Minutes of the Planning Commission meeting held on Thursday, June 15, 2023, at 6:30 p.m. in the Murray City Municipal Council Chambers, 10 East 4800 South, Murray, Utah.

The public was able to view the meeting via the live stream at http://www.murraycitylive.com or https://www.facebook.com/Murraycityutah/. It was stated that those who wish to make comments on an agenda item may submit their comments via email at planningcommission@murray.utah.gov.

Present: Jake Pehrson, Chair
Travis Nay
Maren Patterson
Ned Hacker
Michael Richards
GL Critchfield, City Attorney
Jared Hall, CED Director
Susan Nixon, Senior Planner
Zac Smallwood, Senior Planner
Mustafa Al Janabi, Planner 1

Excused: Jeremy Lowry
Lisa Milkavich

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

Mr. Nay moved to approve the minutes from the April 6, 2023, Planning Commission meeting. Seconded by Mr. Hacker. A voice vote was made, motion passed 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this meeting.

APPROVAL OF FINDINGS OF FACT

There were no Findings of Fact for this meeting.

Premier Strand Heating and Air - 6172 South 300 West, Suite B - Project # 23-075
Metal Fabrication and Construction Contractor

Mustafa Al Janabi presented the application for Premier Strand Heating and Air, located in the M-G zone, Manufacturing General. The business is an HVAC fabrication shop and contractor's office. The building is 2,000 square feet. There are two entrances to the property, on the north and east side. There are nine parking spots available. The building will be occupied with one person. The floor plan shows the space is very small used for manufacturing. According to the findings, this application is recommended for approval. The applicant could not be present, but did indicate that he understood and can comply with the conditions as written in the staff report.

Twenty-one (21) notices of the public meeting were sent to affected entities and all property owners for parcels located within 300 feet of the subject property. As of the date of this report, no comments or concerns have been submitted.

Public comment was opened. No public comments or emails were received for this application.

Public comment was closed.

Ms. Patterson made the motion to grant Premiere Strand Heating and Air a conditional use permit to conduct metal fabrication and construction contractor work at the property addressed 6172 South 300 West, Suite B, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall provide the allotted parking spaces confirmation from the owner and would commit to the spaces provided by staff. The parking requirements of four (4) spaces for each 1000 square feet of net office.
3. The applicants shall obtain sign permits prior to the installation of any new attached or detached signage.
4. The applicant shall schedule a hazard assessment with Murray City Water Division.
5. The applicant shall meet the requirements of the wastewater department.
6. The property shall maintain the existing landscaping for this building as reviewed in the staff report.
7. The applicants shall obtain a Murray City Business License and pay applicable fees.

Mr. Richards seconded. Roll Call Vote:

_A_ Pehrson
_A_ Nay
_A_ Patterson
_A_ Hacker
_A_ Richards

Motion passed 5-0.

<u>Stubler Subdivision - 6847 South Jefferson Street - Project # 23-050 - Flag Lot Subdivision</u>

Zachary Smallwood presented the application for Shane Hofhine to subdivide the subject property in a flag lot. It is in the R-1-8 zone, which does allow for flag lots, subject to approval from the planning commission. The proposal is to use the north side as their egress and ingress. It will be the required minimum of twenty (20) feet of asphalt with four (4) feet of landscaping on either side. For flags lots, the first lot must have 8,000 square feet, without the stem of the property. The total area is 13,318 square feet. The second lot has to be 125% of the underlying zone, which would be a 10,000 square foot minimum. The proposal is for the lot to be 11,108 square feet. Mr. Smallwood noted a discrepancy on the site plan. It was showing twenty feet on their front and rear yard setbacks. Staff conducted a measurement and stated if the applicant were to push that back five feet, they would still have a buildable area of 3,600 square feet, without impacting where the home would be. The current measurements will meet all the setbacks required.

Thirty-five (35) notices of the public meeting were sent to affected entities and all property owners for parcels located within 300 feet of the subject property. As of the date of this report, no comments or concerns have been submitted.

Public comment was opened. No public comment was made. The public comment was closed.

Mr. Hofhine indicated that he read and can comply with the conditions below. He stated that Murray City was great to work with.

Mr. Hacker made the motion to grant preliminary and final subdivision approval for the Stubler Subdivision at the property addressed 6847 South Jefferson Street, subject to the following conditions:

1. The applicant shall meet all requirements of the City Engineer, including the following:
    a. Meet City subdivision requirements – Murray City Ordinance Title 16.
    b. Provide grading, drainage and utility plan.
    c. Develop and implement a site erosion control plan prior to beginning site work.
    d. Obtain a City Excavation Permit for work within City roadways.
2. The applicant shall meet the requirements of the Fire Department, including the following:
    a. Maintain a twenty-foot (20') width on the access road.
    b. Roads in excess 150' require turn around and shall extend to within 150' of all portions of facility and all portions exterior walls.
    c. Use IFC 2018 and applicable NFPA codes for reference.
3. The applicant shall meet all the requirements of the Murray City Wastewater Division, including the following:
    a. This lot will tie into Mid Valley Improvement District sewer system.
    b. All work must meet Mid Valley Improvement specifications.
    c. Plans currently label everything as Murray Sewer, change plans to reflect Mid Valley Improvement District.
4. The applicant shall meet all the requirements of the City Power Department, including the following:
    a. Power for the new home will need to be fed underground from pole #21247100, which is in the Northwest corner of the lot.
    b. The existing pole mount transformer will need to be upgraded to handle the additional load of the new home.
    c. The developer will need to meet with Murray City Power to discuss planning the new power service(s) and future equipment placement to the building(s).
    d. The developer must meet all Murray City Power Department requirements and the current NESC/NEC code and provide the required easement/clearance(s) for equipment and Power lines.
    e. Please contact John Galanis 801-264-2723 for meter placement on the building(s) and proper metering equipment requirements before construction begins.
5. The applicant shall adhere to all setback requirements of the R-1-8 zone for both parcels.
6. The applicant shall provide four feet (4') of landscaping on each side of the twenty-foot (20') driveway.
7. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
8. The Final Plat shall adhere to the requirements for Flag Lot Subdivisions contained in Section 17.76.140 of the Murray City Land Use Ordinance and as outlined in the Staff Report.

9. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the final plat shall be null and void.
10. All detached structures located on proposed Lot #2 shall be removed prior to recordation.

Ms. Patterson seconded. Roll Call Vote:

A Pehrson
A Nay
A Patterson
A Hacker
A Richards

Motion passed 5-0.

Berger Station & Berger Place Condominiums - 171 to 277 West Berger Lane - Project # 23-062
Vacate Berger Place Condominiums and create Berger Station Subdivision (2 Lots)

Susan Nixon presented the application for Jared Shupe of Mighty Munchkins & Kaltech Holdings, LLC to vacate Berger Place Condominiums. The application also includes the creation of a new subdivision called Berger Station. It consists of twelve existing parcels/lots. The total site is 9.397 acres or 409,333 square feet, located in the MCMU zone. It is also surrounded by similar zoning. This application includes the vacation of the existing Berger Place Condominium plat, eliminating units 1 and 2, along with common area. The intent is to create multi-family project on the new lot 102. The current owner of Lot 101 plans to maintain the existing building and parking. The MCMU does not require a minimum acreage for a lot. In reviewing this, staff discovered that there is an existing power easement recorded on the existing plat. It will have to be recorded on the new plat. The corner building is owned by Kaltech. State code, sections 10-9a-604 & 10-9a-60o as well as Murray City code requires that the planning commission review vacation or subdivision proposals.

Sixty-five (65) notices were mailed to property owners within a 500’ radius and to affected entities. As of the writing of this report, there have been no comments.

Based on presented information, Ms. Nixon recommends that the commission grant preliminary and final subdivision approval for Berger Station subdivisions subject to the conditions indicated in the staff report.

Mr. Nay asked Ms. Nixon if the frontage on Commerce Drive is wide enough for access ingress and egress on lot number two. Ms. Nixon stated they will have to meet the city width for public access. Berger Lane will be updated for the Northern Access.

Jared Shupe approached the podium and stated he has reviewed the conditions and can comply with them. Mr. Shupe then made a comment regarding Commerce Drive. The access out to Commerce Drive to the south of Kaltech is not wide enough to be a public road and will be a private access. Ms. Nixon said the second access onto Commerce Drive would be reviewed with the project itself and is not applicable to the subdivision review. Mr. Shupe thanked the commission for their efforts.

Public comment was opened. No public comments or emails were received for this application. Public comment was closed.

Mr. Richards made the motion to grant approval to vacate Berger Place Condominiums and grant preliminary & final subdivision approval for Berger Station Subdivision on the properties located 171, 173, 175,177, 179, 237, 257, 261, 273, 277 West Berger Lane, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
    a. Meet City Subdivision requirements and standards – City Code Title 16.
2. Meet all Wastewater Division requirements including the following:
    **a.** Plat sheet must show the existing utility easement as well as the new utility easement that will be in place for the project.
**3.** Meet all Water Division requirements including the following:
    a. Plat sheet must show the existing utility easement as well as the new utility easement that will be in place for the project.
    **b.** All water work must be done to Murray City Water's Specification and Requirements.
4. Meet all Power Department requirements including the following:
    a. The developer will need to meet with Murray City Power to discuss planning the new power service(s) and future equipment placement to the building(s) with additional line extension costs to provide electrical service.
    b. The developer must meet all Murray City Power Department requirements and the current NESC/NEC code and provide the required easement/clearance(s) for equipment and Power lines.
    c. Please contact John Galanis 801-264-2723 for meter placement on the building(s) and proper metering equipment requirements before construction begins.
5. Meet all Fire Department requirements.
6. The project shall meet all requirements of the Murray City Land Use Ordinance.
7. The applicant shall prepare the Subdivision plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
8. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.

Mr. Nay seconded. Roll Call Vote:

A Pehrson
A Nay
A Patterson
A Hacker
A Richards

Motion passed 5-0.

<u>Applegate Condominiums & Fuji Townhomes – 770 West Applegate Drive (approximately) – Project # 23-052 & # 23-054 and</u>

Susan Nixon presented the application by Applegate LLC for subdivision approval of an amended plat and conditional use to allow multi-family development of Fuji Townhomes. The property is currently 23.7 acres. The proposal is to split out a 5.11-acre portion of property from

the 23.7-acre parcel to develop forty-two (42) townhomes. It is the policy and practice of the Murray City planning staff that every application that comes in for subdivision or conditional use is reviewed on its own merit. Staff takes in the application, reviews the code, discusses the issues with various Murray City departments, and consider the surrounding area, to come up with the staff report. The property is currently zoned R-M-15, which allows for up to twelve units per acre. This proposal would equal about eight units per acre, which is under the limit allowed. The area is surrounded by single-family residential areas. Ms. Nixon showed images of the Applegate Community indicating how the property is currently laid out. She then presented photos from inside the community. This request is to split off the 5.11-acre parcel from the 23.7-acre from Applegate HOA. They would realign what is now Applegate Drive and relocate it to the north and west. It would then become Fuji Avenue and would remain a private drive. The utilities would also be relocated. The applicants are asking to connect Fuji Avenue to the west with a public road, Spring Clover Drive. When this project was built in the 1970's, Murray City didn't have a requirement for so many access points to developments. Since then, Murray City has adopted the code that mandates any multi-family projects with more than 100 units must have at least two accesses. This is why the applicant is requesting to connect to Spring Clover Drive. Both the Applegate and Fuji communities will have vehicular, pedestrian and utilities that are cross accessed. Both communities would share the existing and newly proposed amenities. A bit of history was provided by Ms. Nixon. In 2018 the applicant was required to change the zoning from R-1-8 to R-M-15, which is more in line with what the community is. During that process, there was an existing cell tower. These are not allowed in the R-M-15 Zone, but were allowed in the R-1-8. The property became nonconforming after switching zones. For legal nonconforming structures, you can expand or relocate on the same property. The applicant applied for approval for expansion to move the cell tower to a different location closer to 5300 South and Murray Boulevard.

