



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

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

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

**BUSINESS ITEM:**

1. Conflict of Interest

**EXPANSION OF NONCONFORMING STRUCTURE**

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

**APPEALS**

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

**OTHER BUSINESS**

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

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



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Jared Hall  
Director



## AGENDA ITEM #2 - Nathan Kirkham

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



## I. LAND USE ORDINANCE

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

## II. PROJECT REVIEW

### Subject Property + Background

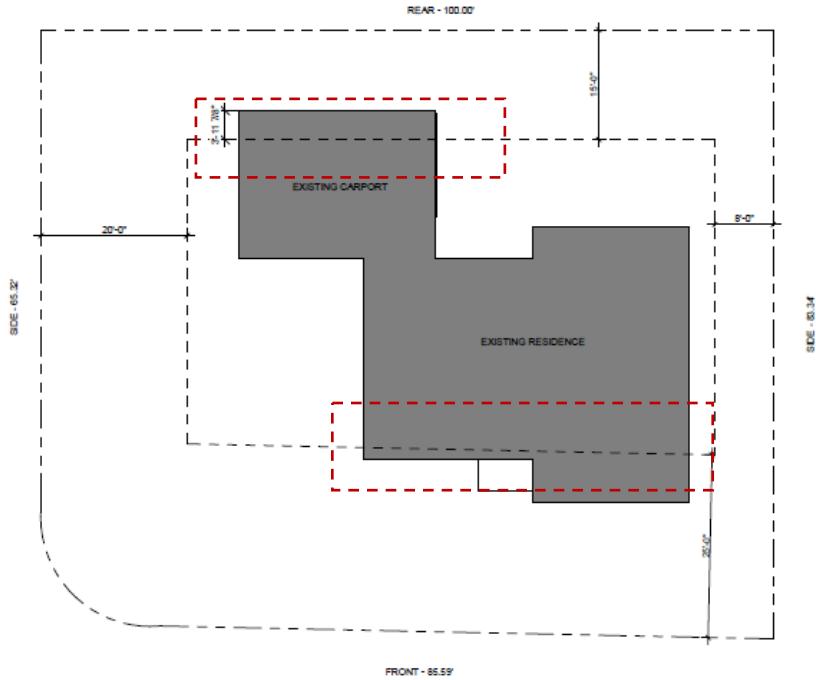
The subject property is a single-family residence located along the south side of Silver Shadow Drive. The request for expansion is to allow the property owner to make some additions and modifications to the existing home, including a 1,142 ft<sup>2</sup> addition into the large corner side setback on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

### Proposed Addition

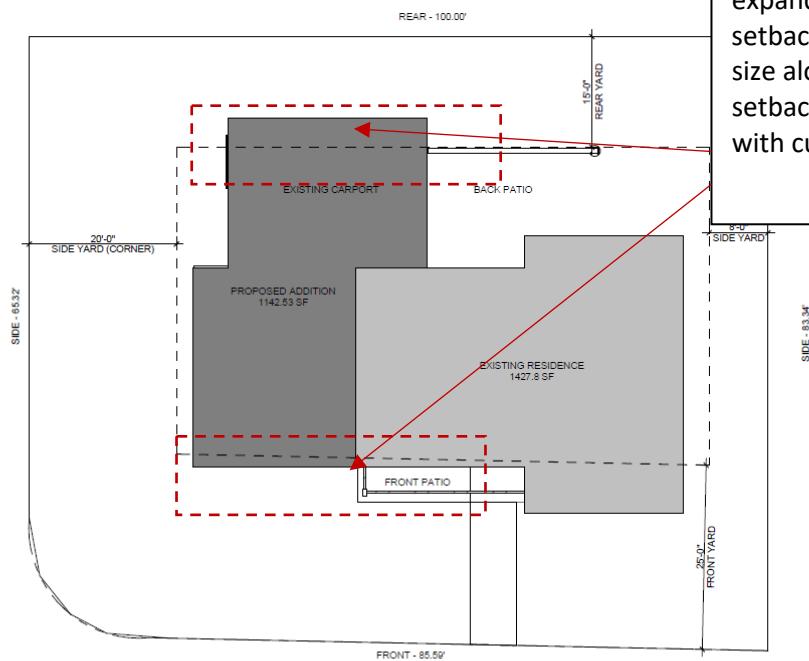
The house was constructed in 1963, and does not meet current requirements for front or rear setbacks in the R-1-8 Zone. The site plan provided by the applicant shows the following setbacks:

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

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



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





*Subject property, looking north from Silver Shadow Drive*



*Subject property, rendered elevation looking north*

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

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

## IV. FINDINGS

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

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

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

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

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

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

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

## V. CONCLUSION / RECOMMENDATION

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

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



## Applying for a Zoning Variance or Appeal

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

### Overview

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

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

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

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

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

**Submittal Deadline:**

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

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

**Meeting Dates:**

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

**Application Fee (Non-refundable)**

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

**Application Process:**

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

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

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

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

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

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

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

# HEARINGS OFFICER APPLICATION

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

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

Variance       Expansion of Non-Conforming Use       Appeal

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

Parcel Identification (Sidwell) Number: 22201520040000

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

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

Applicant Name: Nathan R. & Robin Kirkham

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

City, State, ZIP: Murray, UT 84107

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

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

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

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

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

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

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

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

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

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

storage into garage. No further encroachment will occur.

Authorized Signature: 

Date: 4-18-22

4/18/22

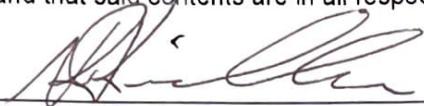
## Property Owners Affidavit

STATE OF UTAH

§

COUNTY OF SALT LAKE

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

  
Owner's Signature

  
Owner's Signature (co-owner if any)

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



Laurie Howell  
Notary Public

Residing in Utah, Salt Lake

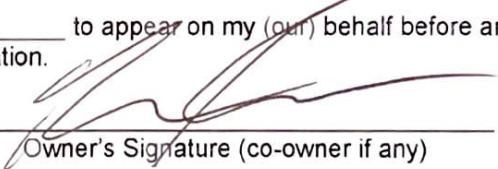
My commission expires: 4/6/26

### Agent Authorization

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

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

  
Owner's Signature

  
Owner's Signature (co-owner if any)

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

Laurie Howell  
Notary Public

Residing in Utah, Salt Lake

My commission expires: 4/6/26



## **VARIANCE ANALYSIS FORM**

(To be filled out by the applicant)

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

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

No.

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

No.

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

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

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



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

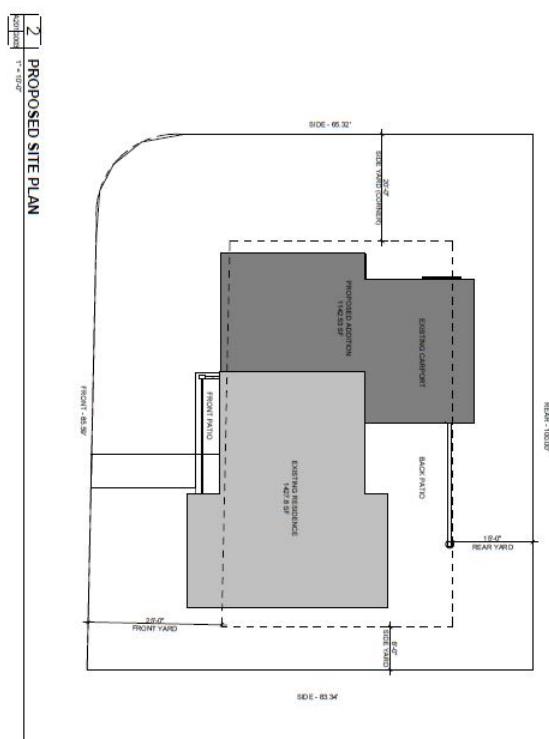
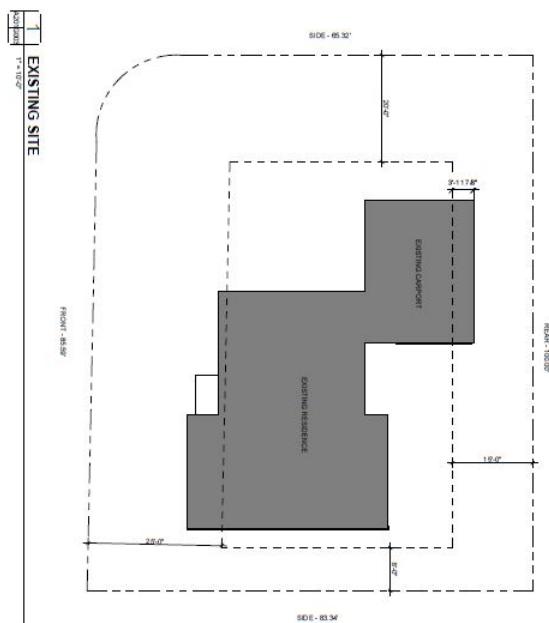
This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer for **Wednesday, May 11, 2022, at 12:30 p.m.** in the Murray City Municipal Council Chambers located at 5025 S. State Street regarding the following application: **Nathan and Robin Kirkham, are requesting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

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



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

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



Murray City Public Works Building

4646 South 500 West

Murray, Utah 84123

# Kirkham Residence Remodel

751 E. Silver Shadow Drive  
Murray, Utah



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

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

# DESIGNER

# MODIFY DESIGN+BUILD

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

# CONTRACTOR

# ENGINEERING

# SHEET INDEX

## ARCHITECTURAL

G003	SITE PLAN
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## GENERAL

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

## CIVIL

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

## LANDSCAPE

L101	(LANDSCAPE ARCHITECTURE SHEET)
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## STRUCTURAL

A14	STRUCTURAL PLAN - LEVEL 02
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S101	(STRUCTURAL SHEET)
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## ARCHITECTURAL

A101	MAIN LEVEL PLAN
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A102	UPPER LEVEL PLAN
------	------------------

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

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

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

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

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

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

A702	UPPER LEVEL REFLECTED CEILING PLAN
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D101	MAIN LEVEL DEMOLITION PLAN
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## ELECTRICAL

MEP1 01	MAIN LEVEL MEP PLAN
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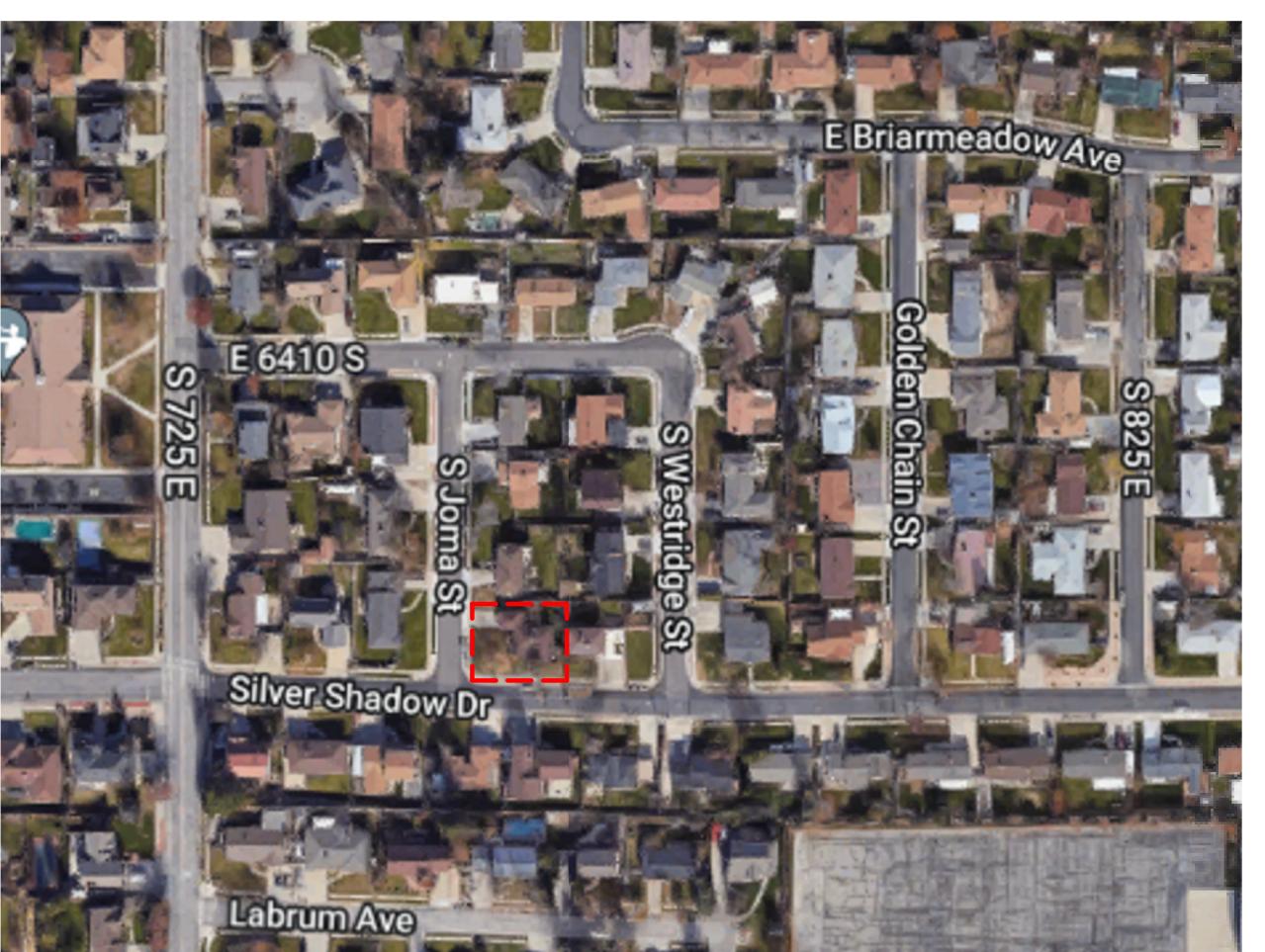
## MECHANICAL

