

Minutes of the Planning Commission meeting held on Thursday, August 3, 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/>. Individuals wishing to make comments on an agenda item may submit comments via email at planningcommission@murray.utah.gov.

Present: Jake Pehrson, Chair
 Lisa Milkavich, Vice-Chair
 Ned Hacker
 Michael Richards
 Travis Nay
 Maren Patterson
 Susan Nixon, Senior Planner
 Zachary Smallwood, Senior Planner
 Mustafa Al Janabi, Planner 1

Excused: Jeremy Lowry

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

Commissioner Nay moved to approve the minutes from the June 15, 2023 Planning Commission meeting. Seconded by Commissioner Hacker. A voice vote was made, motion passed 6-0.

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.

CONDITIONAL USE PERMIT REVIEW

Magnolia Rouge Day Spa - 4700 South 900 East #18 – Project #23-082

Mr. Al Janabi presented the application for Racheal Tani, who is requesting a conditional use permit to operate a tattoo parlor inside an existing day spa business, Magnolia Rouge Day Spa. This business is located in the C-D, Commercial Development zone. This zone allows for tattoo shops. The applicant wants to utilize a 206 square foot shop in a day spa business. No changes shall be done to the interior. The entrance to the spa shall remain the same from 900 East 4700 South. Three (3) parking spaces are required for this spa. The existing building has sufficient parking to accommodate the proposed use with 32 total spaces available. There is no direct frontage on the street, so there will be no need for any landscaping requirements. Staff recommends approval subject to the following conditions:

Ms. Tani indicated that she would be able to comply with these conditions.

There were no comments, questions, or public comment for this application.

Commissioner Hacker made the motion that the Planning Commission approve the conditional use permit to allow a tattooing business at the property address 4700 South 900 East, Unit 18, subject to the three conditions listed:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The project shall comply with all applicable building and fire code standards.
3. The applicant shall obtain permits for any new attached or detached signs proposed for the business.

Seconded by Commissioner Nay. Roll call vote:

A Pehrson
A Milkavich
A Hacker
A Richards
A Nay
A Patterson

Motion passes 6-0

TD Sports West - 321 West Quail Trax Place – Project #23-083

Ms. Nixon presented the application for Jana Johnson from TD Sports West, who is requesting approval to allow a sports court installation contractor business on the property. This property is located in the M-G, Manufacturing General zone. The building is located within the Quail Trax Industrial Park which is 1.92 acres. The building that they are in is 9,700 square feet. They are leasing 3,150 square feet on the far west side. Based on the uses for office and warehouse it requires a total of four parking spaces, which meets the parking requirements for this use. The business has four onsite employees and seven offsite contractors and installers. The satellite business is out of their corporate offices in Los Angeles. They exceed the minimum landscaping requirements of four trees and shrubs. Ms. Nixon noted that, during her site visit, she observed some wood pallets in the parking lot. Those should be removed from the parking lot, if they belong to that business. Ms. Nixon noted the dumpster, located the parking lot, should be inside the dumpster enclosure, at all times, other than when there's garbage collection. She put that as one of the conditions of approval. Staff recommends that the Planning Commission approve a Conditional Use Permit to allow a sports court installation contractor business at the property addressed 321 West Quail Trax Place, subject to conditions.

Ms. Johnson indicated she could comply with the conditions.

Public comment period was opened.

Daniel Flinders, who also works at TD Sports, wanted to mention a couple things that were brought up. The pallets are placed there by a number of businesses in the complex. They

normally have someone collect the pallets each week. That person hasn't been showing up. Mr. Flinders will take care of that himself. He indicated that the trash won't fit in that enclosed space. He said there is one trash collector who services the dumpster for all the businesses in the complex.

Public comment was closed.

Commissioner Milkavich raised concerns regarding the issues with the dumpster and asked if more discussion was needed on the topic.

Ms. Nixon stated that the code requires the dumpster to remain enclosed at all times. She said if that dumpster won't fit in the enclosure, then the complex owner must get a smaller dumpster or have the space for the current dumpster enlarged. She suspects that originally the owner had a smaller dumpster, but needed to get a larger one to accommodate more trash. The owner must address the issue for the application. She stated it is a difficult situation where the applicant is asking for approval, and that is one of the conditions, but the owner is the one who must make the improvements. They will have to reach out and hope the owner comes into compliance soon.

Commissioner Milkavich asked Ms. Nixon to clarify what happens if the tenant informs the owner that the situation with the dumpster needs to be addressed, and the owner won't take care of it.