In 2020 Applegate Condominiums received preliminary subdivision, PUD and conditional use approvals. The CUP approval was good for two years. This approval lapsed in June 2022. This current application has been submitted to amend the condos and withdraw the 5.11 acres, as well as the conditional use for the townhome rental units. Ms. Nixon presented an image of the plat for the 5.11 acres, with the boundaries outlined, for comparison and orientation. Applegate currently has 172 condo units, which are individually owned. The proposed 42 units would be owned by one entity, and be rental units, making a total of 214, if approved. There is access currently off Murray Parkway onto Applegate Drive and the proposal would be to reduce the width of Applegate Drive from 75 feet to 43 feet. It will also be relocated to the north and west. The 43 feet would consist of six-foot sidewalks on each side, two-and-a-half feet of curb-and-gutter, as well as 26 feet of hard surface. This is the minimum required by the fire department. The summarized proposal is for Applegate Drive to be relocated to what will be Fuji Drive and then connect to Spring Clover Drive. They are also proposing to have an access gate that would be controlled by a key fob or access code with a transponder to get in and out. The city had concerns with the connection to Spring Clover and the impact that would have on the neighborhood to the west. Upon staff review, based on the 2019 Traffic Study (revised in 2022), staff recommends an additional gate at the connection of Spring Clover Drive and Fuji Drive. It would be emergency access only, which will be controlled by Murray City, for fire, police, and maintenance for sewer clean up. The Traffic Impact Study indicated that there would be five to ten percent traffic going to the west, which is 60 – 100 cars per day. The residential

neighborhoods are already bogged down with traffic. Ms. Nixon indicated that she is summarizing the traffic issue, but, differed to Mr. Zawislak if the Planning Commission has more questions. Ms. Nixon pointed out the boundaries overlap somewhat in a small triangular section near Spring Clover Drive. This needs to be resolved.

The applicant, Ryan Wallace, approached the podium. Mr. Wallace stated he is legal counsel for the applicant, Applegate LLC. He reviewed all the conditions. He does have a few concerns. He stated he appreciates the staff's recommendations for approval. He knows this has been a long process and he understands the difficulties with the timeline. The Applegate board has been supportive and have gone through the appropriate process for approval, as required by Utah law to purchase the property from the association. There was a vote of the Applegate residents to do this. They are now here to make this work and to pay attention to standards and codes imposed on this development. The first one of concern is requirement 1.A. and 1.O. They had a traffic analysis completed. The traffic flowing down out of the neighborhood, onto 700 West and the traffic it could cause if the traffic were to go through the development. The gate was proposed to limit the traffic to the Applegate residents, so the traffic flowing to that intersection wouldn't overwhelm the system. That was the main reason for the gate. Then they looked at putting gates on Spring Clover Drive and one other place, so that it would be a cleaner separation between the HOA development and the neighborhood. In that area, that neck of the property that abuts into the existing roadway is very narrow. Trying to get the fire code turn-around was too difficult before. Moving the gate to Murray Parkway is meant to help, not create more traffic issues going through the neighborhood. A supplemental memo was presented by the traffic consultants. The consultants felt the impact on traffic should be less than 10 percent. They think it's more likely to be on the side of 5 percent. Based on the analysis, doesn't create undo traffic burden. Given that there isn't evidence of significant traffic issues and given that a gate with a 100-foot turnaround isn't feasible, the applicant asked to proceed with the one gate. The applicant asked if there were questions.

Mr. Nay asked if Applegate is allowing the residents to come through the project. Mr. Wallace said if there is no gate at all, yes, but they need to put a gate there. Mr. Nay said that the conservative number of 5 percent isn't accurate, due to the elementary school traffic. He said that based on his experience having been on the planning commission for several years, this generates a lot of traffic with drop-off and pick-ups, thus creating a lot of problems. The amount of traffic is surprising. Murray Parkway at peak hours is abysmal. Until improvements come from the city, this will continue. Mr. Wallace said the studies were done by professionals and the best he can do is rely on the evidence presented by them. Mr. Nay would like to hear from the traffic engineer of the city.

The second concern is the requirement for an eight-foot masonry wall. Mr. Wallace stated there's only one incident he could find where that's allowable under Murray City ordinance and that is when there's a commercial property up against a residential property. He said that in residential development, it's almost always six-foot high, of unspecified material. He questioned why they are being held to the commercial requirement. He understands that under the conditional use permitting statute that there can be additional screening required, but must comply with conditional use standard of identifying detrimental impacts specific to this project and stating why the conditions created are reasonably tailored to mitigate those detrimental impacts and has to apply to applicable standards outlined in city ordinance. Residential next to residential would actually be prohibited from having an eight-foot fence height. Mr. Wallace feels

it's not even allowed. He understands a sight and sound screening are important, but there isn't a significant difference between masonry and vinyl. He drove near the development and looked at the fencing. He observed that what exists is chain link or wooden. He feels a vinyl fence meets the criteria of what matches the neighborhood.

Mr. Nay asked Ms. Nixon to talk about similar projects where similar fencing was required, specifically, Brad Reynolds on 5300 South. Ms. Nixon responded that the commission did require an eight-foot fence, as it is an arterial route. They did drop the height to six feet on the north side. She also spoke of a road that was an eight-foot high fence along Winchester Street. She reminded the commission that they are reviewing this on its own merit and the impacts and the surrounding areas. They did require an eight-foot solid wall for the Van Winkle apartments that were approved in 2019 located on 4700 South and 900 East. Also at the Murray Heights development, an eight-foot solid fence was required adjacent to the residential neighborhood, and another similar wall requirement for Bullion Place Subdivision on Bullion Street.

Mr. Nay said that the homeowners to the south have had a chain link fence adjacent to Applegate. Applegate has been there since the 1970s and the residents to the south of Applegate Road have had a large open space in the backyards. Mr. Hacker agreed with Mr. Nay and stated that if the setbacks were staying the same, he would tend to agree with the applicant, but they're changing the use from a road and open space to having additional residences on that side of the fence closer to the residential neighborhood. There is some good reason and perhaps some precedent as was discussed earlier to have a higher fence there.