ME101	(MECHANICAL-ELECTRICAL SHEET)
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M101	(MECHANICAL SHEET)
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## ELECTRICAL

E101	(ELECTRICAL SHEET)
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## CODE & ZONING INFORMATION

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

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

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

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

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

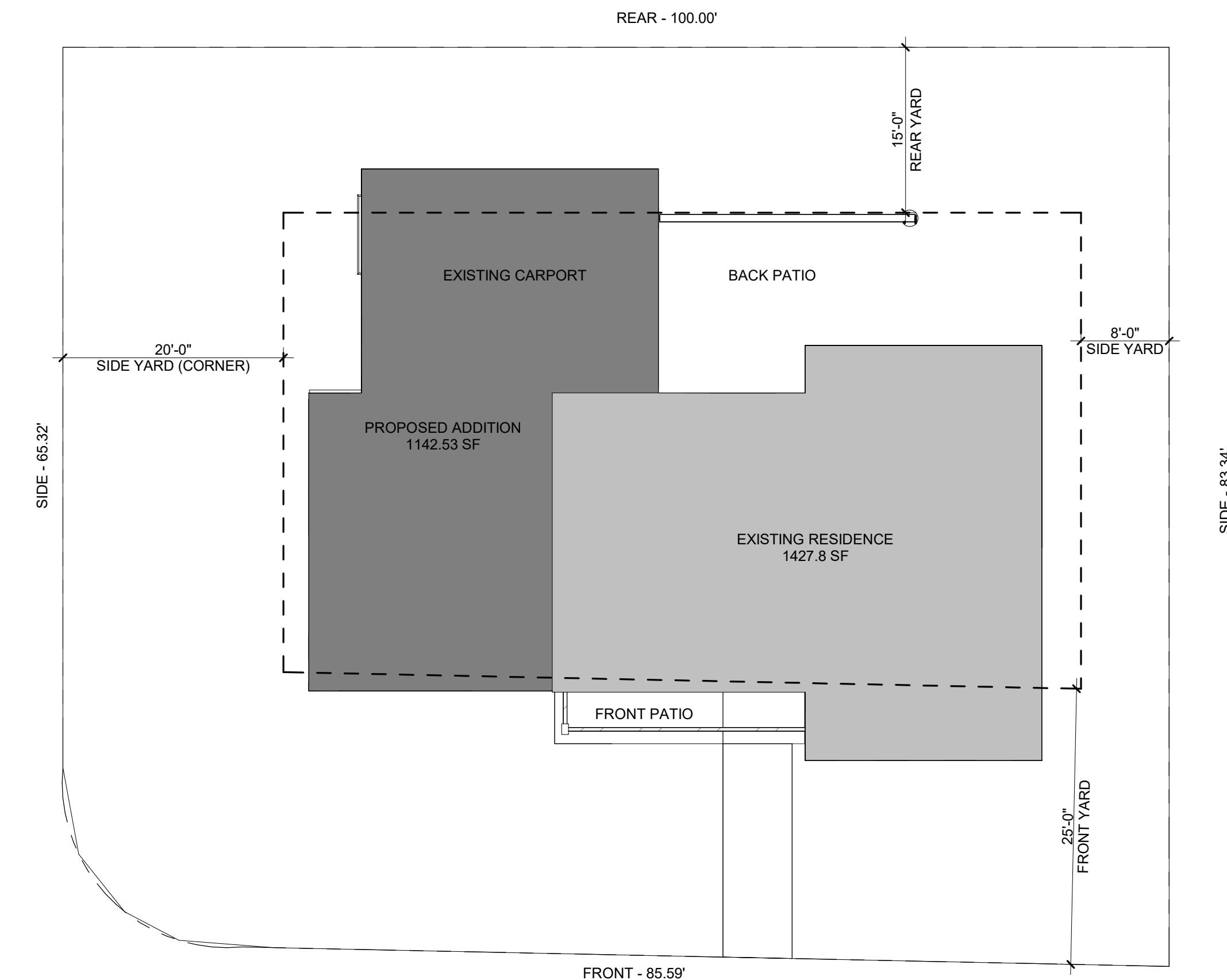
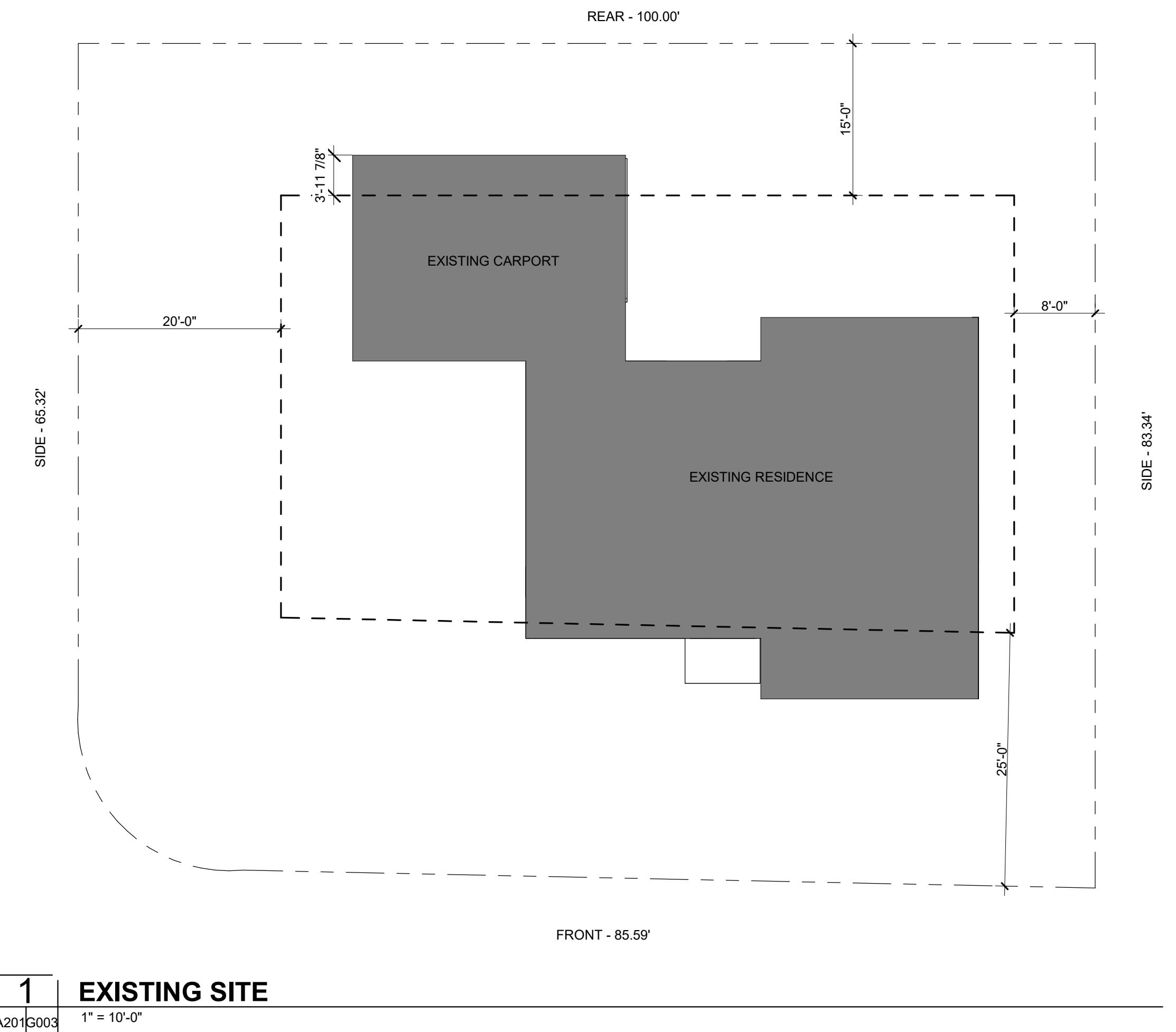
## GENERAL SITE NOTES

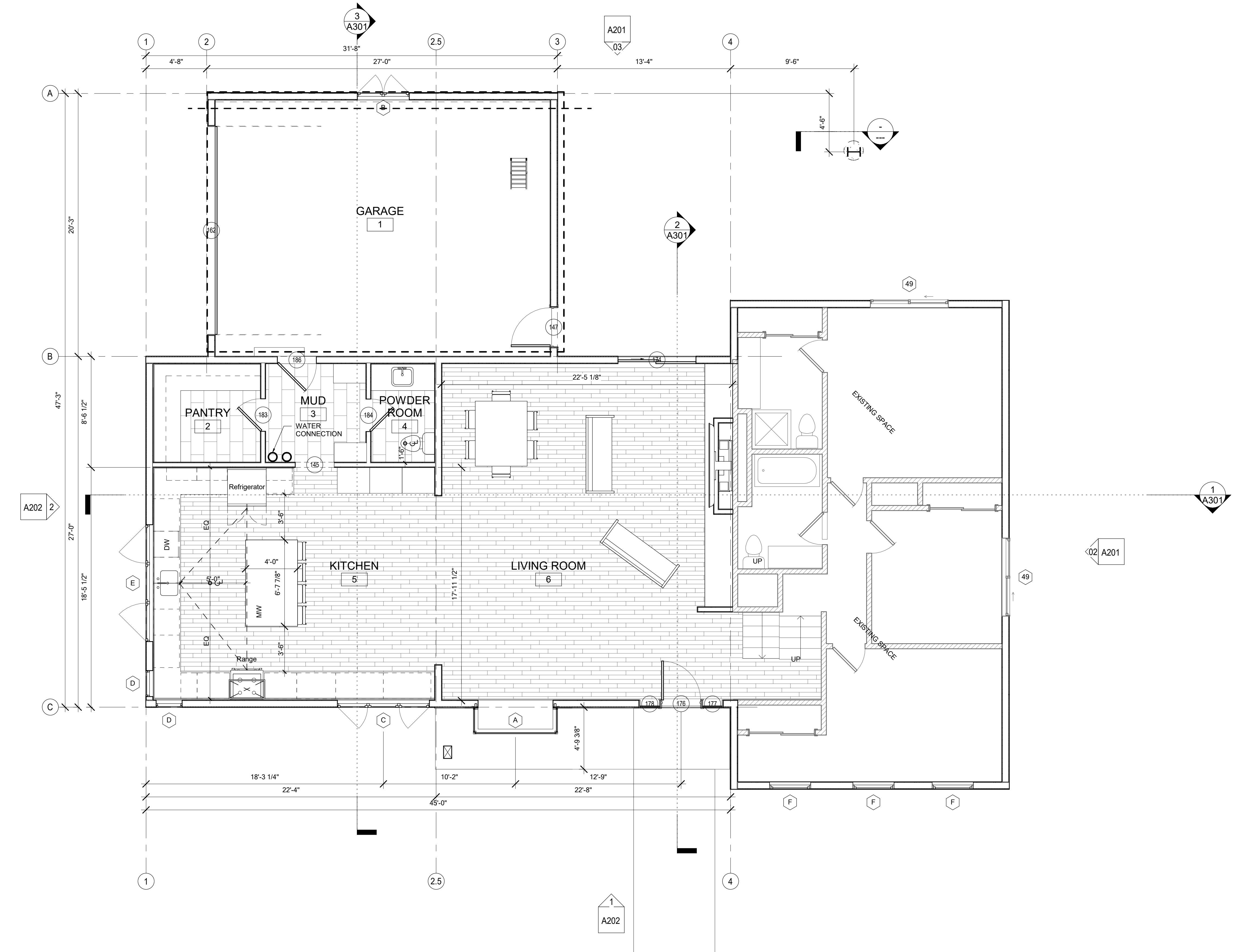
1. GRADE TO BE SET MINIMUM OF 8" BELOW THE TOP OF FOUNDATION WALLS.
2. GRADE TO SLOPE A MINIMUM OF 6"/10'-0" IN THE FIRST 10' OF THE SITE.
3. RETAINING WALLS GREATER THAN 4', OR THAT SUPPORT A SURCHARGE, SWIMMING POOLS, SOLAR AND/OR GEOTHERMAL HEATING SYSTEMS, AND PHOTOVOLTAIC/WIND GENERATED ELECTRICAL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