Ms. Nixon said the applicant can't proceed. It won't matter who the tenant is, any conditional use permit application will be up against the same issue. Eventually, it will become an enforcement issue if the owner chooses not to address it.

Chair Pehrson stated that the owner is out of compliance, even if they have no applicants.

Commissioner Nay stated that if you look at the image, it looks like it's difficult to get a truck in and out of there. There's an outcropping of the curb on the south side.

Ms. Nixon agreed, stating that sometimes people don't factor that in when in designing the property, but obviously that is where they selected to have the dumpster, so they need to make it work.

Commissioner Nay said If they expanded it and installed another doorway, it would also give them pallet storage.

Ms. Nixon said that might be the easiest solution to just expand the enclosure.

Commissioner Milkavich asked if the owner would need to get a permit from the city in order to expand the enclosure. Ms. Nixon said they would have to get a permit.

Chair Pehrson asked if there were any other comments or discussion.

No additional comments or discussion occurred.

Commissioner Patterson made a motion for the Planning Commission to approve the conditional use permit to allow the sport court installation contractor business at the property address 321 West Quail Trax Place subject to the four conditions:

1. The applicant shall obtain a new Murray City Business License for this location.
2. The project shall comply with all applicable building and fire code standards.
3. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
4. The existing dumpster needs to remain in the enclosure at all times, other than garbage collection times.

Vice Chairman Milkavich seconded the motion. Roll Call vote:

A Pehrson
A Milkavich
A Hacker
A Richards
A Nay
A Patterson

Motion passes 6-0

SUBDIVISION REVIEW

Cats Hollow Subdivision - 426 & 444 East 5300 South – Project # 23-081

Ms. Nixon presented the application for Scott Peterson, on behalf of the Dematha Subdivision, to allow an amendment to the subdivision, combining lots one and two, creating Cats Hollow Subdivision. Three years ago, the Planning Commission reviewed and approved a preliminary final approval for the Dematha subdivision, which is addressed 426 East, 446 East, and 468 East. Mr. Peterson has applied to combine lots one and two of the Dematha Subdivision. He currently lives on lot two and has recently acquired lot one. He doesn't have to combine them, but if he wants to do anything on the other property in the future, such as add structures or expansions, he'd need to have the lots combined. There are currently no improvements that need to be made. Combining of lots one and two will make the lot just over a half-acre (22,512 square feet), which exceeds the minimum required in the R-1-8 zone. The front, rear and side yard setbacks meet minimum requirements. Per Ms. Nixon's recommendation, Mr. Peterson agreed to change the front setback to be 25 feet on the plat, which is more consistent with the R-1-8 zone. Mr. Peterson will need to change the plans prior to recording the plat.

Forty-three notices were sent out. One email was received and will be read into the record. Based on the application and our code, staff recommends that The Planning Commission approve preliminary and final subdivision for Cats Hollow subdivision based on the seven conditions as outlined.

Mr. Peterson stated he would be able to comply with the conditions. He said he met with Mr. Healy, one of the residents, who grew up in the home when it was first built in the 1940's. Mr. Peterson said he's really excited to bring that heritage back and if any future family members visit, they can enjoy the space.

Public comment was opened.

John Eicholtz, a nearby neighbor, wished to comment that he doesn't see a problem with approving the application but is concerned about the future density in the area. He says eventually that house will be torn down and this will allow a bigger house to go there. His own property eventually will be sold and it will allow another flag lot there. He feels that nothing will be able to be done about the future density because the new houses built will meet the ordinance requirements. He doesn't feel that's a good thing.

An email was read from James and Colleen Dervis, nearby neighbors. They agree with combining the lots. They state that they never wanted the Dematha Subdivision in the first place, so they are very happy with the proposal to combine lots one and two.

Commissioner Richards made the motion to approve the amendment for Lots One and Two of the Dematha Subdivision and grant preliminary and final subdivision for Cats Hollow Subdivision for the properties addressed 426 & 444 East 5300 South subject to the seven conditions :

1. Meet the requirements of the City Engineer, including the following:
 - a. Meet City Subdivision requirements and formatting standards – City Code Title 16.
 - b. Consolidate the plat and signature blocks onto sheet 1.
2. Meet the Power, Water, Sewer and Fire Department requirements.
3. Meet all requirements of Section 17.100 of the Murray Land Use Ordinance for the R-1-8 Zone.
4. The project shall meet all requirements of the Murray City Land Use Ordinance.
5. Amend the plat to show a 25' front setback.
6. The applicant shall prepare the Subdivision plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance
7. 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.