The applicant stated that he understood and thanked the commissioners for those comments. He understands that the city is wholly within its discretion through the legislative process to require higher fences or masonry walls through the legislative process on multifamily developments. He pointed out that here it's a residential next to residential, and the applicable standards require that it's either done compliant with the Murray city code, which doesn't allow for an eight-foot fence except for perhaps on properties greater than a half-acre. If the city does want to proceed down that route and make a distinction between a vinyl versus a masonry fence, it just needs to go through the proper process of specifically identifying on the record, the detrimental impacts that are specific to this application. Then the City must state why these narrowly tailored conditions mitigate those impacts according to applicable standards in the code. Mr. Wallace stated it's important to understand that with city ordinances because they are in Utah law, they've been described as a derogation of property rights of individuals that they have to be narrowly tailored to and any ambiguity or lack of specificity needs to be interpreted on behalf of the property owner and applicant. Unless there are specific statutes or ordinances that allow for the requirement of a greater fence. Masonry is just not something that legally is required. Mr. Nay said that an appellate court could figure that out for Mr. Wallace. The applicant stated that they understand that process.

Next, the dog park requirements were discussed. The main concern with the dog park is the water quality. Ms. Nixon stated that water quality is the concern and understands that dog waste goes into the city system. The applicant asked if there is a connection with the detention pond into the city system or is it just a detention pond where the water goes. Ms. Nixon stated that it does retain the water for a certain amount of time and that the city engineer could probably answer with more specificity on that question.

The next topic was street naming standards. The applicant stated that they had no concerns with the county street naming standards. Mr. Wallace expressed concern with the condition that it be one of the two names listed in the conditions and as long as the intent is to comply with the Salt Lake County naming standards, they have no issues.

The last issue was regarding the dedication of property on the west side of the proposed subdivision lot. The applicant is happy to dedicate and convey those pieces to their respective adjacent property owners. They indicated they want to make sure it matches up. They are happy to do that, as long as they can make sure they have cooperation with all the impacted parties.

Chair Pehrson asked if any of the commissioners had questions for the staff at this time, none were indicated. Chair Pehrson invited the city engineer up to the podium.

Chris Zawislak, the Senior City Engineer stated in regard to the drain, it does tie into this storm drain system that dumps into the Jordan River that is the City's concern. The City is permitted by the state to ensure stormwater quality.

Mr. Nay asked if Mr. Zawislak could speak to the traffic study. Mr. Zawislak stated that the applicant did address the concerns coming to and from Murray Parkway/700 West by adding the gate there on the site. It is the opinion of the city engineer and he as a traffic engineer are okay with the gate on the east side but would request an additional emergency-only access gate on the west side as it ties to Spring Clover Drive. The engineering division appreciates getting pedestrian access connected. He concurred with Commissioner Nay's concern that there is additional traffic that happens with the school. There are about 340 homes that generate over 3,000 trips in the neighborhoods that surround the proposed development and existing Applegate splits roughly 50/50. The City Engineer did a speed study recently on Murray Parkway, a neighborhood collector. The counter observed about 1,550 vehicles, and that was outside of school hours. He stated that there might be more during the school year it is on the other side. Likewise, if you assume over 3,000 daily trips, probably about 1500 to 1600 coming from Germania Avenue. The engineer's office receives repetitive complaints about speeding and about too much traffic, particularly off Germania to the school. They feel that the conservative five to ten percent would be coming from the subdivision, the applicants are attempting to connect a neighborhood collector into a local street. Streets such as Germania and Riverside Drive, are collector roads, the engineer's office doesn't think there would be much of an objection if the applicant is tying a neighborhood collector into a neighborhood collector, but it is going from a neighborhood collector from this whole subdivision with over 100 homes into a smaller local road. That is why it is the opinion of the city engineering office that an emergency gate will provide the secondary access that is required to minimize the impacts onto the adjacent neighborhoods preventing an additional 60 to 120 vehicles a day per the traffic study presented in the most recent memo. He stated there is an ongoing study in traffic management. He stated that traffic flows like water, it follows a path of least resistance and fills whatever way possible. If you were to restrict both ingress and egress on the east side gate, there's more likelihood that they would use the west access. By restricting the west side gate, they can protect the neighborhood from additional traffic and further complaints.

Public comment was opened.

Ms. Nixon read an email from Vicki Bateman. She expressed concerns about proposed rentals on the Applegate property where they had lived for 19 years. The Bateman's had bought their

condo there because of its nice location and the fact that it was meant for condos and homeowners, not rentals. They never thought they would have to worry about rentals being built there, as it was supposed to be a condo complex. They believed that the realtor Quinn and Mark Core HOA were prioritizing money over homeowners' interests. The situation was kept secret until Murray sent the letter of notice. The board and HOA never informed the owners until they received the letter from the city. A meeting scheduled for May 3 was canceled, raising suspicion. Ms. Bateman lost trust in the HOA, feeling it only cared about financial gains and disregarded homeowners' desires. Ms. Bateman wanted to protect homeowners and their homes, opposing the idea of rentals coming into the complex. They believed they were being taken advantage of by certain individuals. She thanked the commission for their time and consideration.

The next email is from Dave and Kathy Chapel, who expressed major concerns to the Murray City Planning Commission about the realignment of Applegate Drive connecting to Spring Clover Drive. They purchased in the subdivision with the intention of building a home and raising a family in a centrally located community. Applegate Condominiums were already built before they purchased their lot. They believed that the developers and owners should have considered the connection to Spring Clover Drive during the planning stages, which would have influenced their decision to buy the lot. They had no issue with the connection to Spring Clover Drive if it was gated for emergency access only. However, they were concerned that without such gating, traffic might use Spring Clover Drive as a shortcut, leading to congestion on 700 West during the afternoon. They requested that if the Planning Commission approved the connection to Spring Clover Drive, it should be gated with an automated system, accessible only to Applegate residents and emergency personnel. They also asked that any new roads be built by the applicant developers according to Murray city regulations. They suggested the consideration of adding speed bumps at regular intervals in the subdivision to maintain the quiet and safe atmosphere that had characterized the neighborhood for many years.