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

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

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





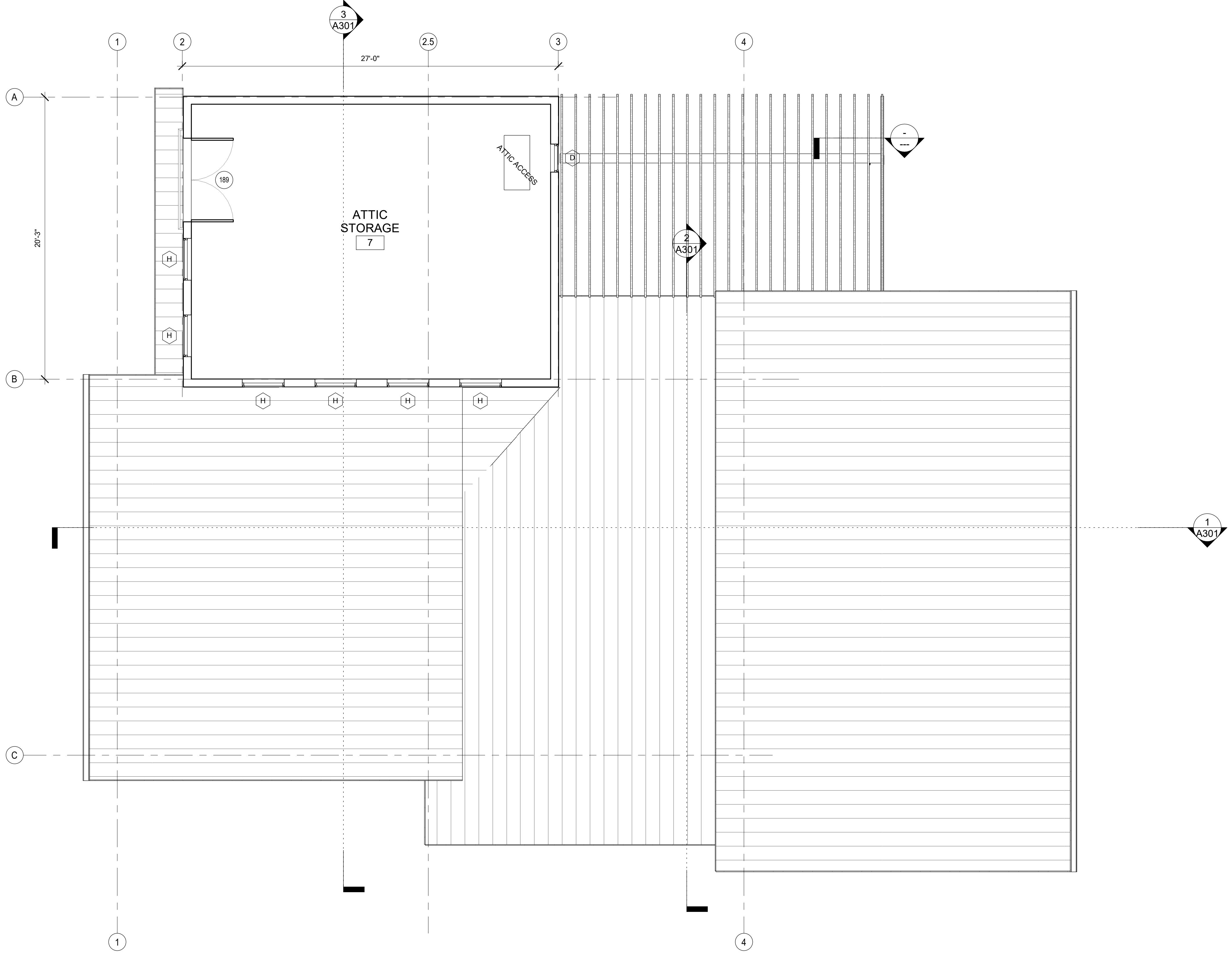
REVISION	
SHEET NAME	UPPER LEVEL PLAN
PROJECT NUMBER	21-018
ISSUE DATE	12/10/2021
DRAWN BY	Author
PLOT TIME	4/19/2022 9:43:23 AM
SCALE	AS NOTED

**A102**

**NEW WORK GENERAL NOTES**

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

**KEYNOTES - NEW WORK PLAN**



**Kirkham Residence Remodel**

751 E. Silver Shadow Drive

Murray, Utah

REVISION \_\_\_\_\_

SHEET NAME ROOF PLAN

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

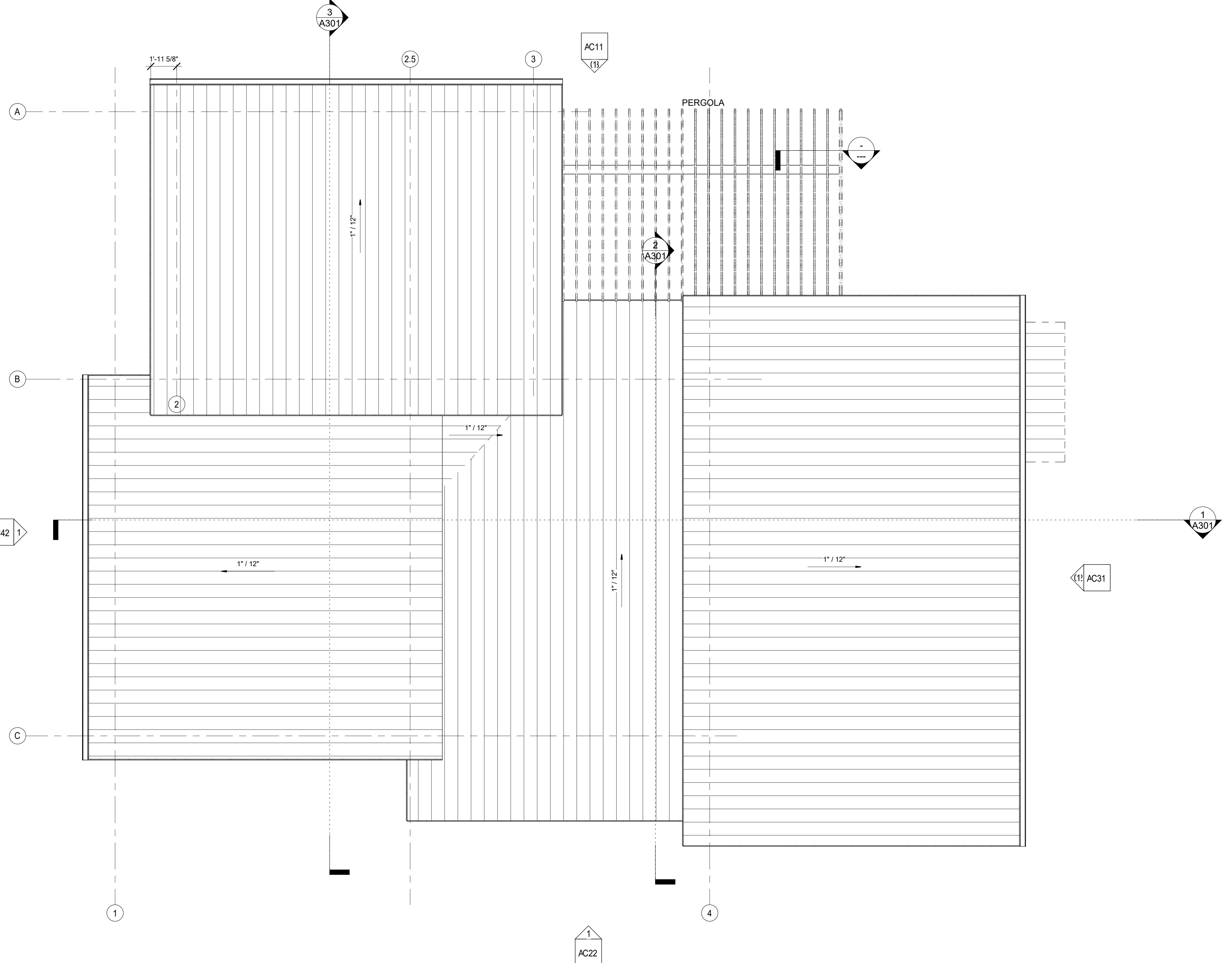
SCALE AS NOTED

**A103**

**01 ROOF PLAN**

A103

1/4" = 1'-0"



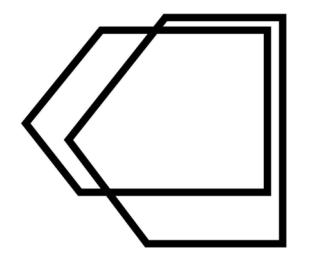
**Kirkham Residence Remodel**

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

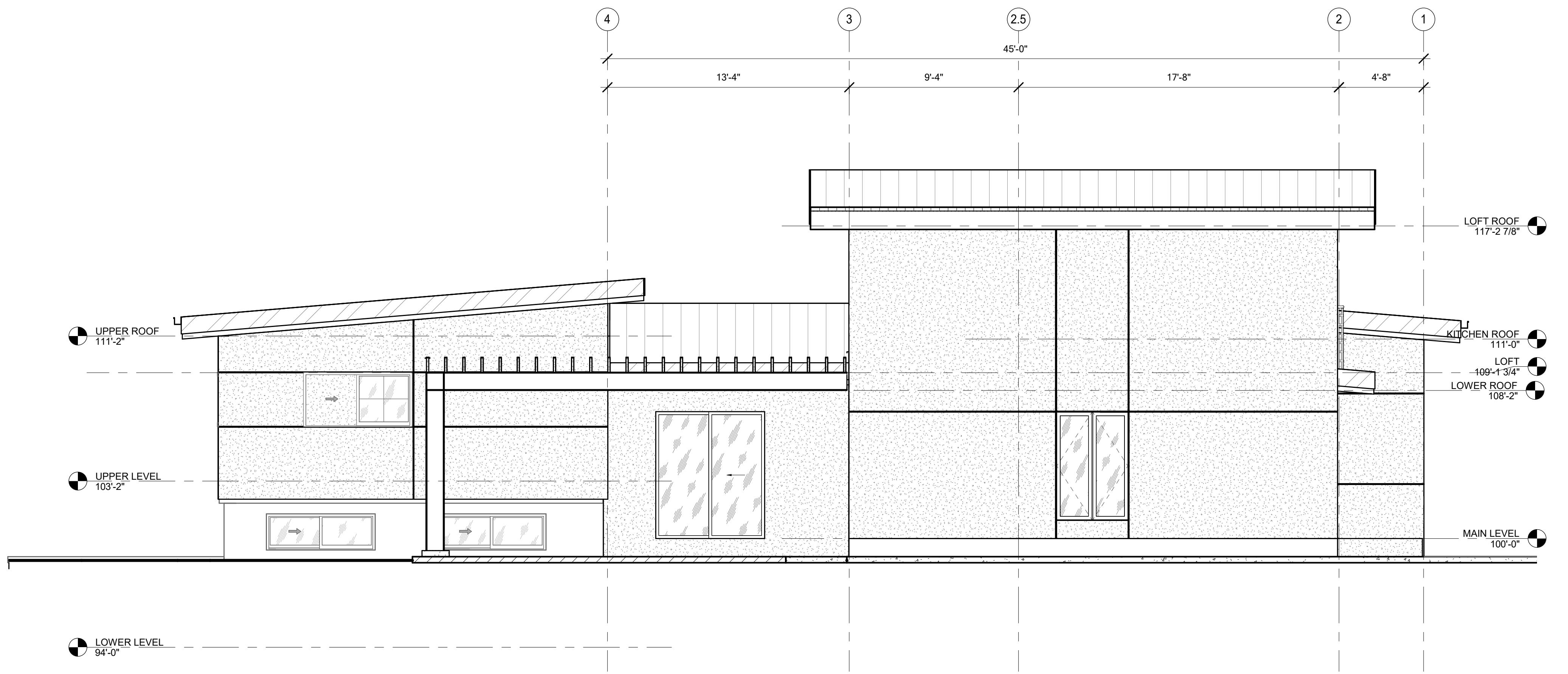
**NEW WORK GENERAL NOTES**

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**KEYNOTES - NEW WORK BUILDIN...**

