------------------|----------------------------------|------------------------|
| <b>important</b> 31:4,15       | <b>intended</b> 67:10            | 51:23 59:23 62:15 70:4 |
| <b>impose</b> 68:18            | <b>intent</b> 4:23               | 74:18,20 85:16 88:20   |
| <b>imposing</b> 77:4           | <b>interest</b> 91:20            | 94:1                   |
| <b>impressed</b> 24:23         | <b>interim</b> 15:2              |                        |
| <b>improve</b> 56:19           | <b>internet</b> 70:24            |                        |
| <b>improvement</b> 34:24       | <b>intersection</b> 5:11,14 37:2 |                        |
| 36:25 66:22                    | 48:2 56:6,9 61:9,12              |                        |
| <b>inaudible</b> 18:4 20:19    | 74:15 75:17,23                   |                        |
| 68:3 70:23 78:2,7 94:23        | <b>invite</b> 23:22              |                        |
| <b>included</b> 20:3           | <b>involved</b> 75:12            |                        |
| <b>including</b> 14:10         | <b>issue</b> 19:22 28:19 34:1    |                        |
| <b>incorporated</b> 7:20       | 51:22 55:11 60:22 70:20          |                        |
| <b>increase</b> 47:23          | 85:2                             |                        |
| <b>increased</b> 53:11,12,19   | <b>issues</b> 36:11 44:11        |                        |
| 58:6                           | <b>item</b> 2:5,7,17 68:15       |                        |
| <b>increasing</b> 61:18        | <b>items</b> 37:25 81:1 99:8     |                        |
| <b>indication</b> 65:14        |                                  | <b>L</b>               |
| <b>indications</b> 28:24       |                                  |                        |
| <b>individual</b> 55:21        | <b>J</b>                         |                        |
| <b>influence</b> 35:22         | <b>Jamie</b> 97:16               |                        |
| <b>information</b> 26:6 29:9   | <b>jittery</b> 48:19             |                        |
| 44:21 56:25 65:19 78:7,        | <b>job</b> 23:8 26:6             |                        |
| 11                             | <b>joints</b> 16:11              |                        |
| <b>inside</b> 34:19            | <b>jumping</b> 53:17             |                        |
| <b>inspections</b> 29:3,11     | <b>Junior</b> 61:21              |                        |
| <b>install</b> 20:5 26:1 95:11 |                                  | <b>K</b>               |
| 98:1                           |                                  |                        |
| <b>installed</b> 26:2 83:10    | <b>kids</b> 43:13 50:15,17 60:7, |                        |
| 84:12                          | 9,16 61:21,23                    |                        |
| <b>installers</b> 25:25        | <b>Kimberly</b> 48:10,14,17,21   |                        |
| <b>insult</b> 79:10,11         | 50:22                            |                        |
| <b>integrity</b> 56:21         | <b>kind</b> 9:9 10:24 12:15,16   |                        |
| <b>intend</b> 37:6             | 14:25 16:21 22:21 30:11          |                        |
|                                | 31:25 32:6 35:18 44:9            |                        |
|                                | 45:23 46:22 47:3 50:6            |                        |
|                                |                                  |                        |

|   |   |  |
|---|---|--|
| <b>learning</b> 83:14   | 58:7 65:4,5,11  | <b>lose</b> 44:12 55:18  |
| <b>leave</b> 4:20   | <b>likelihood</b> 56:11   | <b>losing</b> 55:2   |
| <b>leaves</b> 81:22   | <b>limit</b> 15:10 27:7 61:13   | <b>loss</b> 55:17  |
| <b>LED</b> 39:15,17   | <b>limitation</b> 6:16  | <b>lost</b> 60:6   |
| <b>left</b> 3:24 4:16,20 14:12<br>37:12 44:8 51:10 61:17  | <b>limitations</b> 15:8   | <b>lot</b> 4:18 5:22 13:16 14:13<br>24:5 25:7,13 27:8 28:19<br>31:13 32:5 37:11,16 42:3<br>43:25 46:2 47:14,20 51:6<br>67:4 72:20,21 81:6,10<br>83:14 84:14  |
| <b>left-in</b> 4:7 36:9 37:4,19   | <b>limited</b> 51:8,14  |  |
| <b>left-out</b> 4:7 37:4,19   | <b>line's</b> 81:4  |  |
| <b>legislative</b> 94:8   | <b>lined</b> 15:17  |  |
| <b>lessened</b> 56:12   | <b>lines</b> 10:6 15:17   | <b>lots</b> 16:14  |
| <b>letter</b> 47:9  | <b>lingering</b> 11:13  | <b>loud</b> 88:10  |
| <b>letters</b> 47:9   | <b>list</b> 69:2 87:7   | <b>love</b> 29:22 31:3 63:4  |
| <b>letting</b> 6:24 62:1  | <b>listen</b> 43:1  | <b>low</b> 32:11 53:16   |
| <b>level</b> 5:10,11 71:12,16,17  | <b>listening</b> 44:14 45:2<br>89:17                                    | <b>lowest</b> 85:6   |
| <b>lever</b> 83:4   | <b>lit</b> 17:13 18:20,21 19:4<br>24:17                                 | <b>Lowry</b> 2:4,13 9:23 10:9,<br>13,21 12:14 16:18 17:23<br>18:1,5 21:21 23:17,19,22<br>26:9,13,17,21,24 28:2,8,<br>12 29:1,14,17,18,22<br>30:10 31:17 32:3,9,12,<br>15,17,21 33:8,15,18,20,<br>22 34:15,25 35:4 36:3<br>37:21 38:4,6 41:5,8,12,<br>16 42:17,20 45:4,7,11,<br>16,18,25 46:3,16 48:7,<br>13,15,20 50:20,23 51:25<br>52:12 54:8,12 62:22<br>63:8,11,15,19,23 64:2,15<br>66:15 67:23 68:3,5,14,16<br>69:6,9,15 70:25 71:19<br>72:1 73:3,14,17,24<br>74:13,17 75:18,24 76:3,<br>10,15 77:11 78:3,8,16<br>79:24 80:12 81:13,25<br>86:15,19,22,25 87:3,11,<br>20 88:2,5,22,25 89:4,12,<br>22 90:2,5 91:8,19,25<br>94:10,12,18,21,24 95:15,<br>19,21,25 96:3,6,9,19,23 |
| <b>license</b> 29:20  | <b>literally</b> 32:1 49:6 62:17  |  |
| <b>licensing</b> 22:8 29:19   | <b>live</b> 39:10 40:19 49:11<br>50:15 52:17 56:3 79:2                  |  |
| <b>lied</b> 7:17  | <b>lives</b> 79:13,19   |  |
| <b>life</b> 11:7 39:22 93:12  | <b>living</b> 55:21   |  |
| <b>light</b> 9:17 10:3 12:14,15<br>18:17 19:1,10,11 20:25<br>27:7 31:6,7,19 32:1,5,7,<br>11 33:6 39:14,17 40:25<br>41:2,4 47:14,15 66:5<br>89:6 93:21 | <b>local</b> 25:11 26:2 71:11   |  |
| <b>light's</b> 40:22  | <b>located</b> 2:8 8:20 95:6<br>97:23 98:9                              |  |
| <b>lighted</b> 95:9   | <b>location</b> 12:11 57:24<br>59:16 61:20,23 62:3<br>74:15 75:16 76:20 |  |
| <b>lighting</b> 9:16,20 10:23<br>11:9,25 12:2,4 19:8<br>30:16 31:16 43:10 65:4,<br>22 66:9 81:7 89:1 90:13,<br>17,22                                  | <b>logo</b> 95:9  |  |
| <b>lights</b> 11:18,22 13:12<br>16:21 18:25 30:21,22<br>31:20 39:15,20 40:15,20   | <b>loitering</b> 17:10 34:21<br>59:22                                   |  |
|   | <b>long</b> 5:5 40:15 62:10<br>64:6 77:1 89:10                          |  |
|   | <b>looked</b> 15:22 35:22 86:7  |  |

|   |  |  |
|---|--|--|
| 97:8,14,17 98:3,6,17,22<br>99:4,5,7,12,15,18,21<br><b>lumen</b> 39:15 | <b>massive</b> 48:24<br><b>material</b> 5:18 8:8 86:3,6,<br>11<br><b>materials</b> 70:6 72:24<br><b>matter</b> 21:12 53:3 92:17<br><b>max</b> 9:8<br><b>maximum</b> 9:7<br><b>mayor</b> 46:8,9,14<br><b>meaning</b> 66:3<br><b>means</b> 10:2 22:4,6<br><b>measured</b> 75:20,21<br>88:14<br><b>median</b> 3:25<br><b>medical</b> 79:19<br><b>medium</b> 22:2<br><b>meet</b> 10:20 15:15 25:9<br>31:23 75:22<br><b>meet all</b> 26:2<br><b>meeting</b> 2:7 13:2 15:1<br>22:21 29:10 43:2 47:5<br>52:5 54:21,23 63:3 64:11<br>71:20,21 72:8 77:1 89:10<br>99:14,23<br><b>meeting's</b> 71:22<br><b>meets</b> 9:13<br><b>member</b> 44:19 79:10<br><b>members</b> 38:16 82:11<br><b>mention</b> 25:16<br><b>mentioned</b> 14:21 30:12<br>36:18 41:9 50:7 64:22<br>68:25 79:25<br><b>met</b> 22:22 29:20<br><b>metal</b> 5:20<br><b>Michaelson</b> 24:1,2 | 26:12,15,20,23 27:5,17,<br>21 28:15,22 29:6,15<br>30:4,6,8 31:10,18 32:4,<br>10,14,16,18,22 33:14,17<br>34:8,13,16 35:14 36:6,15<br>38:2,5 64:5 80:12,18<br>81:15 82:3 83:23 84:5,25<br>86:4,6,18,20,23 87:1,6,<br>19,23 88:3,6,24 89:1,8,<br>14 90:4,5 93:7,15<br><b>microphone</b> 39:6<br><b>midnight</b> 90:22<br><b>Midvale</b> 14:3<br><b>mile</b> 58:1,3<br><b>miles</b> 61:13<br><b>Milkavich</b> 4:22 11:1,4,8,<br>11,16,20,24 12:9,17,20,<br>23 19:13,20 20:1,6 21:2,<br>5 22:11 27:12,18,25<br>28:17 29:18 33:19 35:1,5<br>36:2,4,7 37:20 45:3,5,8<br>65:16,18,21 66:1,10,25<br>67:3,13,16 68:1,8 74:25<br>76:7,11 78:13,17,23<br>86:1,5,12 89:13,24 90:7,<br>9,12,16 91:2,7,10,18<br>95:13,16,22 97:4 99:2,3,<br>11,13<br><b>mind</b> 14:23 21:25 50:6<br>54:3 71:19 86:21 92:21<br><b>minimal</b> 29:21<br><b>minute</b> 41:15 78:5 80:15<br>81:9<br><b>minutes</b> 38:24 39:8<br>97:16<br><b>missed</b> 89:5<br><b>missing</b> 7:15 77:8<br><b>mitigate</b> 22:17 23:8 71:6, |
|---|--|--|