Ms. Nixon read the next email from Gary Paulsen, who expressed opposition to Spring Clover Drive connecting through the Applegate community. He believes that this change would negatively impact the peaceful atmosphere and safety of the neighborhood. Applegate is a private community that residents purchased to enjoy a quiet environment, and having only one way in and out helps maintain the community's balance. The proposed road would disrupt this balance and potentially cost the city a significant amount in tax dollars. He emphasized that he, along with others who live there, bought their homes in the community specifically for its peaceful and private nature.

That concluded the email public comments. Next resident approached the podium.

Marian Parker, 835 West Lucky Clover Circle expressed strong opposition to the idea of a street coming through the Applegate condominium area. Her property abuts Applegate and stated that there is a 10-foot-high concrete wall currently in place from what has been a parking lot that the developers want to incorporate into townhomes along the backyard. Ms. Parker stated that over 100 signatures have been gathered from residents who are also against the street proposal, citing traffic concerns during school hours and rush hour. She suggests if a gate is installed, it should be controlled by Murray City due to past issues with vandals and safety concerns. She mentioned owning a unit in Applegate and have attended meetings where concerns were dismissed, leading to worries about the potential impact on their property. She urged the commissioners to carefully consider not approving the street project and express appreciation for the board's commitment to the city on citizens' behalf.

Carolyn Burke expressed that although she currently lives in Taylorsville, her family owns a unit in Applegate. She believes the project was already approved in the medium density and assumes the discussion revolves around the wall and a second entrance to the community. Carolyn suggests Applegate could build a masonry wall to separate the properties as a common courtesy. Regarding building decisions in Applegate, she strongly holds the opinion that if they meet city codes, the neighborhood should not have the right to dictate what they do. She thinks it's fair for everyone, not just Applegate residents, to use the entrance if it's opened. Carolyn predicts traffic would flow more towards the east, but she emphasizes the need for an additional entrance for Applegate residents due to the increasing number of units. She believes another route is necessary to alleviate congestion at the existing exit.

David Schneider, 793 West Clover Meadow Drive, addressed the issue of traffic on specific streets, including the east part of Spring Clover Drive, and the south legs of Clover Meadow Drive and Lucky Clover Lane. These streets are subdivision streets, not collectors, and currently serve 134 homes and the existing 172 units in Applegate, with the townhomes the total number of homes would increase to 348. He expressed concern about the impact on these streets if access from Applegate to Spring Clover Drive is allowed. He commended the city planning staff's recommendation for conditional use and city access only at the west end of the development. He questioned the traffic study's findings, which suggested that peak traffic from 240 units would add only four to seven vehicles, finding it hard to believe and hoping the commission would see the discrepancy in those numbers. He urged consideration of the existing capacity of the streets and the potential strain that the additional units might place on them.

Lance Monson expressed his opposition to the project, stating that he has been against it from the beginning and still is. He questioned the need for another high-density housing project in Murray, considering there are already several similar developments. He expressed concern about the proposed 42-unit development, as it would take away one of the few remaining open spaces in Murray. Mr. Monson urged the city to be cautious about the existing water main running along the fence line in the backyard, emphasizing the potential flooding risk if not handled properly. While he appreciated some of the concerns being addressed, he still had reservations about the tall buildings and their impact on the area. He also expressed discomfort with the idea of rental units, though he understood that the city cannot differentiate between rental and ownership units. Despite his opposition, he wishes to remain a resident of Murray as he does not want to move.

Mrs. Dunn stated this has been an emotionally charged project that was riddled with baggage on both sides. She felt discouraged and disillusioned initially but eventually found hope when the proposal to install a gate to regulate the traffic emerged as an urgent and favorable solution. The desire to erect a high masonry wall was also well-received, making her feel listened to and appreciated. The project's history dates back five years when they were initially informed about zoning changes needed for the Applegate condominiums. However, it was later revealed that the information provided at that time was false. The process continued with alterations to setback lines and relocating cell towers through variances. Mrs. Dunn raised concerns about builders seeking variances too easily, emphasizing the importance of holding them accountable and adhering to regulations. She highlighted the significant impact the masonry wall's absence would have on her neighbors on Majestic Village Circle, and she was grateful for the acknowledgment and support from the commission for keeping the wall and gate in the plan. She expressed her gratitude for the commission's consideration and requested that they stay committed to these key

elements, as it meant a great deal to her not to experience disillusionment and disappointment again.

Deborah Rossi spoke about the traffic situation in the area. Although Halcyon is not technically a collector road, many people use it as a primary route. Ms. Rossi stated she is particular about numbers and measured the distances and found that going straight down Clover Meadow was shorter, but most people still use Halcyon. She expressed concern about the safety of children walking to school, recalling incidents when her own kids were nearly hit. Additionally, parked vehicles obstructed visibility around the corner, making it dangerous. She suggested that if the road were to be opened up further, speed bumps should be installed to slow down vehicles, particularly in front of her house and her neighbor's house. She described how the neighborhood's unique layout added to its charm, reminiscent of her childhood neighborhood. She felt frustrated that the community was not adequately informed about the development plans. People were promised an opportunity to speak about the project later, but it seemed that decisions were made without proper consultation. She believes that residents' voices should be heard, as changing the area's character after people had invested in their homes was unfair. Regarding traffic data, she expressed doubt about the accuracy of the study, noting that traffic counters were not placed on individual streets like Lucky Clover, Clover Meadow, and Spring Clover. She believed the study was incomplete and poorly done. Despite her concerns, she appreciated the planning commission for listening to the community's input and hoped that her perspective would be taken into account. She opposed the idea of further opening the road and wanted the safety and character of the neighborhood to be preserved.