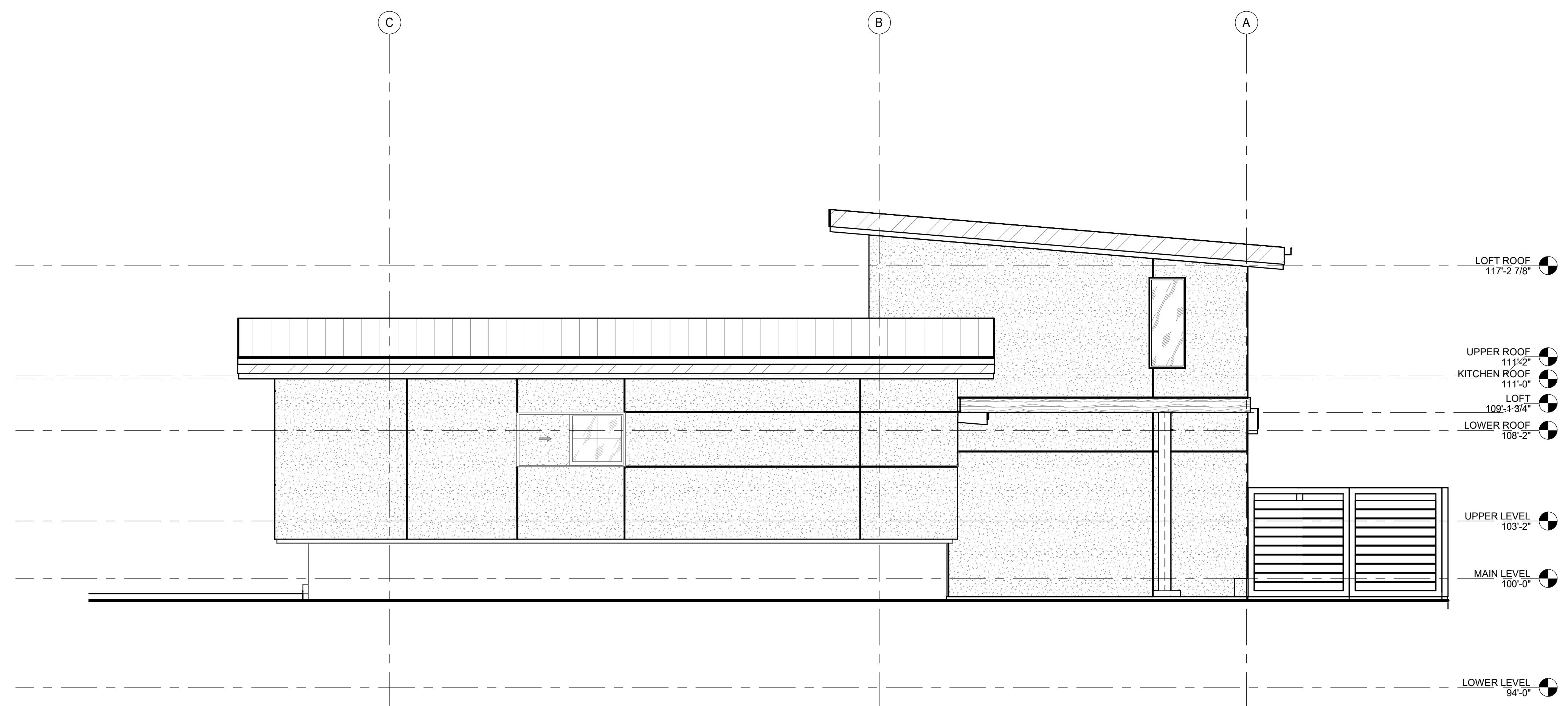


THE DRAWINGS CONTAINED WITHIN THESE DOCUMENTS ARE THE PROPERTY OF MODIFY DESIGN + BUILD LLC AND SHALL NOT BE REPRODUCED, COPIED, OR USED IN ANY OTHER WAY IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN CONSENT OF THE OWNER. THESE DRAWINGS ARE INTENDED FOR THE USE OF THE CONTRACTOR, ARCHITECT, AND THE END-USER. UNAUTHORIZED USE IS PROHIBITED.



03 | NORTH

A101|A201 1/4" = 1'-0"



02 | EAST

A101|A201 1/4" = 1'-0"

**NEW WORK GENERAL NOTES**

1. FIELD VERIFY ALL DIMENSIONS. IF DIMENSIONS VARY SIGNIFICANTLY NOTIFY THE ARCHITECT
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REVISION \_\_\_\_\_