|                                 |                                 |                                  |
|---------------------------------|---------------------------------|----------------------------------|
| 8 77:20 80:22 84:1              | <b>Nantawan</b> 50:24           | 55:23 70:23 71:3 78:2,6          |
| <b>mitigated</b> 19:10          | <b>nature</b> 59:22             | 80:15 94:23                      |
| <b>mitigating</b> 19:22 24:7    | <b>Nay</b> 54:5 56:1 57:4       | <b>Noble's</b> 54:7,9            |
| 84:22                           | <b>nearby</b> 13:6 62:2         | <b>noise</b> 58:7                |
| <b>mix</b> 5:17                 | <b>necessarily</b> 20:24 23:9   | <b>nonprofit</b> 25:6            |
| <b>models</b> 5:7               | 92:25                           | <b>noon</b> 37:10                |
| <b>moment</b> 13:3,23           | <b>needed</b> 7:9 38:5          | <b>north</b> 4:3 26:16 37:2      |
| <b>monitor</b> 17:4,9           | <b>negative</b> 24:7 35:21      | 48:22 62:14 74:16 75:10,         |
| <b>monitored</b> 34:20          | 57:19 75:9                      | 17                               |
| <b>months</b> 44:20             | <b>negatively</b> 53:19 58:5    | <b>northwest</b> 6:9             |
| <b>monument</b> 9:5             | <b>neighbor</b> 20:24 39:21     | <b>notation</b> 46:8             |
| <b>moonlit</b> 32:7             | 77:3                            | <b>note</b> 87:2                 |
| <b>morning</b> 37:11 90:23      | <b>neighbor's</b> 40:11 62:17   | <b>noted</b> 82:11               |
| <b>Mortensen</b> 50:24,25       | <b>neighborhood</b> 30:22       | <b>notes</b> 77:12               |
| <b>motion</b> 92:7 94:17,19,22  | 48:22 50:16 56:14 58:6,         | <b>notice</b> 63:5 69:1,13,14    |
| 95:1,2 96:8,11 97:9,19          | 12 59:7,17 60:15,20             | 71:24 72:4,5 77:25               |
| 98:4,15,18 99:9,13,15           | 61:21 62:9,11,16                | 79:15,16 80:3,7,8                |
| <b>Mountain</b> 67:19,21        | <b>neighborhood/</b>            | <b>notices</b> 13:1              |
| <b>move</b> 5:15 8:18 12:24     | <b>commercial</b> 76:20,23      | <b>noticing</b> 72:6             |
| 55:24 57:5 58:19                | <b>neighborhoods</b> 62:15      | <b>notification</b> 69:5,7 71:24 |
| <b>moved</b> 43:17 49:24 62:3   | <b>neighboring</b> 7:7 30:19    | <b>notoriously</b> 61:10         |
| 77:20,22                        | <b>neighbors</b> 31:8 40:18     | <b>nozzle</b> 83:1,8 84:13       |
| <b>moving</b> 2:4,7 7:11 57:1   | 57:8 60:12 72:7 89:20           | <b>nozzles</b> 83:2,3            |
| 63:23,24                        | <b>newer</b> 83:10              | <b>number</b> 7:13 57:8 59:17    |
| <b>municipal</b> 71:16          | <b>nice</b> 46:24 71:24 85:20,  | 61:10 75:25 76:21 87:17          |
| <b>Murray</b> 14:4 16:8 24:8,10 | 21                              | <hr/>                            |
| 49:8,12,13,14,15,17 57:7        | <b>nicer</b> 52:20              | <b>O</b>                         |
| 62:11 66:22 67:21 69:20         | <b>Nick</b> 58:24,25 62:19      | <b>obtaining</b> 3:2             |
| 79:4 87:15 89:19 98:13          | <b>Nick's</b> 59:1              | <b>occupied</b> 59:9             |
| <b>Murray's</b> 79:3            | <b>Nielson</b> 74:2             | <b>odd</b> 75:4                  |
| <hr/>                           | <b>night</b> 11:13,14 32:8      | <b>odor</b> 47:17 70:20          |
| <b>N</b>                        | 39:22 43:11,24 54:21            | <b>Odor's</b> 47:17              |
| <b>Nan's</b> 44:20              | 64:6 66:1                       | <b>offer</b> 89:15               |
|                                 | <b>Noble</b> 42:18,22 45:10,14, |                                  |
|                                 | 17 46:7,10,13 54:15,17          |                                  |

|   |  |  |
|---|--|--|
| <b>office</b> 57:9  | <b>overhead</b> 19:7   | <b>peaceful</b> 51:17,20,22  |
| <b>offs</b> 78:14   | <b>overly</b> 17:13  | <b>peak</b> 6:8  |
| <b>older</b> 82:9   | <b>overwhelmed</b> 51:23   | <b>pedestrians</b> 56:17 61:19   |
| <b>Olympus</b> 85:17  | <b>owned</b> 24:13,15 40:23,24<br>54:25 73:7 74:1,2  | <b>Pehrson</b> 4:8,11,14,18<br>18:15,20,23 19:2,9,14,<br>16,19 20:7,11,15,19,21<br>21:1,10,14,17 22:25<br>23:4,7,11,13,15 27:1<br>28:4,10,13 30:1,5,7 70:1,<br>10,12,18 77:14,17 78:1<br>83:21,24 84:21 94:17,19 |
| <b>one-foot</b> 9:7   | <b>owner</b> 13:6 28:25 31:11<br>40:7 51:6 57:3 74:1   | 95:2,20 96:2,5,7,12,21<br>97:3,6,10,12,18 98:18,<br>23,24 99:17,19   |
| <b>onerous</b> 15:16  | <b>owners</b> 13:5 57:3  | <b>people</b> 3:23 11:12 13:17<br>14:2,4 17:9 24:11 32:5<br>33:2 34:20 36:20 37:8<br>43:3,9 44:7 50:10 51:12,<br>15,19 59:21,22,24 60:20<br>61:14 62:8 68:12 79:4,7,<br>8,16,20 81:10 84:23                      |
| <b>online</b> 45:12   | <b>owning</b> 73:10  | <b>people's</b> 79:12,19   |
| <b>open</b> 3:15 26:24 28:25<br>37:22 39:4,9 59:12 78:9<br>83:4 94:14 | <b>owns</b> 16:9 85:3,9  | <b>percent</b> 10:1 25:5 43:8<br>47:15 76:16   |
| <b>opened</b> 81:19   | <b>P</b>   |  |
| <b>opening</b> 82:1   | <b>p.m.</b> 99:14  | <b>Perfect</b> 98:5  |
| <b>operating</b> 88:10  | <b>package</b> 72:24   | <b>perform</b> 24:25   |
| <b>operation</b> 24:19,23 29:16<br>37:5 82:15 88:21,23<br>90:13,14    | <b>packet</b> 9:13 72:9  | <b>period</b> 73:7 74:6  |
| <b>operations</b> 29:2 33:24  | <b>pages</b> 5:5,6   | <b>permit</b> 2:18 3:2 7:19 8:6<br>17:19 19:24 20:5 68:22<br>70:15,17 95:4 97:20 98:7  |
| <b>operator</b> 25:18,19  | <b>panned</b> 56:5,13  | <b>permits</b> 69:23 71:11<br>72:21  |
| <b>operators</b> 25:20,21<br>29:13                                    | <b>pantries</b> 25:12  | <b>permitted</b> 21:23 22:4,5<br>58:11 69:22   |
| <b>opposed</b> 12:16 57:8<br>73:10                                    | <b>paramount</b> 31:8  | <b>permitting</b> 36:8   |
| <b>opposite</b> 59:14 88:6  | <b>parking</b> 3:4,11 4:18<br>28:19 41:19 42:3 43:25<br>47:19,20 49:20,22 51:8,<br>11,13,14,16 87:4,8,18 | <b>personal</b> 51:18  |
| <b>opposition</b> 52:19   | <b>part</b> 11:17 15:9 20:4 24:9<br>32:25 40:17 62:11 67:5<br>70:15 71:15 76:23 79:2<br>85:8 89:19       | <b>personally</b> 30:15 31:2,9<br>62:1 92:24   |
| <b>option</b> 8:25 75:7   | <b>partner</b> 25:3  |  |
| <b>options</b> 90:19  | <b>partners</b> 25:15  |  |
| <b>order</b> 32:19 52:9,14<br>84:15 95:14                             | <b>past</b> 80:5 91:6  |  |
| <b>ordnances</b> 93:5   | <b>patrons</b> 60:24   |  |
| <b>organization</b> 93:8  | <b>patterns</b> 37:9   |  |
| <b>organizations</b> 25:6   | <b>peace</b> 53:18   |  |
| <b>Originally</b> 58:25   |  |  |
| <b>outreach</b> 25:7  |  |  |