Ronald Dunn addressed the commission and expressed his frustration with the lack of information available on the website regarding the ongoing project. He mentioned that the issue had been going on for five years and had seen various changes depending on the developers involved. He had discussions with Applegate residents who shared their struggles with embezzlement scandals, which affected their ability to maintain and update their complex. Selling the land for development was seen as a way to generate revenue for much-needed repairs. However, he believed that adding more units for sale might not be in the best interest of the community, as absentee owners may not adequately fund the necessary improvements. The proposed number of units had been reduced in the current version due to a cell phone tower dispute, which he found unsightly and detrimental to nearby homes. He expressed concern that the new development plan favored apartments instead of owner-occupied townhomes, which he had reservations about after witnessing issues with a previous apartment fire. Furthermore, he was worried about the proposed entry-exit point on Spring Clover Drive, fearing increased traffic in the neighborhood. He advocated for a gate only accessible to emergency vehicles to minimize potential disruptions. He emphasized that many homeowners had lived in the area for several decades and couldn't afford to see their property values and livability decline due to poorly managed projects. He believed Applegate should assess its units and finance improvements rather than selling land for development. He urged the commission to thoroughly discuss and research the request for the new exit point and consider restrictions or denial if necessary, as the neighboring homeowners' home equity should not be overlooked or compromised.

Regan Holmes raised several questions and concerns about the traffic study conducted by the developer and was uncertain about the process involved. She suggested delaying certain aspects of the project, specifically the barrier between high-density and low-density residential areas. She proposed that a higher barrier might be more appropriate in situations where there is

a transition from high-density to low-density housing. She also expressed valid concerns about traffic issues related to the nearby school, Horizon Elementary. Despite being a neighborhood school, its commuter status due to dual immersion and students coming from surrounding areas could exacerbate traffic concerns. Lastly, she questioned the proposed plan for trees by the developer, wondering if the abundance of trees shown in the plan would actually be implemented and if there was a follow-up mechanism to ensure the trees are planted as promised.

Bruce Craig expressed his concerns about the property management company's control over the HOA board and development project. He mentioned that they have been delaying necessary upgrades and assessments for years, only recently implementing higher fees and removing amenities like cable TV without replacements. He questioned the relationship between Applegate LLC and Applegate HOA, unsure of who controls whom. He also voiced frustration about the lack of communication and transparency regarding negotiations and improvements. Meetings were either missed or left residents surprised with minimal information. He believed that the motive behind the development project was solely money-driven, with the property management company raising fees to pay for the cell tower relocation and then selling the land for a significant profit while offering residents minimal compensation. He was worried about the added congestion, noise, and loss of open spaces in the community, feeling that the entire project was focused on profits without considering residents' well-being. He mentioned the potential depreciation of property value due to the changes. He emphasized that Applegate condominiums were unique in owning a piece of land, which would be negatively affected by the development. He urged for more meetings and transparency to understand who is responsible for various aspects of the project, expressing frustration at a select few controlling their livelihoods without proper community involvement. He concluded by stating that the delay in the project would allow for more clarity and understanding of the financial aspects and the impact on the community.

Abby Woods expressed her thoughts on the development project. She acknowledged the confusion surrounding the project, which has been ongoing for six years. She disagreed with the notion that the project was solely for money, stating that she believes the community needs the funds. She expressed pride in making her first real estate purchase but highlighted the deteriorating conditions of porches, the gym, and instances of vandalism within the HOA community. She felt embarrassed about certain aspects of her property and supported the development as a means to improve the community's overall condition. As a dog owner, she appreciated the open spaces in the Applegate community, making it her preferred choice for a spread-out development. She empathized with those concerned about potential encroachments from new townhomes, but personally saw the project as beneficial for the community. She also believed that traffic concerns would be addressed with the gate on the west side, making her feel comfortable with the development. In summary, as a new homeowner, she expressed strong support for the development project, viewing it as an opportunity to improve and revitalize the community, making her proud of her real estate investment.

Alexandra Hiam expressed her support for the development project. As the current Secretary of the HOA board, she had been involved since the project's inception and continued to endorse it. She believes that the project would provide much-needed funds for Applegate, enabling them to carry out essential maintenance around the property. While acknowledging the loss of some green space, she felt that the project's benefits outweighed the drawbacks. She saw it as a prudent financial decision to avoid multiple assessments on residents and expedite larger projects with the additional funds. As both a resident and board member, she was enthusiastic about the prospect of the project restoring Applegate to its former glory. She expressed her

excitement for the positive changes it would bring to the community. She showed strong support for the development project, emphasizing its financial benefits and potential to enhance Applegate's overall condition.

Joshua Haas expressed several concerns about the development project. He first addressed the issue of parking, particularly the elimination of visitor parking spots around the clubhouse and current tennis courts. This would create a safety concern as people might park in red zones, blocking emergency access. Mr. Haas mentioned an incident where emergency vehicles struggled to reach a resident in need. He also voiced worries about the increased traffic and safety hazards resulting from the additional 42 units. Making a left-hand turn from 53rd South onto Murray Parkway was already dangerous, and the added units would exacerbate the situation. He was apprehensive about the gate's impact on access for friends, family, and deliveries, as it might disrupt the neighborhood's flow. He expressed concerns about the lack of transparency regarding how the money from the project would be used, with no information on long-term benefits beyond a one-time fix. The lack of clarity and transparency throughout the project’s progression left him and other residents feeling like they were being railroaded into the development without a clear plan or understanding of the money's use. He questioned if a community vote had taken place and the outcome of that vote. He emphasized the need for transparency and understanding the long-term implications of the project. He urged the commission to consider the residents' concerns and the potential impacts on their homes and community.

Natasha Kelsey explained that she purchased her home for its peaceful and green surroundings. However, she noticed the deterioration of certain areas while walking her dog. She acknowledged the efforts made by the HOA to address the issues by reducing amenities, raising dues, and implementing lump-sum payments. She believes that the current development project was a result of careful planning and transparency from the HOA. They had discussed using the funds for various necessary repairs, such as decks, foundations, and roofs. She encouraged other residents to attend HOA meetings to get the answers they seek, as recent meetings have provided clear information. She recognized that the alternative to the development project would be a significant assessment, which could be financially burdensome for many elderly residents living on fixed incomes. She saw the implemented plan as a happy compromise that prioritizes the safety of the community, as several safety concerns need addressing. Ms. Kelsey expressed her support for the current development project, viewing it as a reasonable compromise that takes into consideration the community's financial constraints and safety concerns.