Commissioner Hacker seconded the motion. Roll Call Vote:

A Pehrson
A Milkavich
A Hacker
A Richards
A Nay
A Patterson

Motion passes 6-0

TRAINING

Traffic Engineering Training was provided by Ryan Hales of Hales Engineering. He stated that traffic engineers try to bridge the gap between a city's master plan and the traffic on the ground. They look at planning projects and try to determine how many trips a project will generate. They attempt to project into the future. They review UDOT traffic studies as well. All signal warrants, crosswalk speed studies, and passing zones anywhere in the state are reviewed by Hales Engineering. They look at land use, but also at roads – they try to bring the two of those together. Traffic impact studies are how they go from the general plan to the transportation master plan,

and then down to a more detailed level. When they look at different types of traffic impact studies, they talk about trip generation. They refer to a compendium of documents called the ITE Trip Generation Manual, and they can look up the land use office space. They can look at some of those and identify what the trips are going to be from one of those types of places.

Vice Chair Milkavich asked how often the ITE Trip Generation Manual is updated. Mr. Hales said that it's updated every five to ten years. When a new business goes in, that isn't part of the most recent ITE manual, traffic engineers must do manual counts of trips as part of a traffic study, sometimes evaluating before and after a new project.

Vice Chair Milkavich asked how is impact measured. Mr. Hales said the manual on Uniform Traffic Control Devices outlines warrants that traffic has to meet in order to determine level of service. Computer simulation is used, with light timing and volume, to assist in determining level of service. The levels of service are graded A through F. Each light can range in levels of service depending on the time of day. This information helps determine speed limits and how the timing of lights is set, along with the direction of traffic flow (north-south, east-west).

Vice Chair Milkavich asked if they count the trips differently at intersections with drive-thru businesses, like Swig or Starbucks, because they are different than McDonalds. Mr. Hales said they do go to those intersections and physically count the trips.

Vice Chair Milkavich asked how they address traffic at ski resorts. Mr. Hales said in this case they have cameras set up at drop-off points to count trips. The cameras monitor the parking patterns.

Commissioner Patterson commented that residents are often upset by new mixed-use development because of the amount of traffic they feel it will generate. She wanted to know how they can best explain that mixed-use development is going to improve the situation, not make it worse.

Vice Chair Milkavich commented that there's a gap in understanding with the public about what is considered good in terms of traffic.

Commissioner Patterson said that she feels residents don't care that the new projects will benefit them, or that the overall level of service will improve. She feels they are just against mixed-use development.

Vice Chair Milkavich said that residents are often concerned about the number of cars and the speed of the vehicles.

Commissioner Nay stated that residents say they don't want a new project because of the speed of the vehicles, but the reality is that these residents already live there and are the ones speeding. The new project isn't going to impact that.

Commissioner Hacker said that part of the problem is that residents don't believe professionals, such as Mr. Hales. They disagree with the data presented by experts in the field.

Commissioner Patterson asked how they can help residents understand that when a mixed-use project is presented to them, their primary concern is the traffic.

Vice Chair Milkavich still feels it's frustrating to explain to residents that the commission has been given good data, and a traffic study has been performed, but residents are still quite resistant to a new project in their area. Mr. Hales suggested showing residents the data from the trip generator before and after the mixed-use project is developed, to show them that it is probably a ten percent to thirty percent reduction in traffic.

Commissioner Nay asked Mr. Hales to talk about the number of trips generated by a three-bedroom apartment versus a three-bedroom home. Mr. Hales stated that single-family home generates about ten trips a day. A multifamily unit will generate about six to seven trips a day. This is possibly due to differences in affluence. Those who own homes tend to have more children (in Utah) and own more vehicles. Those who own homes tend to be more affluent and make more trips to purchase more items or eat out. In Utah, the average number of daily trips is more like fourteen trips, instead of ten, which is the national average.

Mr. Hales and the commissioners discussed how townhomes may affect the trip count, but that will remain to be seen in future. They also discussed how COVID affected trip counts uniquely during 2020, as well as the increase in the use of Doordash, Grubhub, Uber, Lyft. Mr. Hales stated that the goal of mixed-use development is to keep residents in a concentrated area, minimizing the number of trips.

The commissioners discussed how residents still desire to have development of single-family neighborhoods, with nothing over two stories.

Mr. Hales cited examples of Thanksgiving Point and New York City and the impact that mixed-used development had on distributing the traffic more consistently throughout the day, instead of in concentrated pockets, and the benefit this had on the community. He discussed how having residents around when businesses are closed provides security.

Commissioner Hacker said that, in mixed-use developments, many residents don't want vehicles, because they are using public transportation, walking, or biking to work. He did say that people coming from other parts of the country like California, Washington or Seattle don't see the traffic in Utah as a problem. The problem is the perception, because Utah used to have no traffic, so any traffic seems awful to current residents.