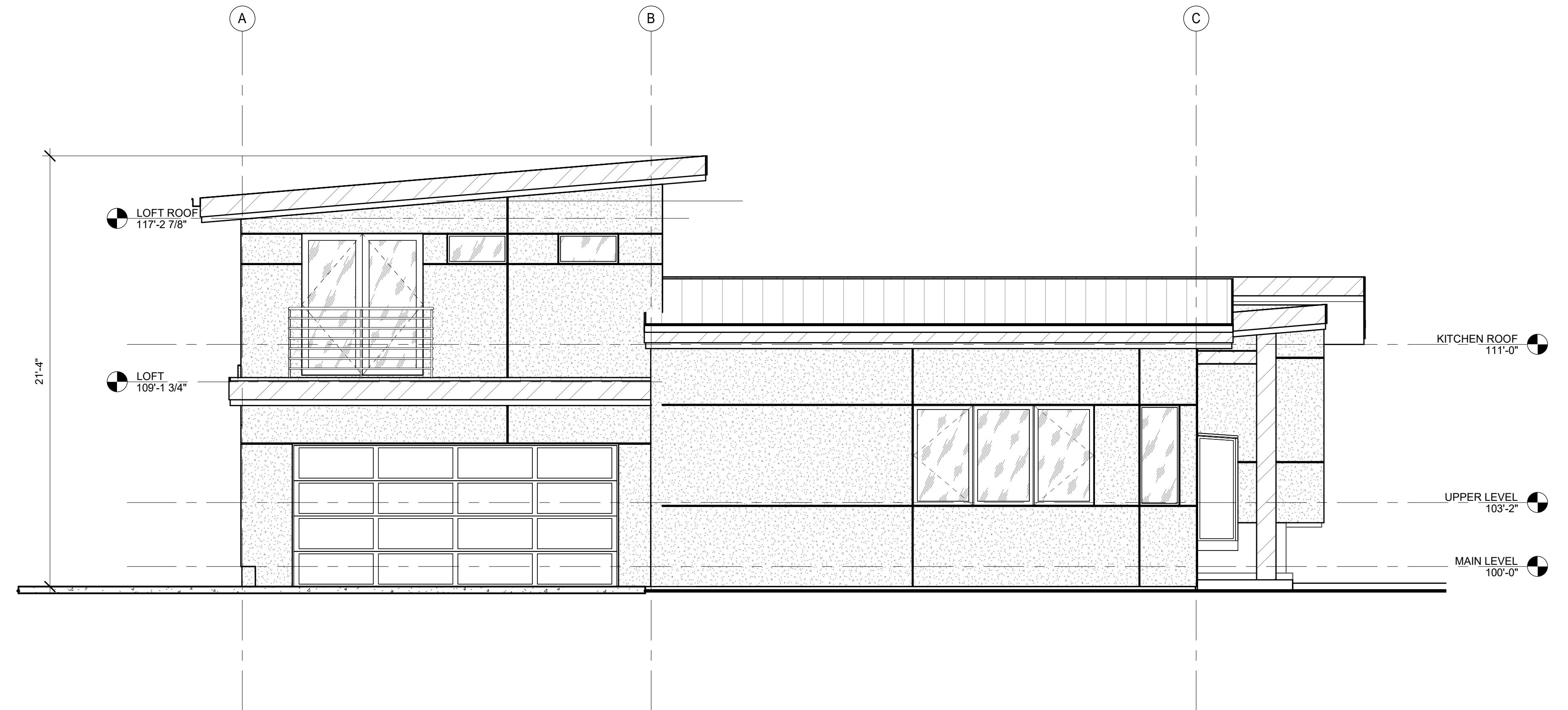
SHEET NAME \_\_\_\_\_

**BUILDING ELEVATIONS**

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

**A202**

SCALE AS NOTED


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

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

**Kirkham Residence Remodel**

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

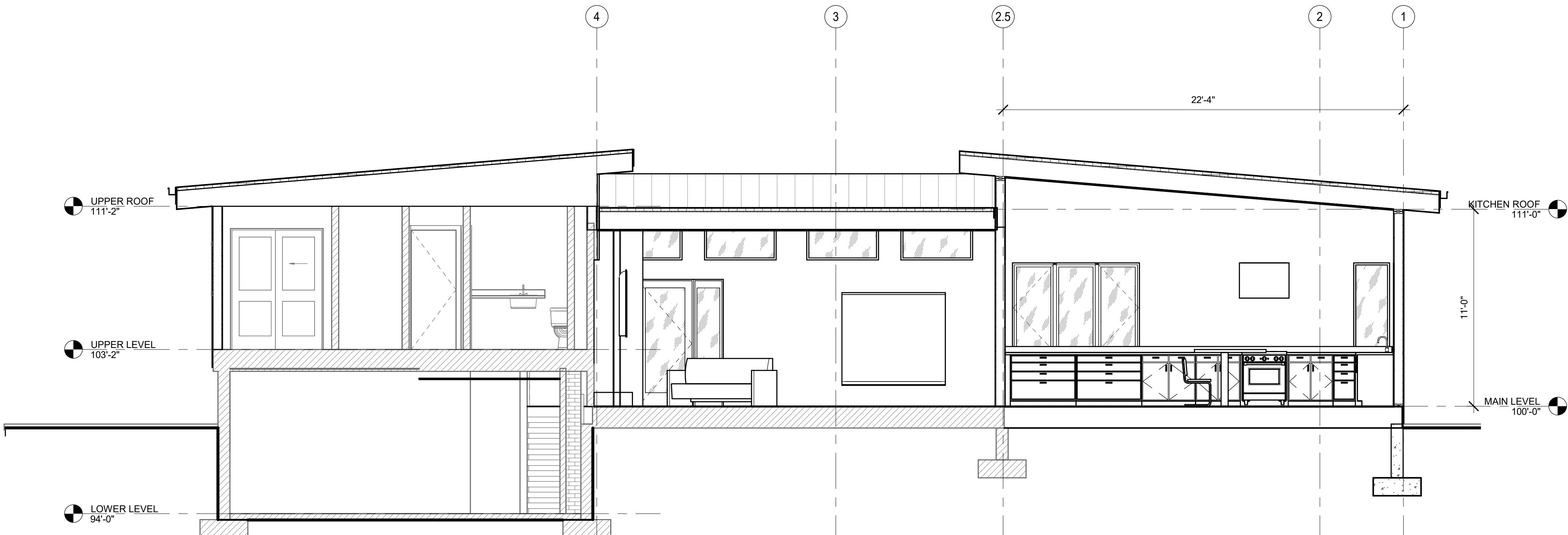
**A301**

**NEW WORK GENERAL NOTES**

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

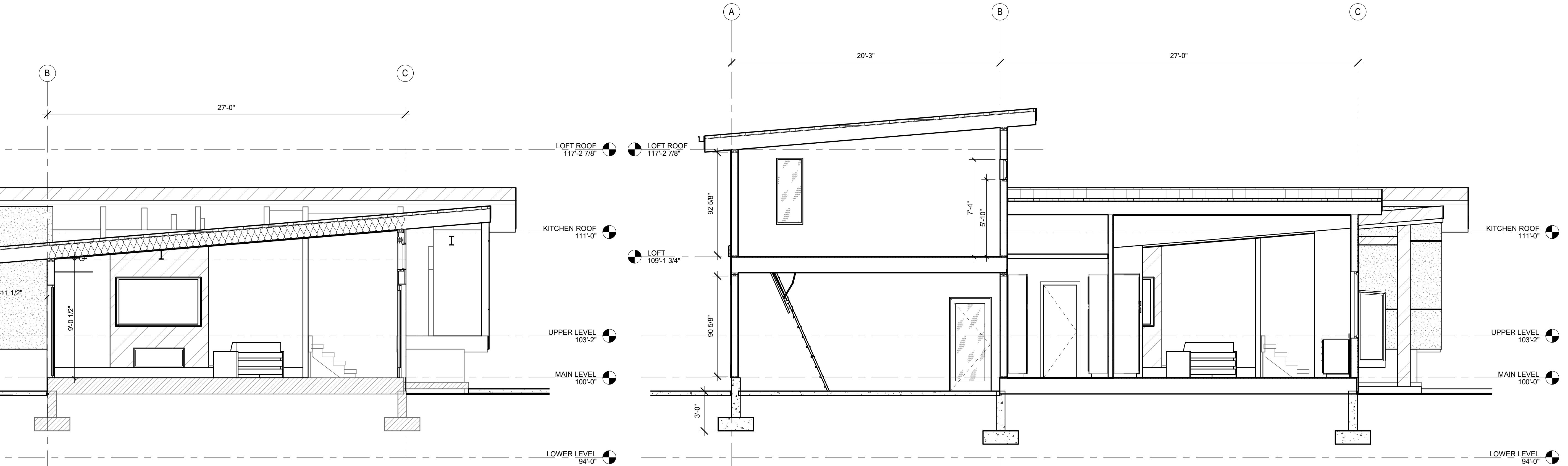
KEYNOTES - NEW WORK BUILDIN...

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



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

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



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

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

**3 Section 3**  
A101/A301 1/4" = 1'-0"

PROJECT NUMBER 21-018  
ISSUE DATE 12/10/2021  
DRAWN BY Author  
PLOT TIME 4/19/2022 9:43:28 AM

**A301**  
SCALE AS NOTED

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

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

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

Hope our Planning Commission and City Council feel the same.

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



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

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

Briant J. Farnsworth (#9457)  
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*bfarnsworth@murray.utah.gov*

*Attorney for Murray City Corporation*

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

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

MURRAY CITY CORPORATION'S BRIEF  
IN OPPOSITION TO APPEAL

Hearing Officer: Scott Finlinson

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#### **I. BACKGROUND**

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

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

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

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

## II. RECORD

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

## III. LEGAL STANDARDS

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

### A. APPEAL MUST ALLEGE ERROR WITH SPECIFICITY

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

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

### B. APPEALS ARE LIMITED TO THE RECORD

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

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

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

## C. SUBSTANTIAL EVIDENCE

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

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

## D. CONDITIONAL USES AND PROPERTY RIGHTS

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

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

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

#### IV. ARGUMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## V. CONCLUSION

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

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



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Briant Farnsworth  
Deputy City Attorney

**Attachment A**

**Murray Community and Economic**

**Development Staff Report**



## AGENDA ITEM #6

### KUM & GO GAS STATION AND CONVENIENCE STORE

<b>ITEM TYPE:</b>	Conditional Use Permit, Gasoline Service Station and Convenience Store		
<b>ADDRESS:</b>	6029 South 900 East	<b>MEETING DATE:</b>	March 3, 2022
<b>APPLICANT:</b>	Nathan Abbott, Galloway & Co.	<b>STAFF:</b>	Zachary Smallwood, Senior Planner
<b>PARCEL ID:</b>	22-17-379-052	<b>PROJECT NUMBER:</b>	22-020
<b>ZONE:</b>	C-N, Neighborhood Commercial		
<b>SIZE:</b>	1.07-acre site   3,968 ft <sup>2</sup> building		
<b>REQUEST:</b>	The applicant is requesting approval of a Conditional Use Permit to allow the construction and operation of a Gasoline Service Station and Convenience Store at the subject property.		



## I. LAND USE ORDINANCE

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

## II. BACKGROUND

### Project Location

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

### Surrounding Land Use and Zoning

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

### Project Description & Review

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

### Setbacks & Height

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

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

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

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

### Grading, Drainage, & Utilities

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

### Parking

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

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

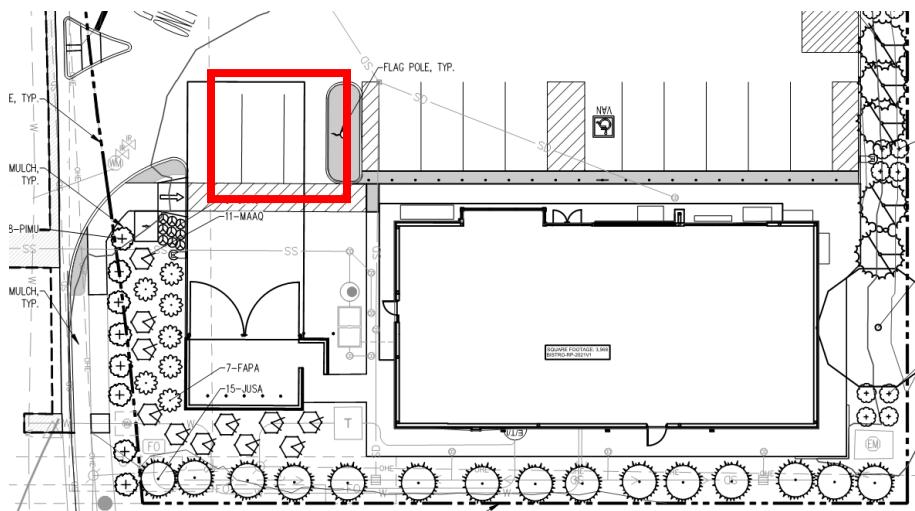


Figure 1: Parking to be removed

## Access & Circulation

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

## Traffic Impact Study

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

## Building Design and Materials

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

## Lighting

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

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

residence located immediately east.

### Signage

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

### Landscaping

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

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

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

### Fencing

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

### Trash Enclosure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

##### **Engineering Division**

1. Meet City storm drain requirements, on-site detention and water quality treatment is required.
2. Obtain a SLCo County Flood Control permit for stormwater discharge to Little Cottonwood Creek.
3. New access onto Vine Street will be permitted, however, the City reserves the right to restrict left turn movements if the access affects safety and/or the operation of the 6100 South and 900 East intersection.
4. The proposed access, sidewalk and pedestrian ramps on Vine Street must meet City standards.
5. Obtain UDOT access review and permit for 900 E access.
6. Obtain a SLCo Flood Control Permit, a State Stream Alteration, and a City Floodway Development Permit for bridge access to Vine Street.
7. Pedestrian way through the Vine Street access should not exceed 2% cross slope.
8. Bridge footings and structural components should not extend into the Vine Street right-of-way and cannot impact the existing channel structure.
9. Develop a spill containment system to ensure spilled fuel will not enter Little Cottonwood Creek.
10. Meet all State, County and City regulations for underground storage tank installation adjacent to Little Cottonwood Creek and with a well protection zone 3.
11. Obtain a City encroachment permit for work in City right-of-way.
12. Obtain UDOT encroachment permit for work in the 900 East right-of-way.

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

### **Fire Department**

Fire Department recommends approval subject to the following conditions:

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

### **Power Department**

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

### **Wastewater Division**

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

### **Water Division**

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

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

## **V. PUBLIC INPUT**

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

## VI. FINDINGS

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

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

## VII. CONCLUSION/RECOMMENDATION

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

1. The project shall meet Murray City Engineering requirements including the following:
  - a) Meet City storm drain requirements, on-site detention and water quality treatment is required.
  - b) Obtain a Salt Lake County Flood Control permit for stormwater discharge to Little Cottonwood Creek.
  - c) New access onto Vine Street will be permitted, however, the City reserves the right to restrict left turn movements if the access affects safety and/or the operation of the 6100 South and 900 East intersection.
  - d) The proposed access, sidewalk and pedestrian ramps on Vine Street must meet City standards.
  - e) Obtain UDOT access review and permit for 900 E access.

- f) Obtain a Salt Lake County Flood Control Permit, a State Stream Alteration, and a City Floodway Development Permit for the proposed bridge access to Vine Street.
- g) Pedestrian way through the Vine Street access should not exceed 2% cross slope.
- h) Bridge footings and structural components should not extend into the Vine Street right-of-way and cannot impact the existing channel structure.
- i) Develop a spill containment system to ensure spilled fuel will not enter Little Cottonwood Creek.
- j) Meet all State, County, and City regulations for underground storage tank installation adjacent to Little Cottonwood Creek and with a well protection zone 3.
- k) Obtain a City encroachment permit for work in City right-of-way.
- l) Obtain UDOT encroachment permit for work in the 900 East right-of-way.
- m) Replace any damaged curb and gutter sidewalk along the 900 East and Vine Street frontages.
- n) Develop a site SWPPP and obtain a Land Disturbance permit prior to beginning any site work.

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

14. The applicant shall install an eight foot (8') masonry fence along the east property line that abuts the single-family residential.
15. The applicant shall obtain a Murray City Business License prior to operating at this location.

## CONDITIONAL USE PERMIT APPLICATION

Type of Application (check all that apply):

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

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

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

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

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

Applicant

Name: Nathan Abbott c/o Galloway & Co.

Mailing

Address: 6162 S Willow Drive, Suite 320

City, State,

ZIP: Greenwood Village, CO 80111

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

Email Address: NathanAbbott@GallowayUS.com

Business or Project Name : Kum & Go Store 2505

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

Property Owner's Mailing Address: PO Box 71513

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

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

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

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

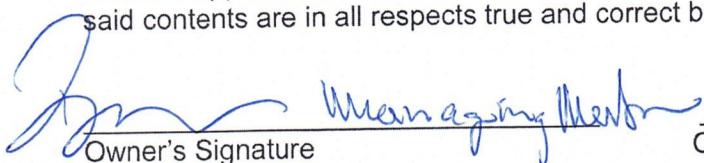
Proposed new construction of a 3,968 S.F. retail store with a 4-(double) dispenser fueling canopy.