Cecilia Colombo expressed her support for the development project. She mentioned that previous assessments had caused financial strain for some residents, leading to the necessity of finding alternative ways to generate funds for property upkeep and improvements.
She agreed with the idea of adding an emergency gate on Spring Clover for practical traffic management and avoiding congestion. She also acknowledged concerns about parking, particularly the lack of visitor parking spots on upper Gravenstein. However, she believed that these issues could be addressed and resolved. She expressed concern about security and traffic flow related to the gate and visitors entering the community, but overall, she appeared to be in favor of the project for its potential to improve the community's financial situation and property maintenance. She supported the development project as a means to address financial challenges and ensure proper upkeep of the property while raising some concerns about parking and security arrangements.

Michelle German has been part of the Applegate HOA for about two years and is currently the board president. She was aware of the development proposal and its history when she purchased her condo in 2021, knowing that the community had voted and approved it in 2017, leading to the 2018 agreement. She acknowledged the age of the condos and the frustration of owners due to delayed repairs and improvements caused by past embezzlement. Despite her love for green space, she recognized the necessity of the project for the community's well-being and to avoid vandalism. As a board member and resident, she empathized with the pride of Applegate residents and their efforts to maintain the community. Despite the challenges and sorrow that come with the project, she supported it as a means to bring necessary changes for safety and improvements in the community and individual units. She expressed her favor for the development project, understanding its importance for the community's well-being and safety, despite the loss of the beloved green space. She was hopeful that the project would lead to positive resolutions and improvements for everyone involved.

Chester Kelsey shared his support for the development project. He believed that the project was not solely about money but aimed to improve the safety and security of the community.
He mentioned the recurring issues of break-ins and vandalism in the neighborhood, and he saw the project as a means to address these concerns and enhance safety for all residents. He expressed approval for the idea of making the collector on the left as an emergency access only, recognizing its potential benefits. He voiced his support for the project, emphasizing its importance for community safety and addressing ongoing security issues.

Mr. Smallwood read an email from Paul Pickette who expressed strong opposition to the development project. He cited concerns about the already crowded roads in the area and believed that the proposed condo would exacerbate the situation, leading to a nightmare scenario. Paul specifically pointed out worries about the west gate being labeled as an emergency gate, fearing that it could eventually be used as a regular exit if Murray Boulevard becomes too congested. He deemed the project imprudent and urged others to vote against it.

Public comment was closed.

Ms. Nixon commented additionally on some topics raised. The RM 15 zone, does not have a minimum or landscaping requirement. It's up to the developer if they retain any trees. There will be three new stalls to replace the existing ones that are around the clubhouse. Regarding the empty envelopes – the application was originally scheduled for the January 19 meeting, which is when the planners sent out hundreds of notices. There were some that went out blank envelopes, they did not get notice. As soon as one of the residents called and informed the planners, they immediately sent out another notice. Shortly after that time, the applicant withdrew their application from that meeting. They have now come back with this proposal at this time. One of the conditions is that the developer contractor must maintain the utility story that realignment of the roads so they will have to keep water sewer power going during that construction period.

Mr. Hacker asked if there was anything that the city could do on Murray Parkway for left-hand turns, particularly from Applegate onto the Parkway.

Chris Zawislak, Senior City Engineer, responded stating the “Keep Clear” painted on the road is the best option. He stated that is within UDOT’s restrictions and may be part of their access

management. With left hand turns he didn't think there was any way to improve the geometry of the intersection.

Mr. Nay asked what recourse the city has to ensure that the west gate remains privately held and only the city controls it in the future. Ms. Nixon said she believes the city would be held to its own requirement in perpetuity.

Mr. Nay defended the traffic engineers, stating that their stamp is their career. They do everything in their power to make sure that they offer accurate information. They're looking at not just local areas, but they're looking in the context of the larger area. And what seems like large projects to the public 42 apartments in the big scheme of the road network, it's a very small number. And so often you will find that when a project of this scope comes into an intersection, and the intersection is close to failing or already failing, it isn't going to change the fact that that that intersection is close to failing remains failing. They tend to be above-the-board people trying to do the right thing just like everyone else in this room would do.

Ms. Patterson a long-time member of the commission, shared her thoughts on the Applegate project. She expressed shock at the developer's opposition to installing a masonry wall as a basic measure to mitigate the impact on neighboring residents. She believed the height and quality of the wall were crucial for being good neighbors. Similarly, she emphasized the importance of clear communication between Applegate LLC and Applegate HOA, as some residents seemed unaware of the distinction. Ms. Patterson acknowledged the frustration and lack of communication on both sides, urging improved dialogue between the developers, residents, and HOA. She emphasized that the project's impact on the neighborhood and Applegate residents warranted transparent and inclusive communication. She feels comfortable leaving the condition regarding naming the streets because the applicant can work that out with the county regarding how they're going to name it.

Mr. Nay agreed with her comments.

Mr. Nay made the motion to grant the Conditional Use Permit to allow the proposed Fuji townhouse located at approximately 770 West Applegate Drive subject to the following conditions:

1) The project shall meet Murray City Engineering requirements including the following:
    a) Meet City subdivision requirements and standards – City Code Title 16.
    b) Meet City storm drain requirements, on-site detention and retention of the 80$^{th}$ percentile storm is required. Implement Low Impact Development (LID) practices.
    c) Provide an LID and drainage summary report.
    d) Storm drain detention and retention areas should not be used as dog parks.
    e) Sidewalks, pedestrian ramps, and crosswalks must meet current City and ADA Standards.
    f) Meet City street standards – street grades should not be less than 0.5% and no greater than 10%. Tapers or smooth transitions should be provided at street connections and curves should not impede line of site.
    g) Meet City utility requirements and provide PUE's within and along the proposed street.
    h) Provide plan and profile drawings of the proposed street and utilities.
    i) Provide emergency only access gate meeting Fire Department requirements at Fuji connection to Spring Clover Drive.

j) Provide new water, sewer and storm drain in street and reconnect existing utilities to the new utility lines.
k) Maintain access and utility connections for the existing Applegate community.
l) Based on the proposed street geometry, provide a design speed and speed limit signs.
m) Provide stop signs and coordinate markers at all street intersections and no parking signs along the proposed street.
n) Provide street lighting.
o) Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning site construction work.
p) Obtain a City Excavation Permit for work in the City right-of-way.