|   |  |   |
|---|--|---|
| <b>phase</b> 42:9   | <b>point</b> 6:8 7:1 18:9,14<br>30:21 36:17 39:4 60:19<br>68:16 71:22 73:4 79:18<br>86:13 88:9 94:25 95:13 | <b>pretty</b> 2:20 8:3 15:16<br>22:19,23 25:4 32:10,11<br>42:5 47:22 49:20 81:5<br>88:10 94:24                  |
| <b>phone</b> 13:5   |  |   |
| <b>photometric</b> 10:19  |  |   |
| <b>photometrics</b> 31:22   | <b>points</b> 42:25 46:2   | <b>prevent</b> 84:15 88:18  |
| <b>pick</b> 49:13 61:20 62:3<br>78:18   | <b>poisoned</b> 50:17  | <b>previously</b> 17:2  |
| <b>picked</b> 80:4  | <b>police</b> 14:11  | <b>primarily</b> 14:4   |
| <b>picks</b> 2:21   | <b>pollution</b> 9:18 31:7   | <b>prior</b> 72:8   |
| <b>pickup</b> 77:15   | <b>portion</b> 13:9  | <b>priority</b> 32:24 33:7  |
| <b>pickups</b> 78:14  | <b>ports</b> 81:18 82:13   | <b>private</b> 40:23 57:2,3   |
| <b>pictures</b> 6:2   | <b>posing</b> 60:25  | <b>proactively</b> 7:21,25  |
| <b>pile-supported</b> 35:16   | <b>possibility</b> 57:22   | <b>problem</b> 30:9 39:22 40:8,<br>9 59:12  |
| <b>pipe</b> 16:11 40:3 82:1   | <b>possibly</b> 21:13,16 59:23<br>63:18  | <b>problems</b> 50:3  |
| <b>place</b> 4:5 8:9 16:6 36:21<br>47:5 51:21 55:6 59:22<br>60:6 88:13  | <b>potential</b> 13:13 22:18<br>68:13 75:9   | <b>procedures</b> 85:12 93:5  |
| <b>places</b> 34:4  | <b>potentially</b> 4:25 12:17  | <b>process</b> 7:20 47:13 82:5<br>94:8,25   |
| <b>plan</b> 7:11 9:16 10:19 57:9<br>58:17   | <b>power</b> 49:12   | <b>product</b> 24:12  |
| <b>plank</b> 5:18   | <b>pre-manufactured</b> 35:16  | <b>products</b> 87:22   |
| <b>planning</b> 2:6 7:8 8:6,21<br>13:2 17:18 18:8 21:24<br>22:15,20 35:24 54:5 56:2<br>57:7 59:3 69:23 72:4,13<br>73:1 95:3 96:16,21 97:20<br>98:1,13 | <b>pre-meeting</b> 14:21,25<br>21:22 33:24 76:13   | <b>professional</b> 24:18 25:24   |
| <b>plans</b> 31:22 72:18,20,22  | <b>precast</b> 85:17   | <b>professionals</b> 67:4   |
| <b>planting</b> 7:25  | <b>precaution</b> 82:17  | <b>profits</b> 25:5   |
| <b>play</b> 43:13 59:25   | <b>predesigned</b> 35:17   | <b>program</b> 15:13 25:9   |
| <b>playing</b> 60:16 61:5   | <b>prefer</b> 38:24  | <b>project</b> 39:13 52:18 56:4,<br>14 57:1 71:23 72:17<br>89:18 91:21  |
| <b>pleasant</b> 27:11   | <b>prepared</b> 37:18  | <b>projects</b> 56:11 63:6  |
| <b>plenty</b> 49:22 75:1  | <b>prepped</b> 2:16  | <b>Promontory</b> 26:16   |
| <b>podium</b> 39:2,6 45:12<br>71:2 78:4,9   | <b>presentation</b> 23:24 25:1<br>89:17  | <b>properties</b> 8:11 10:25<br>13:18 30:19 43:15 69:21<br>72:8 76:6,19   |
|   | <b>presented</b> 59:11   | <b>property</b> 6:1 7:7 8:3,13<br>9:19,20 10:4,6,10 13:5,6,<br>11,16,19 19:16 27:24<br>42:6,10,14 44:20,23 51:5 |
|   | <b>presenting</b> 2:14   |   |
|   | <b>presents</b> 18:7   |   |
|   | <b>president</b> 45:22 69:12   |   |

|   |   |  |
|---|---|--|
| 52:20,22 53:1,5,6,9,11,<br>16,25 54:25 55:1 56:24<br>57:2,3,10,11 58:5 59:5,7,<br>9 65:8,9 69:14 73:6,10,<br>22,25 74:4,11 76:22,25<br>77:2,4 81:4 89:10 91:5<br>93:1 95:6,12 96:18 97:23<br>98:2,9 | <b>pumped</b> 84:3  | <hr/> <b>R</b> <hr/>   |
| <b>propose</b> 27:22 35:18<br>92:6,7 96:3   | <b>pumps</b> 19:1 49:24,25<br>50:4 61:2 82:22,24 83:13  | <b>R1-10</b> 6:11  |
| <b>proposed</b> 3:16 6:3,5 9:5,<br>12 46:19 52:18 53:2<br>57:11 58:4,18,22 59:4<br>61:22 62:6 75:6 95:5<br>97:22 98:8   | <b>purchase</b> 76:25   | <b>R1-8</b> 6:12,13  |
| <b>proposing</b> 2:24 3:7,12,<br>20 4:4 8:22 46:21 48:1<br>87:25  | <b>purchased</b> 53:13 73:22  | <b>radius</b> 69:4,7   |
| <b>protected</b> 40:10 60:11  | <b>pure</b> 70:5  | <b>rain</b> 42:2   |
| <b>protecting</b> 35:12   | <b>purpose</b> 31:19 67:13  | <b>rains</b> 57:19 67:10   |
| <b>protection</b> 16:8  | <b>pursued</b> 68:11  | <b>raise</b> 43:6  |
| <b>provide</b> 10:19 29:9 92:17   | <b>purview</b> 90:21  | <b>randomly</b> 47:11  |
| <b>provided</b> 5:5 34:1  | <b>put</b> 8:16 19:10 20:8<br>21:11 36:8 43:3 44:16<br>50:5 54:19 57:9 59:4<br>81:19 88:1   | <b>rare</b> 69:24  |
| <b>providing</b> 3:15   | <b>putting</b> 34:2 84:4 88:19  | <b>re-stripe</b> 5:2   |
| <b>provision</b> 64:7   | <hr/> <b>Q</b> <hr/>  | <b>re-striping</b> 4:23  |
| <b>provisions</b> 66:9  | <b>quality</b> 71:14 93:12  | <b>reach</b> 68:12   |
| <b>proximity</b> 37:2 58:1,12   | <b>question</b> 4:8 9:25 11:2,6<br>15:6 19:5,21 23:1 27:2<br>30:2 34:16 39:11 41:10<br>43:21 44:22 45:6 56:21<br>63:2 73:18 74:15 81:2<br>83:22 87:3                              | <b>read</b> 13:8 38:10,20,25<br>39:2 42:24 45:13 46:3<br>52:4 54:9,15,18 59:2<br>97:25 |
| <b>public</b> 13:1,9 15:2 18:10<br>38:1,15 39:3,4 41:13<br>45:20 47:5 48:19 52:1,4<br>63:14,18 64:9,16,17,18<br>72:3 78:10 80:2,16 91:20  | <b>questions</b> 15:6 16:17<br>17:25 18:2,8,13 21:19<br>23:20 26:4,7,10,25 29:24<br>37:21 41:6,10 62:24<br>64:21,23 75:25 77:10<br>80:14 85:16 89:15,23,25<br>90:10,12 91:9 94:12 | <b>reading</b> 52:9  |
| <b>pulled</b> 9:6   | <b>quick</b> 13:15 45:6 63:10<br>83:22  | <b>reads</b> 75:13   |
| <b>pulling</b> 61:14  | <b>quickly</b> 14:24 35:17 69:3   | <b>ready</b> 47:6  |
| <b>pump</b> 15:18 57:14 82:24<br>83:3,5,12  | <b>quiet</b> 43:19 51:7   | <b>real</b> 13:15 63:9 69:3<br>83:11   |
|   | <b>quieter</b> 88:13,15   | <b>realized</b> 6:2  |
|   |   | <b>rear</b> 10:24  |
|   |   | <b>rearrange</b> 31:23   |
|   |   | <b>reason</b> 80:6 93:20 96:5  |
|   |   | <b>reasonable</b> 22:17 92:20<br>93:20,21  |
|   |   | <b>reasoning</b> 70:21   |
|   |   | <b>reasons</b> 53:8 59:18  |
|   |   | <b>receipt</b> 52:9  |
|   |   | <b>receive</b> 47:8 63:5 69:14<br>72:2 80:2  |