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

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

## Property Owners Affidavit

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

  
Owner's Signature

NA  
Co-Owner's Signature (if any)

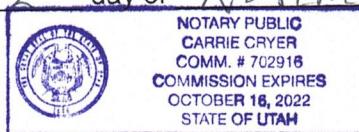
State of Utah

§

County of Salt Lake

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

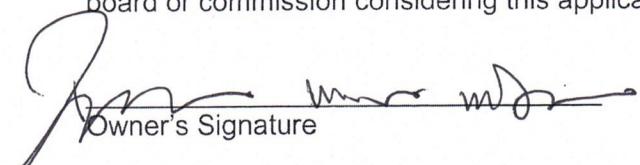
Carrie Cryer  
Notary Public  
Residing in Salt Lake City. My commission expires: 11<sup>th</sup> OCT 2022



### Agent Authorization

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

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

  
Owner's Signature

Co-Owner's Signature (if any)

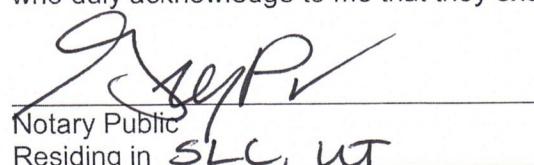
State of Utah

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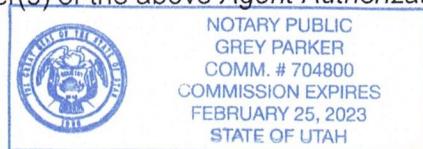
County of Salt Lake

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

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

  
Notary Public  
Residing in SLC, UT

My commission expires: 02/25/2023





## NOTICE OF PUBLIC MEETING

March 3, 2022, 6:30 PM

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

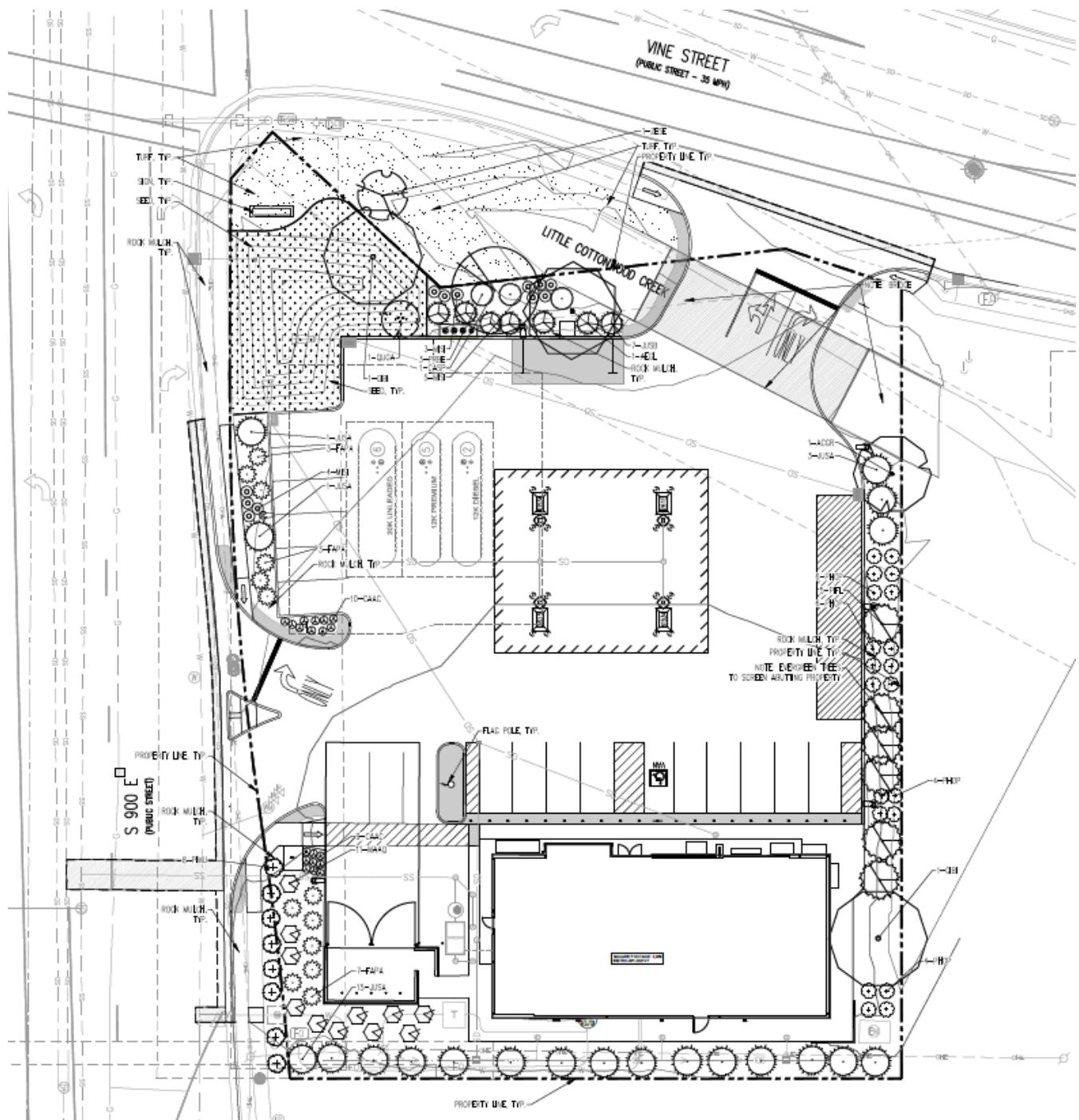
Representatives of Galloway & Co. are requesting conditional use approval to construct a new office fuel station and convenience store on the property addressed 6029 South 900 East. Please see the attached plan.

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

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



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



Clear Anodized Aluminum Storefront TYP

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

Prefinished Metal Coping Berridge "Shasta White"

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

Translucent Window Film

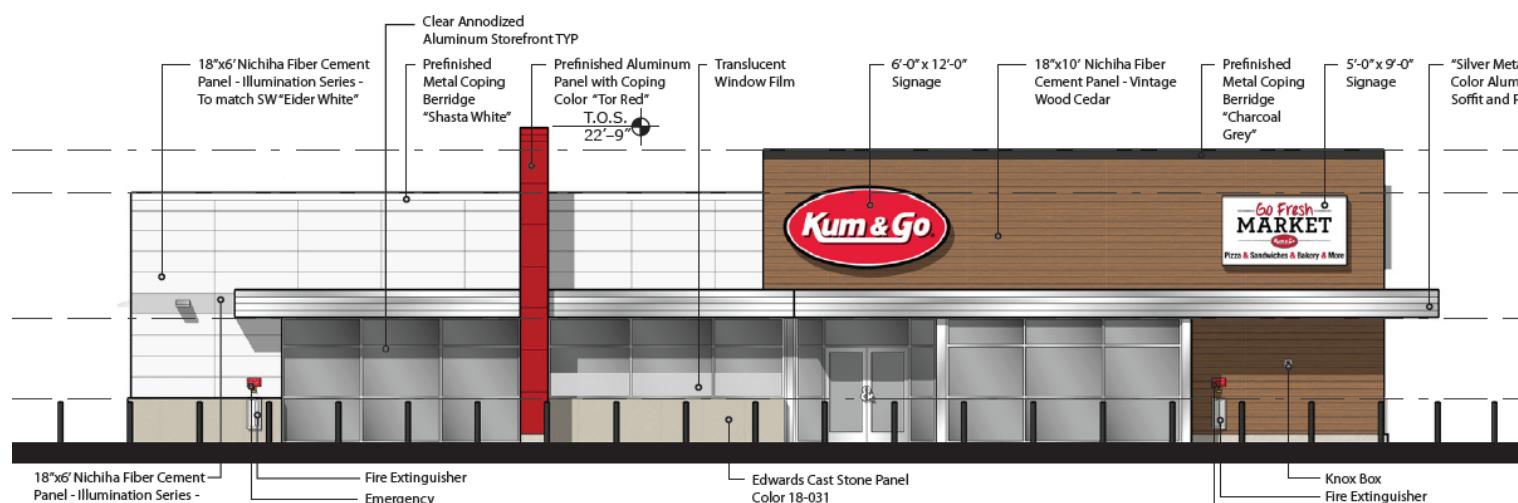
6'-0" x 12'-0" Signage

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

Prefinished Metal Coping Berridge "Charcoal Grey"

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

"Silver Metal Color Alum Soffit and F



18"x6' Nichiha Fiber Cement Panel - Illumination Series -

Fire Extinguisher Emergency

Edwards Cast Stone Panel Color 18-031

Knox Box Fire Extinguisher

## Executive Summary

### Description of Proposed Development

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

### Site Location and Study Area

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

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

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

## Conclusions and Recommendations

### Conclusions

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

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

## Recommendations

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

# SITE DEVELOPMENT DRAWINGS

STORE #2505  
6031 900 EAST  
MURRAY, UTAH 84121



PRELIMINARY  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION

## PROJECT TEAM:

### DEVELOPER/APPLICANT

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

### LANDSCAPE ARCHITECT

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

### CIVIL ENGINEER

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

### SURVEYOR

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

### GEOTECHNICAL ENGINEER

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

### BENCHMARK

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

### BASIS OF BEARING

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

### LEGAL DESCRIPTION

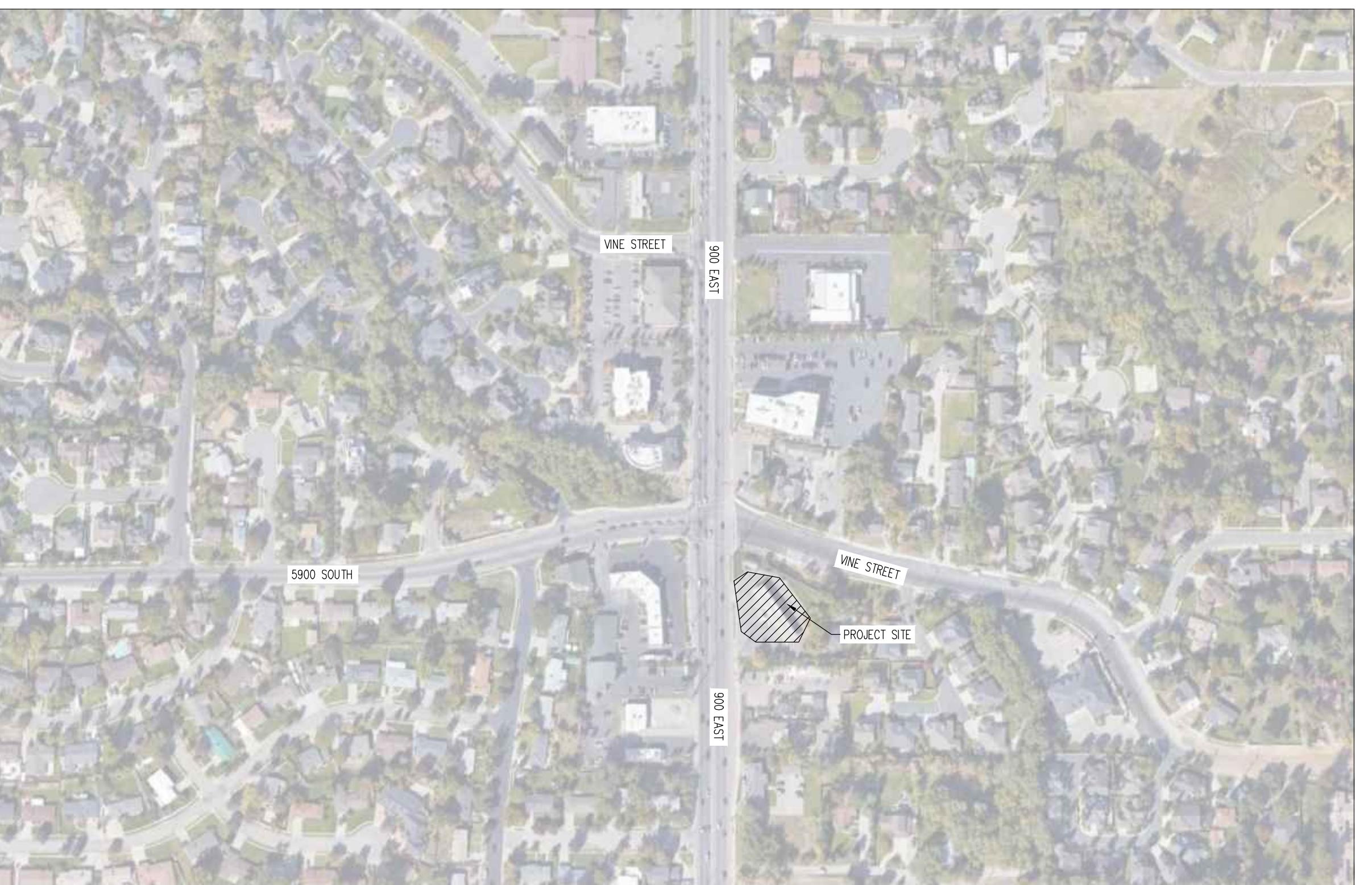
TBD

### FEMA FLOOD ZONE

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



WHERE & MEANS MORE!