Chair Pehrson acknowledged those comments that address the reason why Utahns perceive that there is so much traffic, and that it's something new. He feels that residents target traffic because they feel it's something they have control over. He feels the planning commission needs to do a better job of educating residents.

Chair Pehrson asked Mr. Hales how often his company does a traffic study where they find there is no bad traffic. Mr. Hales said they do not find A's in the valley any longer. They now find intersections that are F's and they can't fix. He emphasized to Chair Pehrson that all the commission can do is build in the areas where they want future growth, even if they hear complaints from residents. The reality is that Utah is growing and the people have to live somewhere. The commission has to control the density in certain areas by directing the growth in more thoughtful ways.

Vice Chair Mlikavich said she felt they missed an opportunity by not having the city council attend the training.

Commissioner Nay said that he wants residents to think about how many vehicles they themselves have when they raise complaints about the increased traffic, because they are part of the problem. He pointed out that, even if Murray City didn't continue to build anything, the problem would still get worse, because Murray is located in the middle of the valley and all the municipalities around Murray are growing. All the cities comprise a regional network.

Mr. Smallwood asked if anyone has ever considered changing what's considered and acceptable level of service. He asked if the scale should be changed, because a C or a D would be considered a bad grade in a school setting.

Mr. Hales said it's best not to equate the grades with school grades. In the traffic setting, C's and D's are acceptable and functional. He also stated if cities tried to build for a level of service, intersections might be seven lanes wide, instead of a two or three lane road. A seven-lane road is not practical.

Mr. Hales talked about the use of computer-generated scenarios, in addition to traffic studies. Simulations will play out different models to manipulate traffic to see what works best. Some options include modified intersection striping, adding turn pockets, changing the type of signals, and adding protected green arrows.

Mr. Hales talked about parking issues. Most businesses use a demand-based equation to determine what they think their needs will be instead of a supply-based equation. Businesses usually have more parking than is needed. For apartments, the problem is the opposite. They tend not to have enough parking. Some complexes charge renters to purchase parking spots. Renters will opt to pay for one spot and then renters park on the street, creating new problems for the city.

Vice Chair Milkavich commented that it's difficult to push renters to use less parking when most families still own two cars.

Mr. Hales said the answer isn't just taking parking away from residents. He said that one thing that can be done is to offer rideshare onsite at complexes, as well as access to light rail. Developing mixed-used neighborhoods around transit, and creating walkable communities, is what needs to be done. Adding bicycle and pedestrian paths to existing roads will facilitate the use of transit and reduce the need for more parking.

Once the presentation was complete, a public comment period was opened.

Ms. Nixon read a public comment from Clark Bullen. Mr. Bullen asked why the planning commission doesn't do a traffic study before changing zones. He asked if there is any way to hire a firm that does traffic studies that is not paid by the project developer. He wants to know if that is done in any other municipalities. He asked how much does the study cost. Could the neighbors in the area hire one of their own to look at the project details. How often does it occur that a traffic study leads to not recommending that a project proceed. When is the last time that happened in Murray. Under what circumstances would a recommendation of non-approval be made. Should the traffic studied consider all possible unlikely zone changes in the area instead of one at a time, for example, such as the changes near the 5300 South and 700 West intersection. Does the traffic study take into consideration what is already laid out in the

transportation master plan. If someone moved into an area because they looked at the transportation master plan, and did not anticipate a high volume of traffic, but that has changed with the approval of a new project, would there have any recourse to appeal that decision. If the city wanted to reduce traffic on State Street between 4500 south and 5300 South, how would they go about doing that.

Mr. Hales thanked Mr. Bullen for his questions. He said that traffic studies really do bridge the gap between transportation master plan and general plan. A general plan is a guiding document what a city wants to do long term. It's general land use plan that looks at things broadly. It doesn't drill down to the level of zoning. A traffic study doesn't drill down in the planning and zoning side of things. It's too hard to go that deep and look at that micro scale. A city prepares its general plan, and then creates a transportation master plan. From there, a city can identify improvements, then those improvements go into the capital facilities plan. Then the capital facilities plan is taken into typically an IFFP and an IFA impact fee facilities plan and impact fee analysis. The next step is to develop the cost that is generated from impact fees to make those improvements that are identified in the transportation master plan. The general plan document is a guiding document. That's usually the one that he would look at if he were buying a home. He would also look at the transportation master plan and looks to see what's generally planned in the areas.