|  |   |  |
|--|---|--|
| <b>received</b> 13:4 38:14<br>58:25 64:16 69:5 80:7,8          | <b>remember</b> 18:6 74:25  | 92:4   |
| <b>receiving</b> 69:1  | <b>remove</b> 3:12,17 21:18<br>23:10 95:8   | <b>residents</b> 34:1 53:24<br>55:21 68:12 76:9 91:12,<br>14 93:13,22                          |
| <b>recent</b> 52:10 84:22                                      | <b>removed</b> 7:5  | <b>residents'</b> 61:3   |
| <b>recommend</b> 68:11   | <b>removing</b> 19:22 20:8  | <b>residual</b> 42:11  |
| <b>recommendation</b> 28:11                                    | <b>replace</b> 53:22  | <b>respect</b> 38:8 55:23  |
| <b>recommendations</b> 11:25<br>75:8                           | <b>replaced</b> 15:15   | <b>respectful</b> 79:8,9   |
| <b>recommended</b> 5:9 7:7<br>9:14 20:8 27:18 74:23<br>75:5    | <b>report</b> 7:3,16 8:12 9:4<br>14:13 17:22,24 27:15,19<br>74:21                     | <b>respond</b> 37:9 54:13  |
| <b>recommending</b> 3:17 8:8<br>17:18 18:17,18                 | <b>representation</b> 93:7  | <b>response</b> 54:6   |
| <b>record</b> 2:5 13:8 23:25<br>38:20 39:7 45:13 54:10<br>59:2 | <b>representatives</b> 92:12  | <b>rest</b> 9:12   |
| <b>recovery</b> 82:7   | <b>representing</b> 24:3,21   | <b>restaurant</b> 22:9   |
| <b>redone</b> 5:1  | <b>request</b> 9:2 93:21  | <b>restrict</b> 36:10  |
| <b>reduce</b> 87:8   | <b>requested</b> 3:7 75:5   | <b>restrictions</b> 6:7  |
| <b>reduced</b> 90:22   | <b>require</b> 8:13 10:12 15:20<br>16:11,23 27:15 53:22<br>66:8                       | <b>retail</b> 3:5 42:8   |
| <b>refer</b> 37:18   | <b>required</b> 3:5,19 8:9 28:20<br>29:12,21 55:12 65:24<br>70:14 72:5 87:12          | <b>review</b> 20:4   |
| <b>reference</b> 45:9  | <b>requirement</b> 15:9 67:20<br>70:15 81:5 87:16                                     | <b>reviewed</b> 14:9 26:19   |
| <b>referring</b> 73:4  | <b>requirements</b> 14:16,18<br>16:3,10 29:11 33:12<br>65:22 86:8,19                  | <b>rewarding</b> 79:3  |
| <b>regular</b> 15:20 39:17                                     | <b>requires</b> 9:17 10:16<br>25:17   | <b>Rex</b> 52:15   |
| <b>regulate</b> 85:7 89:5                                      | <b>requiring</b> 65:7   | <b>Richards</b> 6:10,13,15,19,<br>22 10:14 28:3 33:21<br>34:12 70:19 71:4 98:16,<br>19,25 99:1 |
| <b>regulations</b> 15:15                                       | <b>research</b> 77:7  | <b>rid</b> 42:7  |
| <b>reinvest</b> 13:17  | <b>residence</b> 8:1  | <b>right-in</b> 3:23 4:6 5:13<br>36:9,24 75:7  |
| <b>relations</b> 55:4  | <b>resident</b> 59:6  | <b>right-out</b> 3:23 4:6 5:13<br>36:24 75:7   |
| <b>release</b> 39:25 40:2,4,5,14<br>58:8 66:12                 | <b>residential</b> 6:16 8:11 9:1<br>13:19 28:1 32:13 39:21<br>43:18 55:13 58:12 91:12 | <b>rights</b> 68:21 77:4   |
| <b>releasing</b> 40:11   |   | <b>risk</b> 56:10 61:18  |
| <b>reluctant</b> 99:5  |   | <b>risks</b> 80:22   |
| <b>relying</b> 85:5  |   | <b>river</b> 15:10 16:2,3,5 35:8,<br>12 56:5,12  |

|  |                                       |  |
|--|---------------------------------------|--|
| <b>road</b> 4:14,15 47:5 60:14   | <b>sell</b> 55:1 56:24 87:22          | <b>shrubs</b> 7:14   |
| <b>role</b> 21:24 22:20 91:22<br>92:17                                 | <b>selling</b> 56:23                  | <b>shut</b> 83:3   |
| <b>roll</b> 98:20  | <b>send</b> 13:1 47:11 69:13<br>77:25 | <b>shutoffs</b> 15:19  |
| <b>room</b> 43:3,9   | <b>Seneca</b> 25:23                   | <b>shuts</b> 83:4,8  |
| <b>rough</b> 69:3  | <b>sense</b> 91:23                    | <b>sic</b> 76:25   |
| <b>round</b> 60:1  | <b>sensitive</b> 36:16                | <b>side</b> 4:3 5:25 6:1 7:12,14,<br>18,25 8:6,9,16 9:14,21,<br>22 18:21 27:14,16,20,24,<br>25 28:6,13,18 30:2 41:1,<br>3 46:22 48:24 53:5,15<br>85:15 86:10,21 95:9 |
| <b>rules</b> 77:1  | <b>separate</b> 96:24                 | <b>sides</b> 5:24 56:6 86:14   |
| <b>run</b> 44:10   | <b>separating</b> 55:13               | <b>sidewalk</b> 61:19  |
| <b>runoff</b> 66:19  | <b>separation</b> 89:2                | <b>sign</b> 7:4,5 9:5,8,12 18:17,<br>20 19:22,23 20:9,12 21:9<br>30:2 95:18  |
| <b>S</b>   |                                       |  |
| <b>sad</b> 78:25   | <b>September</b> 51:2                 | <b>signage</b> 9:4,12 19:24<br>65:22 66:6,7 95:9   |
| <b>saddened</b> 78:25 79:22  | <b>serve</b> 78:25                    | <b>signed</b> 58:15  |
| <b>safe</b> 12:11 32:20,22,23<br>37:10,13 43:13 60:11<br>83:14,18 86:2 | <b>service</b> 13:25 14:1             | <b>significant</b> 9:19 29:16<br>91:20   |
| <b>safer</b> 17:12 27:10   | <b>serving</b> 76:11                  | <b>significantly</b> 16:16 65:8  |
| <b>safety</b> 17:11 27:8 32:24<br>33:11 34:17 37:1                     | <b>setback</b> 15:9 86:8              | <b>signs</b> 19:23 20:5  |
| <b>sale</b> 74:8,9   | <b>setbacks</b> 28:20                 | <b>similar</b> 19:21   |
| <b>Salt</b> 35:25 49:14  | <b>setting</b> 67:14                  | <b>sincerely</b> 62:19   |
| <b>Saturday</b> 80:5   | <b>sewer</b> 16:12                    | <b>single</b> 22:10 53:13  |
| <b>school</b> 61:20 62:2 77:14,<br>15,24,25 78:13,20                   | <b>share</b> 78:11 92:22 94:2         | <b>single-family</b> 7:10 8:1  |
| <b>Scott</b> 58:15   | <b>shed</b> 77:3                      | <b>site</b> 2:24 3:21 16:4,13<br>17:4,17 27:10 31:16   |
| <b>Seconded</b> 99:18  | <b>shield</b> 47:15,16                | 32:20 34:23 35:18 36:16<br>56:17,19 86:21 88:9 89:7  |
| <b>section</b> 4:24 64:19  | <b>shielding</b> 12:13 47:14          | <b>sitting</b> 46:5  |
| <b>sections</b> 16:22  | <b>shocked</b> 61:2                   | <b>situation</b> 36:25 48:3<br>81:10 92:18   |
| <b>security</b> 32:24  | <b>shop</b> 59:10 62:8                | <b>sleep</b> 43:11   |
| <b>seep</b> 50:9   | <b>shopping</b> 49:22                 |  |
| <b>self-serve</b> 2:22 17:3  | <b>short</b> 16:4                     |  |
|  | <b>show</b> 6:3 10:17                 |  |
|  | <b>showing</b> 10:17                  |  |
|  | <b>shows</b> 6:25 10:20 13:17         |  |
|  | <b>shroud</b> 84:8                    |  |
|  | <b>shrouded</b> 31:20                 |  |