N VICINITY MAP  
1"=1000'

ZONING INFORMATION	
CURRENT: MU-2 (MULTI USE)	NONE
MINIMUM LOT AREA	NONE
MINIMUM LOT WIDTH	NONE
SITE AREA PER UNIT	1 ACRE
FRONT YARD SETBACK - SOUTH	10 FEET
INTERIOR SIDE YARD SETBACK - WEST	10 FEET
STREET SIDE YARD SETBACK - EAST	10 FEET
INTERIOR REAR YARD SETBACK - NORTH	10 FEET
MAXIMUM BUILDING HEIGHT	35 FEET
MAXIMUM BUILDING HEIGHT ACCESS	NOT SPECIFIED
MAXIMUM BUILDING COVERAGE	NOT SPECIFIED
MAXIMUM IMPERVIOUS COVERAGE	NOT SPECIFIED
FLOOR AREA RATIO	NOT SPECIFIED
DRAINAGE BASIN	ON-SITE
REQUIRED LANDSCAPE BUFFER/SETBACK	10 FEET

SITE DATA	
STORE TYPE	BISTRO VI
TAX SCHEDULE NUMBER	33012520070000 & 33012520080000
CONCEPT PLAN FILE NUMBER	CPC CP XX-XXXX-XX XXXX
CANOPY / DISPENSER ARRANGEMENT	4 DISPENSERS (DOUBLE)
TYPE OF USE	CONVENIENCE STORE WITH FUEL
BUILDING HEIGHT	18'-0"
PARAPET	21'-0"
BLADE	22'-9"
CANOPY HEIGHT	17'-6"
GROSS FLOOR AREA	3,968 S.F.
GROSS CANOPY AREA	2,793 S.F.
GROSS LOT AREA	± 38,804 S.F. ± 0.89 ACRES
REQUIRED LANDSCAPE BUFFER/SETBACK	10 FEET

BUILDING COVERAGE	3,968 S.F.
LANDSCAPE COVERAGE	9,251 S.F. (24%)
PARKING/DRIVE/SIDEWALK COVERAGE	25,585 S.F. (66%)
BICYCLE PARKING	2
REQUIRED PARKING	
STANDARD	20
ADA	1
TOTAL	21
PARKING RATIO = 1 SPACE / 200 S.F.	
PROPOSED PARKING	
STANDARD	20
ADA	1
TOTAL	21
PARKING RATIO = 1 SPACE / 200 S.F.	

CONFIDENTIAL DOCUMENT:  
INFORMATION CONTAINED IN THIS DOCUMENT IS  
PROPRIETARY TO KUM & GO, L.C. AND SHALL NOT  
BE DISTRIBUTED.

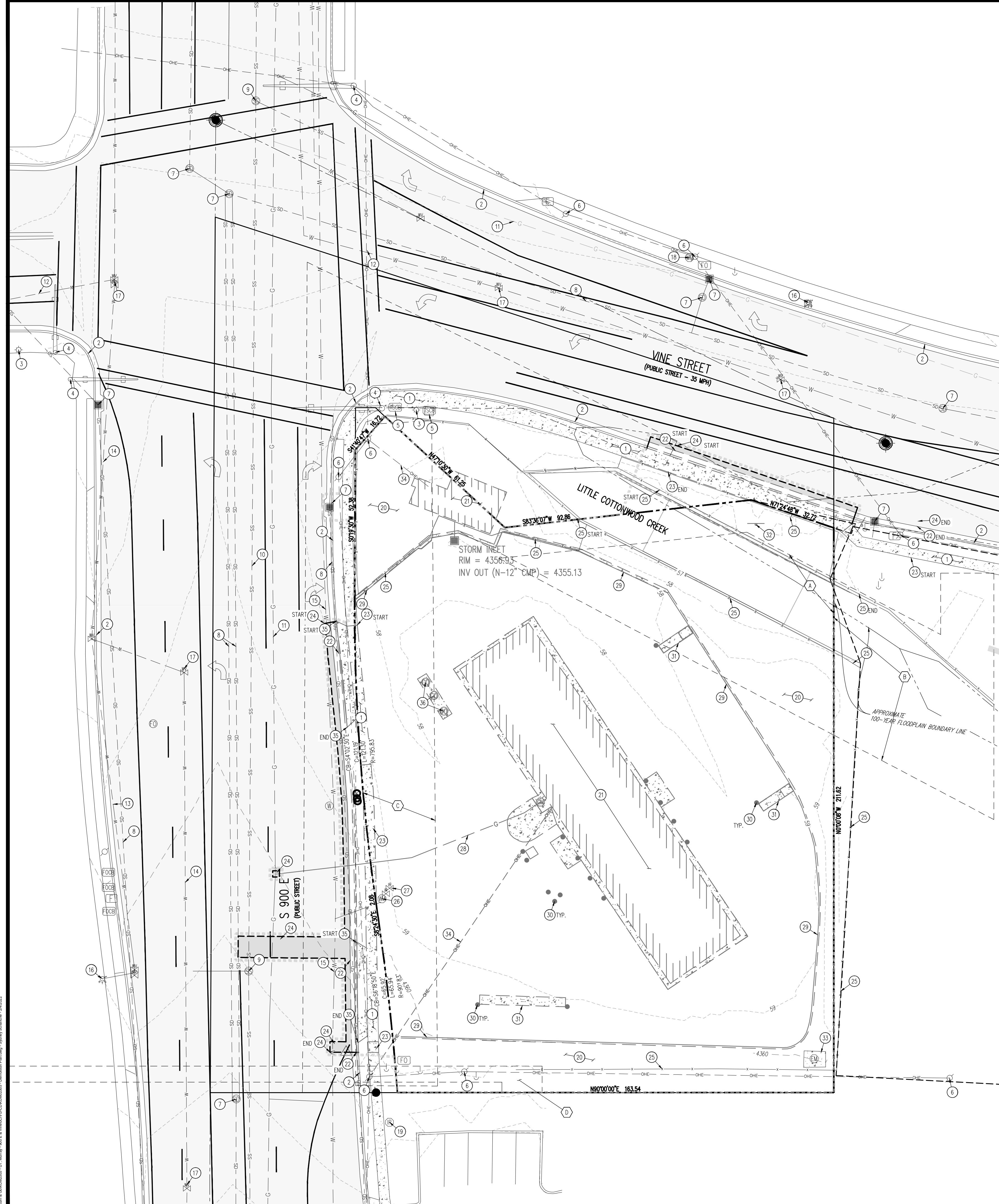
### CAUTION - NOTICE TO CONTRACTOR

- ALL Utility locations shown are based on maps provided by the appropriate utility company and field surface evidence at the time of survey and is to be considered an approximate location only. It is the contractor's responsibility to field verify the location of all utilities, public or private, whether shown on the plans or not, prior to construction. Report any discrepancies to the engineer prior to construction.
- Where a proposed utility crosses an existing utility, it is the contractor's responsibility to field verify the horizontal and vertical location of such existing utility, either through potholing or alternative method. Report information to the engineer prior to construction.



DATE: 02.04.2022  
SHEET NUMBER: C0.0  
1 OF 18

<p><b>GENERAL NOTES</b></p> <ol style="list-style-type: none"> <li>ALL WORK AND CONSTRUCTION OF THIS PROJECT ON PRIVATE PROPERTY SHALL CONFORM TO KUM &amp; GO STANDARD SPECIFICATIONS, MURRAY CITY, UDOT, AND THE SPECIFICATIONS/DETAILS SHOWN ON THESE PLANS.</li> <li>ALL WORK AND CONSTRUCTION WITHIN PUBLIC RIGHT OF WAY AND EASEMENTS SHALL CONFORM TO THE TECHNICAL SPECIFICATIONS, STANDARD DETAILS, AND DESIGN CRITERIA FOR PUBLIC IMPROVEMENT PROJECTS OF THE CITY OF MURRAY, COUNTY OF SALT LAKE, UTAH, AND THE GRANTOR OF THE EASEMENT AS APPLICABLE.</li> <li>IN CASE OF A CONFLICT BETWEEN VARYING SPECIFICATIONS, THE MOST STRINGENT SHALL APPLY.</li> <li>THE CONTRACTOR SHALL OBTAIN A COPY OF THE LATEST STANDARD SPECIFICATIONS AND DETAILS OF ALL AGENCIES EXERCISING JURISDICTION OVER THIS PROJECT, WHICH ARE INCORPORATED BY REFERENCE ON THESE PLANS. A COPY OF THESE SPECIFICATIONS AND DETAILS SHALL BE MAINTAINED ON THE JOBSITE AT ALL TIMES.</li> <li>THE CONTRACTOR SHALL HAVE IN HIS POSSESSION AT ALL TIMES ONE (1) SIGNED COPY OF THE PLANS, STANDARDS, AND SPECIFICATIONS AS APPROVED BY THE APPROPRIATE GOVERNING AGENCY AND OWNER. THE CONTRACTOR SHALL NOT CHANGE OR DEVIATE FROM THESE PLANS WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM THE OWNER, ENGINEER, AND GOVERNING AGENCY.</li> <li>ALL WORK SHALL CONFORM TO ALL LOCAL, STATE, AND FEDERAL APPLICABLE LAWS AND REGULATIONS.</li> <li>THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL JOB SITE SAFETY ON THE PROJECT. THIS SHALL INCLUDE THE SAFETY OF HIS OWN PERSONNEL, SUBCONTRACTORS, ALL VISITORS TO THE SITE, AND THE GENERAL PUBLIC. ALL JOB SITE SAFETY SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND CODES, AND ENSURE COMPLIANCE INCLUDING, BUT NOT LIMITED TO, THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REQUIREMENTS.</li> <li>THE CONTRACTOR SHALL CONTACT ONE CALL OF UTAH AT #811 A MINIMUM OF 72 HOURS (EXCLUDING WEEKENDS AND HOLIDAYS) IN ADVANCE OF ANY EXCAVATION.</li> <li>THE LOCATIONS OF EXISTING UTILITIES AND STRUCTURES SHOWN ON THE PLANS ARE APPROXIMATE AND HAVE BEEN SHOWN FROM AVAILABLE SURVEYS AND/OR RECORDS. THERE MAY BE ADDITIONAL UTILITIES PRESENT. THE EXISTENCE OF WHICH IS NOT PRESENTLY KNOWN OR SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR EXISTENCE, EXACT LOCATION/SIZE, ADEQUATELY PROTECT/SUPPORT, AND TO AVOID DAMAGE THERETO. THE CONTRACTOR SHALL INCLUDE, AT NO ADDITIONAL COST, ANY POTHoling OR EXPLORATORY EXCAVATIONS NECESSARY TO LOCATE EXISTING UTILITIES. UTILITIES SHALL BE LOCATED SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REVISIONS TO PLANS IF REVISIONS ARE NECESSARY DUE TO ACTUAL LOCATION OF EXISTING FACILITIES. DAMAGE TO UTILITIES AND STRUCTURES SHALL BE REPAIRED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE GOVERNING AGENCY AND/OR THE UTILITY OWNER.</li> <li>ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE INDICATED IN THE PLANS, AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE OWNER OR THE OWNER'S REPRESENTATIVE.</li> <li>LOCATIONS AND ELEVATIONS OF EXISTING IMPROVEMENTS TO BE MET (OR AVOIDED) BY THE PROPOSED WORK SHALL BE CONFIRMED BY THE CONTRACTOR THROUGH FIELD EXPLORATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL REPORT TO THE OWNER ANY DISCREPANCIES BETWEEN HIS MEASUREMENTS AND THESE PLANS.</li> <li>THE CONTRACTOR SHALL CONTACT THE OWNER IMMEDIATELY UPON DISCOVERY OF ANY ERRORS OR INCONSISTENCIES SHOWN IN THE PLANS AND/OR SPECIFICATIONS. DO NOT SCALE DRAWINGS - USE ONLY DIMENSIONS PROVIDED ON THESE PLANS.</li> <li>ALL ESTIMATES OF QUANTITIES ARE FOR INFORMATIONAL PURPOSES ONLY. CONTRACTOR AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR DETERMINING ACTUAL QUANTITIES, AND SHALL PROVIDE ALL WORK AND MATERIALS NECESSARY TO CONSTRUCT THE PROJECT IN ITS ENTIRETY.</li> <li>CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS NOT DESIGNATED FOR REMOVAL AND THOSE IMPROVEMENTS THAT ARE OUTSIDE THE LIMITS OF THE PROPOSED CONSTRUCTION. CONTRACTOR SHALL TAKE CARE TO AVOID DAMAGE THERETO AND SHALL PROVIDE TEMPORARY FENCING, BARRICADES, SUPPORTS, RESTRAINTS, AND/OR BRACING WHERE REQUIRED TO PROTECT EXISTING IMPROVEMENTS. DAMAGE TO EXISTING IMPROVEMENTS SHALL BE REPAIRED AND/OR REPLACED TO EQUAL OR BETTER CONDITION AT THE CONTRACTOR'S EXPENSE.</li> <li>ALL GRADING AND CONSTRUCTION ACTIVITIES SHALL BE CONFINED TO THE OWNER'S PROPERTY, PUBLIC RIGHT-OF-WAY, PERMANENT EASEMENTS, AND TEMPORARY CONSTRUCTION EASEMENTS.</li> <li>THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS NOT OBTAINED BY THE OWNER OR OWNER'S REPRESENTATIVES, AND PAY ALL FEES AS REQUIRED BY THE CONSTRUCTION COVERED IN THESE PLANS.</li> <li>THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE APPROPRIATE GOVERNING AGENCIES AND LOCAL FIRE DEPARTMENT OF ALL STREET CLOSURES AND EXISTING FIRE HYDRANTS/FIRE SUPPRESSION TAKEN OUT OF SERVICE AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.</li> <li>THE CONTRACTOR IS RESPONSIBLE FOR ALL SITE SECURITY AND SHALL PROPERLY PROTECT AND BARRICADE THE CONSTRUCTION SITE UNTIL CONSTRUCTION IS COMPLETE. STORAGE, LOSS DUE TO THEFT, OR VANDALISM OF MATERIALS AND EQUIPMENT (SECURED OR UNSECURED) WILL BE SOLELY AT THE CONTRACTOR'S EXPENSE.</li> <li>PRIOR TO BEGINNING THE WORK, THE CONTRACTOR SHALL OBTAIN ANY WRITTEN AGREEMENTS FOR INGRESS AND EGRESS TO THE WORK FROM ADJACENT PRIVATE PROPERTY OWNERS. ACCESS TO ANY ADJACENT PRIVATE PROPERTY SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD, DURING ALL HOURS OF OPERATION FOR THE BUSINESS LOCATED ON THOSE PARCELS.</li> <li>FOR ANY CHANGES OR DEVIATIONS FROM THESE PLANS PROPOSED BY THE CONTRACTOR, SHOP DRAWINGS AND MATERIAL SPECIFICATIONS SHALL BE SUBMITTED TO OWNER FOR REVIEW AND APPROVAL PRIOR TO PLACEMENT OF MATERIAL.</li> <li>CONTRACTOR MUST COORDINATE ALL CONSTRUCTION WITH THE DESIGNATED KUM &amp; GO CONSTRUCTION PROJECT MANAGER.</li> <li>CONTRACTOR SHALL PROTECT AND PRESERVE ALL SURVEY CONTROL AND PROPERTY MONUMENTATION. ANY DAMAGED MONUMENTS SHALL BE RESET BY A PROFESSIONAL LAND SURVEYOR LICENSED IN THE PROJECT'S STATE AT THE CONTRACTOR'S EXPENSE.</li> <li>PRIOR TO MOVING OFF THE JOB SITE THE CONTRACTOR SHALL NOTIFY THE OWNER OR THE OWNER'S REPRESENTATIVE TO PERFORM THE FINAL WALK-THROUGH OF THE CONSTRUCTION SITE.</li> <li>TEMPORARY POWER, TELEPHONE, AND WATER FOR THE SITE IS THE CONTRACTOR'S RESPONSIBILITY UNLESS OTHERWISE SPECIFIED.</li> <li>CONTRACTOR SHALL REFER TO OTHER DRAWINGS ISSUED BY ARCHITECT, STRUCTURAL, ELECTRICAL, AND MECHANICAL ENGINEERS. ENSURE COORDINATION OF EXACT LOCATION AND DIMENSIONS OF BUILDINGS, EXITS, RAMPS, UTILITY ENTRANCE LOCATIONS AND GRADES AROUND THE BUILDING. IMMEDIATELY NOTIFY OWNER OF ANY DISCREPANCIES.</li> <li>NO BELOW GRADE WORK SHALL BE BACKFILLED (INCLUDING BEDDING MATERIAL ABOVE THE SPRING LINE OF THE PIPE) UNTIL THE CONSTRUCTION HAS BEEN INSPECTED AND APPROVED FOR BACKFILLING BY THE APPROPRIATE GOVERNING AGENCY, OWNER AND/OR OWNER'S REPRESENTATIVE.</li> <li>THE CONTRACTOR SHALL PROVIDE ALL TRAFFIC CONTROL NECESSARY TO COMPLETE THE WORK. ALL TRAFFIC CONTROL DEVICES AND METHODS OF CONTROLLING TRAFFIC THROUGH</li> </ol>	<p><b>PRELIMINARY NOT FOR BIDDING NOT FOR CONSTRUCTION</b></p> <p><b>Kum &amp; Go</b></p> <p>1459 Grand Ave Des Moines, IA 50309 P: 888-458-6646</p> <p><b>#2505 - MURRAY, UTAH</b></p> <p><b>GENERAL NOTES</b></p> <p><b>REVISIONS</b></p> <p><b>CAUTION – NOTICE TO CONTRACT</b></p>
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#### FLAG NOTES