2) The existing cellular tower shall be relocated off the subject property prior to recordation of the Amended Applegate Subdivision and prior to issuance of any building permits.
3) The project shall meet all applicable Fire Code standards including number and placement of hydrants, adequate fire flow, and appropriate emergency service access.
4) The applicant shall install "No Parking" signage and be enforced on Fuji Avenue for adequate fire safety access.
5) The project shall meet all Water, Wastewater and Power Department requirements.
6) The applicant shall work with the Murray City Water Division to correct the design issues identified in this report.
7) The applicant shall install an eight-foot (8') solid masonry wall adjacent to all single-family dwellings.
8) The creation of the new parcel/lot on a private accessway prohibits any future potential subdivision for individual ownership (townhomes) per Section 16.16.090.
9) The applicant shall remove the dog park from the detention basin area.
10) The applicant shall provide an updated formal landscaping plan prepared and stamped by a licensed Utah Landscape Architect for all landscaping improvements on or associated with the project, meeting all requirements of Section 17.68 of the Murray City Land Use Ordinance prior to the first building permit submittal.
11) The applicant shall provide amended Declarations for both the Applegate Condominiums and the Fuji Townhomes that demonstrate the clear shared use, maintenance, and improvement of the existing clubhouse and pool, and that demonstrate the necessary shared access and parking agreements will continue in perpetuity. A copy of the recorded Declarations shall be provided to the Planning Division.
12) The applicant shall provide a copy of the recorded Reciprocal Easement Agreement to the Planning Division.
13) All new dwellings shall meet the maximum height of the R-M-15 Zone (Section 17.120).
14) The applicant shall provide complete plans, calculations, and soils reports for building permit submittals and to meet all Building Code requirements.
15) The applicant shall meet all of the R-M-15 Zone (Section 17.120) requirements.
16) The applicant/property owner shall obtain a business license for the rental units.
17) The sidewalk on the proposed (lot/parcel) shall be extended on at least one side of the private access on Gravenstein Park Drive.

Mr. Nay made the motion to grant the Preliminary and Final Subdivision Amendment approval for the proposed Applegate Condominiums Amended Subdivision on property located at 770 West Applegate Drive subject to the following conditions:

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

following:

a) Meet City Subdivision requirements – City Code Title 16.
b) Meet Salt Lake County's requirements for plat recording – reviews by Salt Lake County Surveyor's Office and Recorder's Office are required.
c) Meet Salt Lake County addressing requirements for street name and unit addressing – Fuji Avenue needs to be changed to Fuji Way or Fuji Drive.
d) Delineate and designate with dimensions, boundaries, courses, and address coordinates the proposed street. Suggest showing this on a 2nd sheet with a 1" = 40' or larger scale so that it's legible.
e) Dedicate the triangular piece of property that extends into Spring Clover Drive to Murray City.
f) Dedicate the strip or property south of Applegate Drive that extends into Murray Blvd.
g) Recommendation – work with the property owners at 5313 South Majestic Village Cir. and 839 West Spring Clover Dr. to clean up the property line discrepancies.
h) Show drainage easements in locations that have drainage facilities.
i) Meet City storm drain requirements, on-site detention and retention of the 80th percentile storm is required. Implement Low Impact Development (LID) practices.
j) Provide an LID and drainage summary report.
k) Sidewalks, pedestrian ramps, and crosswalks must meet current City and ADA Standards.
l) Meet city street standards – street grades should not be less than 0.5% and no greater than 10%. Tapers or smooth transitions should be provided street connections and curves should not impede line of site.
m) Meet City utility requirements and provide PUE's within and along the proposed street for proposed gas, electric and communication lines.
n) Provide full plan and profile drawings of the proposed street and utilities.
o) Provide emergency only access gate meeting Fire Department requirements at Fuji connection to Spring Clover Drive.
p) Provide new water, sewer and storm drain in Fuji.
q) Based on the proposed street geometry, provide a design speed and speed limit signs.
r) Provide stop signs, coordinate markers at all street intersections and no parking signs along the proposed street.
s) Provide street lighting – show locations and type on site plan.
t) Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning site construction work.
u) Obtain a City Excavation Permit for work in the City right-of-way.

2. The existing cell tower shall be relocated prior to recordation of the amended plat and prior to issuance of any building permits.

3. The applicant shall meet all International Fire Code (IFC) 2018.2021 along with National Fire Protection Association (NFPA) codes. Meet all standards including the number and placement of hydrants, adequate fire flow, and appropriate emergency service access and gates. See Department Comments for further details.

4. The applicant shall install and enforce "No parking" signage on Fuji Avenue for adequate fire safety access.

5. The project shall meet all Water, Wastewater and Power Department requirements.
6. The applicant shall install an 8-foot-high solid wall adjacent to any single-family dwellings and must be installed prior to construction of any new dwellings.
7. The sidewalk shall be extended to the property line on Gravenstein Park.
8. The applicant shall provide amended Declarations for both the Applegate Condominiums and the Fuji Townhomes that demonstrate the clear shared use, maintenance, and improvement of the existing clubhouse and pool, and that demonstrate the necessary shared access and parking agreements will continue in perpetuity. A copy of the recorded Declarations is required to be provided to the Planning Division.
9. The applicant shall prepare a Final Amended Subdivision Plat with complies with all requirements of the Murray City Land Use Ordinance and with Title 16, Murray City Subdivision Ordinance and meet Salt Lake County Recorder's requirements.
10. The amended subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.

Mr. Hacker seconded. Roll Call Vote:

A Pehrson
A Nay
A Patterson
A Hacker
A Richards

Motion passed 5-0

DISCUSSION ITEM(S)
No additional items for discussion.

ANNOUNCEMENTS AND QUESTIONS
No announcements for this meeting

ADJOURNMENT

Mr. Nay moved to adjourn tonight's meeting at 8:55 p.m. Seconded by Ms. Patterson. A voice vote was made, motion passed 6-0.

Community Development Director