|  |   |  |
|--|---|--|
| <b>slide</b> 6:3   | <b>sounds</b> 21:5 38:2   | <b>square-foot</b> 2:25  |
| <b>small</b> 52:17 59:6,25<br>60:13  | <b>source</b> 10:4 16:1   | <b>staff</b> 5:16 7:3,4,16 8:8,<br>12,24 9:4,17 13:6 14:13<br>17:17,22 18:2,7,14 24:4<br>32:19 63:1 64:22 73:1<br>74:21 86:11 90:1 91:9<br>94:13 95:11 96:19 98:14   |
| <b>Smallwood</b> 2:12,13,15<br>4:10,13,17,19,25 6:12,<br>14,18,21,23 9:25 10:11,<br>16,22 11:3,6,10,15,19,23<br>12:1,10,19,22,24 16:19<br>17:25 18:19,22,24 19:3,<br>12,15,18,25 20:3,10,14,<br>17,20,23 21:4,7,13,16,19<br>22:1,12 23:3,6,10,12,14,<br>16,18,21 52:7,13 54:11,<br>14,16,18 63:7,9,13,17,<br>21,25 64:3,12 65:1,16,<br>17,20,25 66:7,11,16,25<br>67:2,12,15,17 68:2,4,6,<br>10,15,19 69:8,10,20<br>70:3,11,14 71:7,25 72:3<br>73:12,15,20,25 74:14,19<br>75:19 76:2,14,16 77:16,<br>21 78:22 80:11 90:8,11,<br>15,25 91:4,17,24 94:9,11<br>96:10 97:11,15 98:5,21,<br>23,25 99:2,4,6 | <b>spa</b> 51:5,20 88:8   |  |
| <b>smell</b> 40:11 47:18 50:1  | <b>space</b> 9:9  | <b>staggered</b> 97:1  |
| <b>smelled</b> 50:1,2  | <b>span</b> 35:20   | <b>stalls</b> 3:7,11,17,18 87:4,<br>5,8,18   |
| <b>smelling</b> 83:25  | <b>speak</b> 14:20,23 17:6<br>23:24 34:3,6 39:6 66:13<br>70:7,19 72:25 73:12<br>74:20 | <b>standard</b> 24:18 25:10<br>31:24 91:1,2  |
| <b>soil</b> 42:1,9 50:8,9,12   | <b>speaking</b> 15:5 30:15<br>46:8 47:25 48:19  | <b>standards</b> 29:21 67:6<br>75:22   |
| <b>Solar</b> 85:4  | <b>specific</b> 7:4   | <b>standpoint</b> 31:4   |
| <b>sold</b> 44:20,22   | <b>specifically</b> 8:12 14:2,16<br>36:7 69:24  | <b>start</b> 55:5  |
| <b>solid</b> 72:22   | <b>specking</b> 85:17   | <b>started</b> 3:3 24:21   |
| <b>somebody's</b> 84:4   | <b>speed</b> 61:13  | <b>state</b> 8:13 14:16,17 15:12<br>21:23 22:9,14 23:25<br>25:17 26:2 39:6 42:20<br>71:11 75:3 83:11 86:1<br>93:4,10   |
| <b>someone's</b> 84:5  | <b>spend</b> 67:4   | <b>stated</b> 5:9 9:4 67:19<br>69:12 98:10   |
| <b>sort</b> 17:8   | <b>spill</b> 10:3,25 16:5 50:10<br>57:14 82:14,16 83:9 85:2                           | <b>statement</b> 55:25 79:23   |
| <b>sorts</b> 73:2  | <b>spilled</b> 41:21 57:17 60:24<br>67:9 82:15  | <b>states</b> 8:19   |
| <b>sound</b> 49:20   | <b>spilling</b> 50:10   | <b>stating</b> 36:12   |
|  | <b>spills</b> 41:19 57:12,16<br>82:12,17  | <b>station</b> 2:8,18 17:21<br>23:2,9 30:13 31:3 34:2<br>36:22 40:7,21 43:3 44:2<br>46:19 47:23 48:23 49:1,5<br>51:2,13 53:2,7,20 55:1,7<br>57:9,24 58:17 59:5,13,<br>15,19 60:17,22 61:8,15,<br>22,25 62:4,6,14 82:20 |

|                                    |   |  |
|------------------------------------|---|--|
| 91:11 92:3,4,24 95:5<br>97:22 98:8 | <b>striped</b> 4:15<br><b>strong</b> 12:21 13:22 39:18<br><b>structure</b> 7:2<br><b>studies</b> 43:8,21 44:9<br>64:24,25 74:18<br><b>studio</b> 43:19<br><b>study</b> 5:4 44:4 67:20<br>74:20 77:18<br><b>stuff</b> 29:8 84:8,14<br><b>subcontract</b> 25:22<br><b>subdivision</b> 52:18,22<br><b>subject</b> 3:1 17:21 86:16<br>95:7 97:23 98:10<br><b>submit</b> 88:12<br><b>submitted</b> 70:12<br><b>substantially</b> 53:24<br><b>sufficient</b> 89:11<br><b>suggest</b> 56:25 66:14<br><b>suggestions</b> 10:22<br><b>suggestive</b> 62:7<br><b>Suite</b> 26:16<br><b>summarize</b> 13:10<br><b>summarized</b> 13:7<br><b>summarizing</b> 21:25<br><b>summary</b> 5:6,8 74:21<br><b>summer</b> 50:2 61:5<br><b>super</b> 48:3<br><b>supply</b> 15:18<br><b>support</b> 9:1 43:22 56:5<br><b>supposed</b> 44:16 92:19<br><b>surprise</b> 51:15<br><b>surrounded</b> 49:7,18 | <b>surrounding</b> 61:1<br><b>surroundings</b> 57:20<br><b>suspect</b> 56:17<br><b>swung</b> 34:22<br><b>system</b> 25:24 67:7,8,11,<br>14 82:7<br><b>systems</b> 25:25 26:1 |
| <b>T</b>                           |   |  |
|                                    | <b>tabled</b> 2:5<br><b>takes</b> 61:20<br><b>taking</b> 43:1 47:5 73:10<br><b>talk</b> 17:17 29:1 55:10<br>60:2 63:4 64:4 67:23<br>69:17 70:2 71:24 76:4<br>81:1,9 92:11<br><b>talked</b> 14:25 27:2,20<br>33:23 47:14,17,19 69:16<br><b>talking</b> 4:12 46:13 47:22<br>69:18 71:20 91:14<br><b>talks</b> 28:5<br><b>tall</b> 7:2 8:7 9:5 69:17<br><b>taller</b> 69:23<br><b>tank</b> 13:12 15:13 25:24<br>39:25 40:1,5,6,8,15 58:9,<br>10 81:23 82:5,6,24 83:4<br>84:3<br><b>tanker</b> 81:24<br><b>tanks</b> 14:19 15:7,17,21<br>25:19 57:15,23 81:19,21<br>85:7<br><b>taxes</b> 55:22<br><b>technically</b> 5:3 8:19 12:6<br>72:3 73:22  |  |
|                                    |   |  |

|  |   |  |
|--|---|--|
| <b>technology</b> 84:22  | 75:1  | <b>Trey</b> 4:19 35:14   |
| <b>ten</b> 13:4 41:25 50:13 72:8   | <b>timing</b> 71:20   | <b>Trey's</b> 4:21   |
| <b>tend</b> 37:8   | <b>TIS</b> 37:17  | <b>trip</b> 36:19,20,21  |
| <b>term</b> 19:11 62:10  | <b>today</b> 46:9 52:6  | <b>truck</b> 81:18   |
| <b>terms</b> 29:2 34:2 77:18   | <b>told</b> 49:15   | <b>trucks</b> 60:25  |
| <b>test</b> 42:9 83:6  | <b>tonight</b> 13:2 22:14 24:3,7<br>25:2 35:23 89:17  | <b>true</b> 34:10 63:19  |
| <b>testing</b> 15:20 29:12   | <b>top</b> 32:24  | <b>turn</b> 3:24 4:16,20 18:9<br>40:16,17,23 44:8 49:5<br>51:6,10,12,15 62:8 81:15   |
| <b>textured</b> 85:19  | <b>topic</b> 65:19  | <b>turned</b> 83:5   |
| <b>theft</b> 53:12   | <b>topics</b> 21:22 79:5,15   | <b>turning</b> 61:17   |
| <b>theoretical</b> 11:2  | <b>toss</b> 60:4  | <b>twenty</b> 41:25 83:12  |
| <b>there'll</b> 17:14 18:6 27:22<br>37:24  | <b>touch</b> 92:16  | <b>two-thirds</b> 58:2   |
| <b>thing</b> 14:22 17:11 36:17<br>50:8,12 70:21 82:19<br>83:7,15 85:1 86:20<br>92:11,15 97:13  | <b>touched</b> 35:7 89:4  | <b>type</b> 50:8,12 53:23 70:7<br>74:5 94:5  |
| <b>things</b> 9:3 14:24 15:8,19,<br>21,23,25 16:6,14 25:7,<br>14,16 44:15 46:5 47:16<br>48:5 60:10 67:18 71:14<br>73:2 77:24 79:21 80:21<br>82:11      | <b>toured</b> 24:22   | <b>types</b> 16:6 22:4 76:5<br>77:24 83:2  |
| <b>thinking</b> 19:21  | <b>town</b> 25:5  | <b>typically</b> 10:7 13:16,19<br>72:10,11 74:5,10 77:9,24   |
| <b>thought</b> 17:16 19:20<br>33:23 36:4,12 55:16 60:1<br>75:20  | <b>traffic</b> 5:4 13:11,25 36:5,<br>11,13,16,24 37:9 44:1,4,<br>11 47:24,25 50:3 51:8<br>53:9,11,19 56:9 61:7<br>64:24 74:17,20,23 75:2,<br>12 77:18 | <hr/> <b>U</b> <hr/>   |
| <b>thoughts</b> 35:5,11 36:14  | <b>training</b> 85:11   | <b>U-TURNS</b> 44:2  |
| <b>throwing</b> 31:19  | <b>transaction</b> 55:2   | <b>UDOT</b> 28:23 86:16  |
| <b>Thursday</b> 54:21  | <b>transactions</b> 33:1 57:2   | <b>Uh-huh</b> 2:12 11:19 18:19<br>20:10,14 23:3,6 29:14<br>31:17 32:9,21 33:19 36:6<br>41:11 66:15 77:16 78:16<br>86:22,25 89:12 |
| <b>time</b> 13:24 15:25 16:4<br>18:9,12 22:10 26:8 37:7,<br>23 41:23 43:1 48:6 51:25<br>52:6 57:18 58:7 62:19<br>65:9,23 66:20 67:4 73:7<br>80:9 83:25 | <b>Transport</b> 85:4   | <b>underground</b> 15:7,13<br>25:19  |
| <b>times</b> 63:2,4 65:23 74:18  | <b>transportation</b> 85:3  | <b>underneath</b> 32:25  |
|  | <b>traveling</b> 14:6   | <b>understand</b> 10:1 31:14,<br>15 33:8 43:15,17 60:9<br>71:3 73:20 80:2 81:10<br>93:23   |