Commissioner Nay said that market forces are constantly evolving and changing and what's in favor now may fall out of favor later. Market forces are too dynamic to plan for.

Ms. Nixon answered the question about doing a traffic study before changing zones. She says that planners often suggest to the developers that they do traffic study in conjunction with general plan and zone change requests, which they are oftentimes very willing to do it, so that they know for themselves.

Commissioner Patterson commented on Mr. Bullen's question about paying for traffic studies, stating that developers are not colluding with traffic engineering companies. She asked how much traffic studies cost.

Mr. Hales said that because of the development process, it is expensive. Developers take on the risk and pay for those studies, because sometimes they might not build the project. Rather than the municipality paying for it, and then having the project go away, it would be a sunk cost, that would be very expensive for a city to do. As long as all the key elements are there, then it's been done correctly, you can trust that it's accurate. Traffic and civil engineers stand by a code of ethics. By way of having registration, that practicing engineer had to pass a certification test, which includes a section on ethics. Engineers are bond to their ethics. There is no bias towards developers. Because a developer hired someone doesn't mean that they bias the study. An engineer's stamp is their livelihood.

Chair Pehrson commented that a developer is not going to go to a traffic engineer and say they need them to show that there's no traffic coming out of a proposed development.

Mr. Hales said that what they find when they have citizens hire them for studies, it's because they've got a different opinion, they want to make sure that it was done correctly. Mostly it's an engineering firm wanting a different engineer just to make sure that everything was done correctly.

Commissioner Patterson said that to answer Mr. Bullen's question if residents want to pay for their own traffic study, they certainly can.

Commissioner Nay asked what standing does Mr. Bullen have if he does pay for his own traffic study to come before the planning commission to make any demands.

Mr. Smallwood said that it depends on the level of review. There are legislative actions and administrative actions. If it were reviewing a specific project for a design review that already is zoned for, in the MCCD, you can only impose conditions to mitigate impacts. It wouldn't have a lot of standing. If it's a legislative action, where you're making a recommendation to the city council, you can consider that more like a zone change.

Vice Chair Mlikavich asked how much a traffic study would cost. Mr. Hales said it really depends on the project, but can range from \$2,000 to \$20,000. A trip generation study can range from \$1,000 to \$4,000.

Commissioner Nay asked what the typical lead time is for a study. Mr. Hales said a trip generation study can be done within about a week to two weeks. A traffic impact study can take anywhere from two to six weeks. They are thorough reports, ranging from sixty to eighty pages.

Chair Pehrson asked, with all Mr. Hales knowledge and experience, what is the number one thing decision makers can do to help with traffic. Mr. Hales said the answer is implementation. Once issues are identified, it's about moving forward with getting them constructed, whether that means an impact fee or working with UDOT. It's about getting the right parties to the table. Oftentimes, the engineer gives the developer a list of things they need to do to make their project work. It can include installing a traffic signal, which can cost \$400,000 to \$450,000. Sometimes a project warrants something that big. Sometimes it's putting in a right-turn pocket. It's between the traffic study and getting it onto the pavement is the biggest concern.

Chair Pehrson stated that he thinks there is a problem as a city. The planning commission sees a traffic study, the engineer makes the recommendation, then the development project is approved. Next, the planning commission agrees to the engineer's recommendations, but the project goes nowhere, or it takes three years to be completed.

Chair Pehrson asked about the technology related to lights with cameras and vehicle counting. He asked if Mr. Hales envisions a future where traffic lights are operated by AI, instead of with timers, routing traffic in real-time.

Mr. Hales said it's essentially already doing that. They currently use programs that are ahead of their time. He said that UDOT is very progressive and leads the country in signal timing technology. They use large algorithms that look at traffic flows and then make adjustments to the signal timing. UDOT is doing a really good job.

The commission thanked Mr. Hales for the training.

ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Thursday, August 17, at 6:30 p.m MST in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

There will be an MCCD area plan open house on August 14, 2023 from 6 p.m. to 9 p.m. in the Council Chambers. Consultant Ben Levenger will be there. This will be a listening session for the public, as well as follow-up to last year's survey. Then there will be a meeting on September 6, 2023 that will discuss the concepts and ideas that have resulted from the listening session.

There will be a joint city council meeting between Millcreek City and Murray City on August 21, 2023, regarding the Murray North Station area plan. Jennifer Kennedy has more information.

ADJOURNMENT

Commissioner Nay made a motion to adjourn at 8:55 p.m., seconded by Vice Chair Milkavich. Motion passed 6-0.

A handwritten signature in black ink, reading "Philip J. Markham". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Philip J. Markham, Director
Community & Economic Development Department