|  |   |   |
|--|---|---|
| <b>undertaken</b> 85:13  | <b>vegetable</b> 50:14  | <b>washing</b> 88:19  |
| <b>unheard</b> 55:10   | <b>vegetables</b> 50:17   | <b>waste</b> 14:10 15:22 25:13  |
| <b>UNIDENTIFIED</b> 18:4<br>28:14,16   | <b>vehicles</b> 56:17   | <b>watch</b> 60:17  |
| <b>unison</b> 99:20  | <b>vent</b> 81:20 82:6  | <b>water</b> 14:10,11,22 15:22,<br>23,24 16:1,3,13 57:13<br>66:18,22 67:1                             |
| <b>unnecessary</b> 62:7  | <b>venting</b> 84:2   | <b>waters</b> 42:2  |
| <b>up</b> 2:21 4:20 5:11 6:6 8:7<br>9:20,21,22 13:19 24:18<br>26:4 39:4,9 42:7 48:12<br>49:13 50:2 58:9 61:20<br>62:3 64:4 66:17 67:14,18<br>68:13 69:21 70:13 74:18<br>76:9,12 78:10,18 79:6<br>80:4,25 81:19 82:20,22<br>83:14 84:6,17 85:2,6<br>86:24 88:13 91:12 94:14<br>95:11 96:16 98:1 | <b>vents</b> 82:4   | <b>watt</b> 39:15   |
| <b>upcoming</b> 38:1   | <b>verbal</b> 38:12,19,22   | <b>wattage</b> 12:18 66:5 89:6  |
| <b>usage</b> 94:7  | <b>verbiage</b> 91:15   | <b>watts</b> 65:24  |
| <b>UST</b> 29:12   | <b>vested</b> 68:20,22  | <b>ways</b> 12:13   |
| <b>Utah</b> 13:22 24:11,12<br>31:22  | <b>vetted</b> 16:16   | <b>weather</b> 61:24  |
| <b>Utahan</b> 80:21  | <b>view</b> 53:4  | <b>week</b> 61:11 72:10   |
| <hr/>  |   |   |
| <b>V</b>   |   |   |
| <b>vacuuming</b> 88:20   | <b>W</b>  | <b>weighing</b> 92:21 93:19   |
| <b>vacuums</b> 88:9  | <b>wait</b> 7:23 18:23 62:2                                       | <b>welded</b> 16:11   |
| <b>values</b> 13:11,16,19 34:2   | <b>walk</b> 49:3 51:13 61:23                                      | <b>west</b> 21:8 48:23 53:5,15<br>60:18   |
| <b>valve</b> 83:8  | <b>walking</b> 72:12  | <b>whatnot</b> 49:22 64:25  |
| <b>valves</b> 84:8,12  | <b>wall</b> 55:12 85:22,24,25<br>86:2,3 88:11,19 89:2             | <b>Wheeler</b> 52:15  |
| <b>vapor</b> 81:10 82:7  | <b>walls</b> 85:19  | <b>whoever's</b> 85:5   |
| <b>vapors</b> 61:4 82:6 83:25<br>84:13   | <b>wanted</b> 35:8 44:15 46:6<br>48:5 74:2 79:22 80:1             | <b>wide</b> 3:22  |
| <b>variation</b> 86:9  | <b>war</b> 59:10  | <b>wife</b> 59:1 61:11  |
| <b>vary</b> 65:23 66:3   | <b>Warren</b> 58:15,16  | <b>Wilson</b> 54:25 56:22   |
|  | <b>Wasatch</b> 85:18  | <b>window</b> 43:11   |
|  | <b>wash</b> 2:22 17:3 43:18<br>51:1 56:15,16 57:18<br>59:10 76:22 | <b>woman</b> 53:13  |
|  |   | <b>wondered</b> 34:6  |
|  |   | <b>wonderful</b> 92:11  |
|  |   | <b>wood</b> 5:18,19   |
|  |   | <b>work</b> 7:19 10:19 16:24<br>25:23 32:19 47:13 67:1<br>72:19 79:7 86:10 95:10<br>96:16 97:25 98:13 |
|  |   | <b>work's</b> 15:2  |

**worked** 79:9                    **zones** 94:7  
**working** 66:23                    **zoning** 22:3 76:19,20  
**works** 16:25 81:11                    77:1,5 86:7 91:16  
**world** 55:7  
**worry** 63:21  
**worth** 36:12  
**write** 81:1 90:24  
**writing** 59:3  
**written** 38:14,19,25 74:7  
**wrong** 52:25 65:15 84:10  
**wrote** 14:1 65:1

---

**X**

---

**XS** 83:3

---

**Y**

---

**yard** 60:12  
**yards** 61:4  
**year** 60:1  
**years** 41:25 50:13 53:14  
76:21 83:12  
**yoga** 43:19  
**young** 83:13

---

**Z**

---

**Zach** 2:11,13 6:10 11:2  
21:21 24:4 30:11 34:9  
36:18 38:7 52:3 64:20  
80:9 81:3 94:10 98:20  
**zone** 2:25 6:6 16:8 22:5  
90:14  
**zoned** 43:16 76:17

**Attachment E**

**Appeals applications from Brittany  
Killian, Brittany and Mark Noble, Diane  
Dykman, and Sterling Hanson**

# APPEAL OF A PLANNING COMMISSION LAND USE DECISION APPLICATION

Type of Appeal (check one):

Conditional Use Permit  Site Plan Review \_\_\_\_\_ Staff Determination \_\_\_\_\_

Project Name: Kum n Go on Vine n 900 E.

Project Address: 900 E Vine Street

Parcel Identification (Sidwell) Number: 22-17-379-052

Parcel Area(acres): 1.07 Zoning District: C-N

## Applicant Information

Name: Brittany Killian

Mailing Address: 6040 S. Bridges Ln

City: Murray State: UT ZIP: 84121

Primary Phone #: 801-979-0382 Fax #:

Email Address: bkillian@adobe.com

## Property Owner's Information (If different)

Name: Brittany Killian

Mailing Address: 6040 S. Bridges Ln

City: Murray State: UT ZIP: 84121

Primary Phone #: 801-979-0382 Fax #:

Email Address: bkillian@adobe.com

Authorized Signature: BB Date: 4-8-22

## For Office Use Only

Case #: 1585

Project Number: 22-059

Date Accepted: 4/11/22

Planner Assigned: Zachary Smallwood

## Property Owners Affidavit

I (we) Brittany Killian, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

---

Owner's Signature

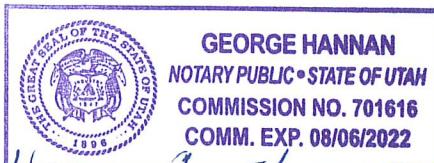
Owner's Signature (co-owner if any)

## State of Utah

80

## County of Salt Lake

Subscribed and sworn to before me this 11 day of April, 2022.



Residing in Salt Lake City Notary Public  
My commission expires: 08/06/22

## Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at  
\_\_\_\_\_, in Murray City, Utah, do hereby appoint  
\_\_\_\_\_, as my (our) agent to represent me (us) with regard to this  
application affecting the above described real property, and authorize  
\_\_\_\_\_ to appear on my (our) behalf before any City board  
or commission considering this application.

---

Owner's Signature

---

Owner's Signature (co-owner if any)

## State of Utah

§

## County of Salt Lake

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, personally appeared  
before me \_\_\_\_\_ the signer(s) of the above Agent  
*Authorization* who duly acknowledge to me that they executed the same.

Residing in \_\_\_\_\_

---

Notary public  
My commission expires:

## **Brittany Killian**

---

My name is Brittany Killian and I am a resident of “Bridges on Vine” a small gated community directly east of the proposed Kum and Go gas station tentatively scheduled to be built on the southeast corner of Vine and 900 East.

I officially would like to appeal the Murray City’s decision made in March, 2022 to allow this project to proceed. As I’m sure you are aware, many houses, including mine, are 300 feet or less from the proposed gas station. Many cities and towns have a rule or statute that prohibits gas stations within 500 feet of homes (for obvious reasons). I, along with my neighbors, urge those responsible to get that into law asap.

I am a tax paying citizen that feels threatened and harmed by the decision to allow Kum and Go to be built on the corner of vine and 900 east. I share a fence with the current tenant. This is a dangerous corner where I have already had to call police several times for fights, vagrancy, and other untoward behavior. I had to install motion sensor flood lights on my house to discourage, what I suspect, was drug exchanges and dumpster divers that occur in the southeast corner of the property. I have two young daughters. Ages 4 and 6. It is unfathomable to me that the city would allow Kum and Go to build so close to a residential area. The name of the gas station itself is offensive and likely to bring a certain demographic nearer to my home...and many of them. This is not just about devaluing my property, this is about safety.

I had to build a privacy screen on my front patio because of the chaos of the current car wash. I cannot imagine the chaos that a gas station would bring. I have lived here for 11 years and am very familiar with the gas station on the southwest side of Vine and 900 east. There are often drunks, homeless individuals, rowdy teenagers and lechers. But at least I have a road between my house and it. There is at least a road separating my young daughters from many of the customers that make you double check you locked your car door and have you pull your kid a little closer to you when you go in. This is wrong to do.

Moreover, it has come to my attention that the station may be open 24/7. This infringes on my right to privacy, safety, and enjoyment. That amounts to a public taking in eyes. The children in this neighborhood should not have to be subjected to the noise, lights, and chaos that come along with a business like this.

I appreciate your service and hope you are able to overturn this decision for the sake of the safety of my daughters and the rest of the children that live in my neighborhood.

**Brittany Killian**  
LEGAL COUNSEL

T 385 345 2027 | C 801 979 0382  
bkillian@adobe.com



# Property Owners Affidavit

STATE OF UTAH

§

COUNTY OF SALT LAKE

I (we) Mark Noble, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Owner's Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 11<sup>th</sup> day of April, 2022.



Susan Nixon  
Notary Public

Residing in Salt Lake County

My commission expires: 5/9/2023

## Agent Authorization

I (we), Mark Noble, the owner(s) of the real property located at 953 East Bridges Ct., in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

Owner's Signature

Owner's Signature (co-owner if any)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared before me \_\_\_\_\_ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Notary Public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_

Dear Committee Members and Mayor Hale,

Thank you so much for taking the time to listen to us and having this meeting. What I would like to ask is how many people in this room would like to have a gas station put in right next to their house? Please go ahead and raise your hand? Knowing it will decrease your home value, the 24 hour canopy lights blaring in your window will make it harder to sleep, and the clientele it will more than likely bring will not make you feel great about having your kids playing in your backyard just over the fence.

We all understand that the properties along 9th have been zoned for commercial, but you have to understand that when we all moved in, they were all used as residential aside from the carwash that's always been there and the quiet yoga studio.

My question would be what kinds of studies have been done to support this. There are already so many accidents at the corner of 9th east and Vine, can it really handle even more U-turns going into a gas station? Has a traffic study been done to figure this out yet? It doesn't seem like an easy area to get in and out of. Also, was an environmental study done about the gasoline issue and runoff into the Cottonwood Creek? With the crime, traffic accidents, environmental issues, and value we will lose in our homes I would wonder why this would even be considered. Thank you for listening.

Brittany Noble  
953 E. Bridges Ct.

# APPEAL OF A PLANNING COMMISSION LAND USE DECISION APPLICATION

Type of Appeal (check one):

Conditional Use Permit  Site Plan Review  Staff Determination

Project Name: Kum and Go

Project Address: 6029 S. 900 E

Parcel Identification (Sidwell) Number: 22-17-379-052

Parcel Area(acres): 1.07 Zoning District: G-N

## Applicant Information

Name: Diane R. Dykman

Mailing Address: 952 E. Bridges Ct.

City: Murray State: UT ZIP: 84121

Primary Phone #: (801) 792-1472 Fax #: 0

Email Address: didykman@hotmail.com

## Property Owner's Information (If different)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Primary Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email Address: \_\_\_\_\_

Authorized Signature: Diane R. Dykman Date: 4/11/2022

## **For Office Use Only**

Case # 1585

Project Number: 22-059

Date Accepted: 4/11/22

Planner Assigned: Zachary Smallwood

### Property Owners Affidavit

I (we) Diane R. Dykman, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Diane R. Dykman  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

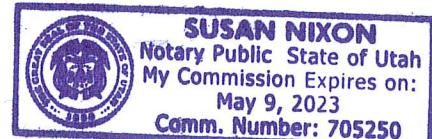
State of Utah

§

County of Salt Lake

Subscribed and sworn to before me this 11 day of April, 2022

Residing in Salt Lake County Susan Nixon  
Notary Public My commission expires: 5/9/2023



### Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

State of Utah

§

County of Salt Lake

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, personally appeared before me \_\_\_\_\_ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Residing in \_\_\_\_\_

\_\_\_\_\_  
Notary public  
My commission expires: \_\_\_\_\_

).

This is my amended appeal to the Proposed Cum and Go Fuel and Convenience Store to be on the southeast corner of Vine Street and 5900 South, in Murray, UT. I am in a gated subdivision just East of the proposed Cum and Go development and my property is within 300 feet of the proposed development.

I oppose the Cum and Go due to the negative impacts which may be associated with a gas station along with a convenience store. They follow below:

### **Crime**

- Studies have shown a positive relationship between crime and adverse health effects with sales of alcoholic beverages at a proposed convenience store, especially if the store is open 24/7. (<http://pubmed.ncbi.nlm.nih.gov/29227232/>).
- “Children with an alcohol outlet on the route to school were more likely to be offered alcohol, tobacco and other drugs as well as be exposed to drug selling and seeing people using drugs.” (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3778110/>)
- Convenience store hold-ups account for about 6% of all robberies in the nation. ([http://www.popcenter.org/problems/robbery\\_convenience/](http://www.popcenter.org/problems/robbery_convenience/)).

### **Negative Health Effects to Live Near a Gas Station**

- “Gas fueling stations release unhealthy compounds when fueling a vehicle and from the underground storage tank vents. These compounds include: benzene, toluene, ethyl benzene and xylene (BTEX). Measures to reliably resolve these adverse health effects are not employed at new gas stations.” (<https://www.ncbi.nlm.nih.gov/pubmed/26435043>).
- “Benzene is the most harmful of the gasoline components to humans. Adverse health effects of benzene include nausea, anemia, cancer, increased susceptibility to infections, and low birth weights. According to the World Health Organization Guidelines for Indoor Air Quality, there is no safe level for benzene.” (<https://www.ncbi.nlm.nih.gov/books/NBK138708/>)
- Increasing safety zone distances were prompted by the growing body of research showing the adverse health effects extend further and further from gas stations. Most call for greater separation than the 300 feet. (<https://cds.org/convenience/#zoning>).
- “A 2019 study found U.S. gas stations found benzene emissions from underground gasoline storage tank vents were sufficiently high to constitute a health concern at a distance of up to 524-feet.” (<https://sciencedirect.com/science/article/pii/S0048969718337549>).
- A 2015 paper noted “Health effects of living near gas stations are not well understood...Particularly affected are residents nearby gas stations who spend significant amounts of time at home as compared to those who leave their home for work because of a longer period of exposure. ...Of particular concern are children who, for example, live nearby, play nearby or attend schools nearby, because children are more vulnerable to hydrocarbon exposure.” (<https://www.ncbi.nlm.nih.gov/pubmed/26435043>).

).

### **Visual Impact**

I live in an upscale, gated community. I am against the proposed Cum and Go for the above reasons. In addition, I would be looking at an eyesore from my front yard. If the Planning Commission vetos the appeal, I would ask that the planning committee require the following from the Cum and Go:

- Well vegetated perimeter around the business.
- Place a higher fence than existing one on West side of Bridges on Vine HOA , extending through my property. (This is the whole west side of the subdivision).
- Screen and place fencing around the dumpster and keep dumpster and trash areas picked up.

Thank you for your time and attention. Please contact me when the next planning commission convenes regarding the appeal process. If you have any questions, comments or concerns, please feel free to contact me.

Sincerely,

Diane Dykman

952 E. Bridges CT.  
Murray, UT, 84121  
(801) 792-1472 Cell

# APPEAL OF A PLANNING COMMISSION LAND USE DECISION APPLICATION

Type of Appeal (check one):

Conditional Use Permit  Site Plan Review \_\_\_\_\_ Staff Determination \_\_\_\_\_

Project Name: Kum 3. GO

Project Address: 6029 S. 706 E

Parcel Identification (Sidwell) Number: 22-17-379-052

Parcel Area(acres): 1.07 Zoning District: C-N

## Applicant Information

Name: Sterling Hanson

Mailing Address: 6067 S Bridges Lane

City: MURRAY State: UT ZIP: 84121

Primary Phone #: 801 633 6380 cell Fax #: \_\_\_\_\_

Email Address: Sterlinghanson@yahoo.com

Property Owner's Information (If different) (Same)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Primary Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email Address: \_\_\_\_\_

Authorized Signature: Sterling Hanson Date: 4/11/2022

|  |               |
|--|---------------|
| <b>For Office Use Only</b>                 |               |
| Case #                                     | 1585          |
| Project Number:                            | <u>22-059</u> |
| Date Accepted: <u>4/11/22</u>              |               |
| Planner Assigned: <u>Zachary Smallwood</u> |               |

## Property Owners Affidavit

I (we) Sterling Hanson, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Merly Hansen

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah Utah

County of Salt Lake

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Residing in \_\_\_\_\_ Notary Public \_\_\_\_\_  
My commission expires: \_\_\_\_\_

## Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at  
\_\_\_\_\_, in Murray City, Utah, do hereby appoint  
\_\_\_\_\_, as my (our) agent to represent me (us) with regard to this  
application affecting the above described real property, and authorize  
\_\_\_\_\_ to appear on my (our) behalf before any City board  
or commission considering this application.

---

Owner's Signature

---

Owner's Signature (co-owner if any)

## State of Utah

§

## County of Salt Lake

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, personally appeared  
before me \_\_\_\_\_ the signer(s) of the above *Agent*  
*Authorization* who duly acknowledge to me that they executed the same.

### **Residing in**

# Property Owners Affidavit

STATE OF UTAH

§

COUNTY OF SALT LAKE

I (we) Sterling Hanson, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Sterling Hanson  
Owner's Signature

Sterling Hanson  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 14 day of April, 2022.



Susan Nixon  
Notary Public

Residing in Salt Lake County

My commission expires: 5/9/2023

## Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared before me

\_\_\_\_\_ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Residing in \_\_\_\_\_

\_\_\_\_\_  
My commission expires: \_\_\_\_\_

**From:** Jared Hall jhall@murray.utah.gov   
**Subject:** RE: APPEAL to proposed Cum and Go gas station to be built in Murray, Utah  
**Date:** March 11, 2022 at 10:52 AM  
**To:** Sterling Hanson sterlinghanson@yahoo.com  
**Cc:** Planning Division planning@murray.utah.gov



Mr. Hanson,

We have received your email indicating that you would like to appeal the decision of the Murray City Planning Commission on March 3, 2022 regarding the conditional use permit application made by Nathan Abbott (on behalf of Kum & Go) at 6029 S. 900 East. We have attached an application form to this response, and ask you to please fill it out and file it with our office in order to complete the formal appeal. The application form also includes an information sheet which will help you in completing and filing the appeal. We appreciate the detail and information in your email, and encourage you to re-attach it to the application for appeal, since a written response is required as a part of that application. There are a few things that I think will be of note regarding the appeal process (these are also in the information sheet attached):

1) **Timing:** You are allowed 30 calendar days from the decision to file your appeal. For purposes of an appeal, we consider the decision to take place when the Planning Commission adopts their "Findings of Fact" regarding the decision they made on the application. They will adopt those findings on Thursday, March 17, 2022. I believe that means you have effectively until April 15th, 2022 (a Friday) to file an appeal.

2) **Cost:** Filing the application for appeal does have a cost of \$100.00.

3) **Process:** Your appeal will be reviewed and heard by a "Hearing Officer", who is a Murray resident, but before that happens you should plan to meet informally with the Planning Division staff to discuss the appeal process and review any questions you may have.

Lastly, please be aware that we have received several other requests to appeal the decision from other property owners, and they will all be receiving this response. The Mayor's office received most of these same appeals, and they are aware that we will be working with you to file and process your applications. We are happy to answer any questions you have, so please feel free to call or email at any time. All the information below is direct to me, but you may also speak with any of the planners by calling 801-270-2430, or emailing to planningdivision@murray.utah.gov.

Thank you,

jared

Jared Hall  
Phone: (801) 270-2427  
jhall@murray.utah.gov

-----Original Message-----

From: Sterling Hanson <sterlinghanson@yahoo.com>  
Sent: Saturday, March 5, 2022 10:38 AM  
To: Planning Commission Comments <planningcommission@murray.utah.gov>  
Cc: brettinmurray@gmail.com  
Subject: APPEAL to proposed Cum and Go gas station to be built in Murray, Utah

My name is Sterling Hanson. I am the HOA president of "Bridges on Vine" a small gated community directly east of the proposed Kum and Go gas station tentatively scheduled to be built on the corner of Vine and 900 East.

I officially would like the appeal the Murray City's decision made March , 2022 to allow this project to proceed. For the record, I was at said meeting (along with many of my neighbors and nearby business owners) and all of us were against the proposal. Let it also be known that many of the houses in our community are 300 feet or less from the proposed gas station. Many cities and towns have a rule or statute that prohibits gas stations within 500 feet of homes (for obvious reasons). Doesn't Murray? Why don't we and if we don't I would urge those responsible to get that into law asap.

I believe we made MANY additional and compelling comments and concerns regarding this project but it seemed that the commission's mind was made up before the meeting even took place and our concerns went ignored. (Commissioner Lowry, however, did vote very reluctantly for the measure). Concerning the decision—is the decision made solely on legal merits? If so this project "may" have passed the legal tests and requirements, but what about just "doing the right thing"? I think any person judging this project by those merits would agree this is NOT the right thing to do. We learned in the meeting that Kum and Go have not even officially purchased the property yet so they can easily take their "template" of a proposed store and build it somewhere else! Does Murray city care more about the added taxes of a new business than the dozens of affected citizens and nearby businesses negatively impacted? (Who also pay taxes).

It also seemed that the person presenting the project for the city was a real cheerleader for the project. He seemed extremely biased for the proposal. And one other minor point—the video for the meeting online is unavailable.

Some comments made by councilwoman Milkavich also seemed very inappropriate. After one of our neighbor's comments were read into record (even though she requested they not be read) concerning former councilwomen Wilson, councilwoman Milkavich proceeded to shame and lecture said neighbor and also tell us how offended and insulted she was personally and how it reflected on

proceeded to shame and lecture said neighbor and also tell us how offended and insulted she was personally and how it reflected on the whole board. She said nothing negatively against the current board....I heard the comments my neighbor made and I don't believe she said anything directly as an accusation against the former councilwoman (maybe I misheard) but simply something to be looked into. I 100% agree with my neighbor that if there is anything potentially done wrong by a government official (or anyone for that matter) it should be looked into and not just dismissed or swept under the rug—my neighbor should be praised and not criticized or shamed publicly. I felt like saying these things at the meeting but I didn't want to criticize or shame councilwoman Milkavich publicly.

I mentioned the numerous concerns many of us voiced--or had read into the record. I won't bother repeating them but here are some additional, new comments:

First, 15 "findings" and many other items were discussed concerning the project. The commission stated that they learned of this project very recently but it seems that it would take some time to do all this analysis and findings. I did bring up in the meeting that I find it very odd and wrong that we as citizens find out about potentially negatively impacting projects almost when it is too late—the projects are all well on their way and now just need "official" approval. I would like to be informed MUCH earlier in the process.

Second, I believe I learned in the meeting that no "official" environmental impact or EPA study has been done on the project. This seems like a big oversight since Little Cottonwood Creek runs right through the property. Sure they "reassured" us that all is well and they will take steps to "mitigate" the impact but that's not the same as an official analysis. I officially would like to request this be done.

Third, I cannot believe someone "tentatively" approved a left hand exit and entrance from the proposed station onto Vine Street. Vine and 9th is a very busy intersection and the proposed road from the gas station onto Vine (going over the river) is extremely close to said intersection—the notes say that Murray City reserves the right to restrict left hand turns onto Vine—well, I would say that they definitely should and not wait till someone is killed or seriously injured first. (If the project is approved, of course)

Finally, any business with such an offensive, out of touch, clueless, and stupid name and Kum and Go should not be allowed in Murray—or anywhere. Yeah, I know this is a silly concern but come on...

I appreciate your service and hope you are able to overturn this decision.

Sterling Hanson  
801-633-6380



Planning  
Comm...ion.pdf

From: Customer Relations CustomerRelations@kumandgo.com    
Subject: Regarding Incident 340163 Please CANCEL proposed Kum and Go in Murray, Utah  
Date: March 8, 2022 at 2:19 PM  
To: sterlighanson@yahoo.com



Dear Sterling,

Thank you for reaching out! I apologize for the frustrations you've experienced with this. I have forwarded your feedback to our real estate team, so this can be looked into.

Kum & Go was founded in 1959 by W.A. Krause and T.S. Gentle. In an age where catchy company names and unique marketing phrases were a representation of the times – and also the difference between success and failure – the two gentlemen used the first letters of their last names to create a unique moniker to showcase the ease and convenience they instilled in a shopping experience. Thus, Kum & Go was born.

Thanks!  
Kasey

Regarding your inquiry, logged on 3/6/2022 4:10 PM, with a description of:

From: (Sterling Hanson) sterlighanson@yahoo.com

Please CANCEL proposed Kum and Go in Murray, Utah

Kum and Go has proposed building a new gas station DIRECTLY bordering our neighborhood in Murray, Utah. I (along with many of my neighbors) went to the Murray City Council meeting on March 3rd and argued to not allow this for NUMEROUS reasons, primarily due to the close proximity to a residential neighborhood. Many of the homes in my neighborhood will DIRECTLY border the proposed gas station and many more are within 500 feet. The Murray City Council, however, voted to allow the proposal because your company "evidently" checked all the boxes and fulfilled the legal requirements. (unlike many cities Murray does not have a law or code that requires gas stations to be built at least 500 feet from a residential area.) Secondly, and of much less importance, I would like to know why you continue to have such an offensive and out of touch name for this gas station chain. Either your founders and those in charge now (yes, I know their initials are K and G) were and are totally naive and ignorant OR they are purposefully perverted. I certainly hope it is the former. Everyone knows what "Kum" is! Please change the name--maybe "Come and Go?" Please STOP the project proposed for Vine and 9th East in Murray Utah. We learned in the Council meeting that you have not yet paid for the real estate so you can easily find a more appropriate location--one not right next to a residential area. Although you may have the right to proceed, please do the right thing and find a more suitable location. Please let me know that you received this communication and what you propose to do. Sincerely. S Hanson 801-633-6380

we have the following question or update:

Kasey Davis  
1459 Grand Ave | Des Moines, Iowa 50309-3005

[www.kumandgo.com](http://www.kumandgo.com)



Where & means more:

{CMI: DLER1653323}



Where & means more:

**From:** Zachary Smallwood [zsmallwood@murray.utah.gov](mailto:zsmallwood@murray.utah.gov)  
**Subject:** RE: Proposed convenience store on 6029 South 900 East  
**Date:** March 3, 2022 at 9:08 AM  
**To:** Sterling Hanson [sterlinghanson@yahoo.com](mailto:sterlinghanson@yahoo.com), [brettinmurray@gmail.com](mailto:brettinmurray@gmail.com)  
**Cc:** Planning Commission Comments [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov)



Mr. Hanson,

Thank you for your email, it will be read into the record tonight at the Planning Commission meeting.

Sincerely,

Zachary Smallwood  
Senior Planner I Murray City Community Development  
4646 South 500 West I Murray UT 84123  
Phone: (801) 270-2430 I Direct: (801) 270-2407  
[zsmallwood@murray.utah.gov](mailto:zsmallwood@murray.utah.gov)

-----Original Message-----

From: Sterling Hanson <[sterlinghanson@yahoo.com](mailto:sterlinghanson@yahoo.com)>  
Sent: Thursday, March 3, 2022 8:51 AM  
To: [brettinmurray@gmail.com](mailto:brettinmurray@gmail.com)  
Cc: Planning Commission Comments <[planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov)>  
Subject: Proposed convenience store on 6029 South 900 East

Dear Murray City Mayor and planning commission,

My name is Sterling Hanson. I am president of our neighborhood HOA in the gated community directly east of the proposed convenience store at 6029 South and 900 East.

I believe everyone in our neighborhood (including my wife and I) are against this proposal and I would like you to reject the proposal for the following reasons:

This gas station will be extremely close to a residential neighborhood—I seldom see this being allowed.

Potential negative environmental impact to Little Cottonwood Creek and its many inhabitants such as fish and fowl—has an environmental impact study been done?

Increased noise—Noise pollution so close to a residential neighborhood is wrong and will hurt property values.

Increased and foul odor such as gas fumes—Odor pollution so close will hurt property values—in addition, winds and storms typically blow from west to east (right into our neighborhood) due to the jet stream. Gas fumes and fuel also increase the chances of a fire.

Increased light pollution—Having light on a 24/7 operation will be bothersome to residents and will hurt property values.

Increased traffic near a residential area.

Thank you for listening to our comments and concerns. Many of us will be at the meeting this (Thursday, March 3rd) evening and will look forward to sharing our thoughts.

Sterling Hanson  
801-633-6380