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

#### DEMOLITION LEGEND

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

#### CAUTION – NOTICE TO CONTRACTOR

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



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3 OF 18

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#2505 - MURRAY, UTAH  
6031 900 EAST  
DEMOLITION PLAN

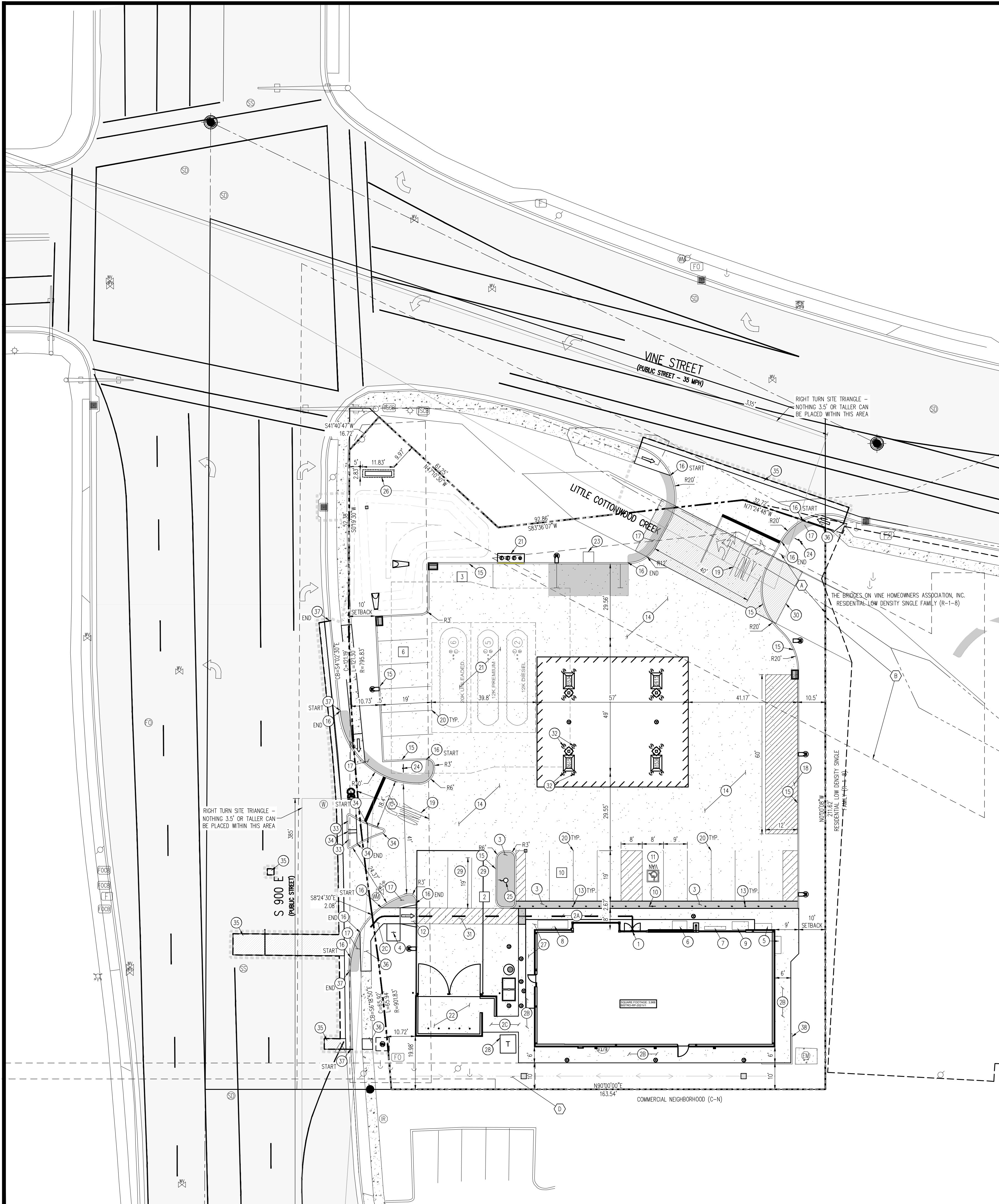
DRAFTING: K. Galloway - 04/02/2022

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

CRITERIA PLAN 04/2022

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

**PRELIMINARY**  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION



## FLAG NOTES

- ① PROPOSED BUILDING ENTRY, REFER TO ARCHITECTURAL PLANS
- ②A PROPOSED BUILDING CONCRETE SIDEWALK. 1.5% MAX. CROSS SLOPE (REFERENCE ARCHITECTURAL DRAWINGS FOR CONTROL JOINT PLAN)
- ②B PROPOSED BUILDING CONCRETE SIDEWALK ADJACENT TO LANDSCAPE. 1.5% MAX (REFERENCE ARCHITECTURAL DRAWINGS FOR CONTROL JOINT PLAN)
- ②C PROPOSED 4" CONCRETE SITE SIDEWALK. 1.5% MAX. CROSS SLOPE
- ③ PROPOSED C-34 (DARK GRAY) INTEGRAL-COLORED CONCRETE – 6" MINIMUM PAVEMENT THICKNESS
- ④ PROPOSED BOLLARD BIKE RACK ON 5.0' X 6.5' X 4" THICK CONCRETE PAD
- ⑤ PROPOSED PROPANE CAGE (9' x 9', 4" CONCRETE PAD. 1.5% SLOPE AWAY FROM SIDE WALL OF BUILDING)
- ⑥ PROPOSED FIREWOOD LOCATION
- ⑦ PROPOSED MISCELLANEOUS MERCHANDISE LOCATION
- ⑧ PROPOSED RED BOX(ES) LOCATION
- ⑨ PROPOSED ICE MERCHANDISER LOCATION
- ⑩ PROPOSED BOLLARD MOUNTED ADA VAN PARKING SIGN
- ⑪ PROPOSED ACCESSIBLE PARKING SPACE
- ⑫ PROPOSED ADA CURB RAMP
- ⑬ PROPOSED 4" DIAMETER BOLLARDS
- ⑭ PROPOSED STANDARD DUTY CONCRETE PAVEMENT
- ⑮ PROPOSED INTEGRAL CONCRETE CURB
- ⑯ PROPOSED ROLL OVER CURB WITH 3' TRANSITION TO STANDARD KUM & GO CURB
- ⑰ PROPOSED 3' WIDE COLORED CONCRETE PAVEMENT. EDGE OF ROLLOVER CURB TO BE FLUSH WITH SIDEWALK
- ⑱ PROPOSED 12'X60' LOADING ZONE, 45° CROSS HATCH, 2' O.C. STRIPING
- ⑲ PROPOSED DRIVEWAY ENTRANCE MARKINGS
- ⑳ PROPOSED 4" WIDE YELLOW PAVEMENT MARKINGS, TYP.
- ㉑ PROPOSED UNDERGROUND FUEL STORAGE TANKS WITH REMOTE FILLS ON CONCRETE PAD. PAINT CURB IN FRONT OF TANKS AND FILLS YELLOW. ALL LIDS SHALL BE 1" ABOVE FINISHED GRADE.
- ㉒ PROPOSED 14'-8" X 24'-8" TRASH ENCLOSURE WITH NICHIA (REF. ARCHITECTURAL PLANS)
- ㉓ PROPOSED AIR MACHINE LOCATION, 4'x4' CONCRETE PAD. KEEP AT LEAST Ø20' AWAY FROM DISPENSERS AND TANK FILL PORTS
- ㉔ PROPOSED STOP SIGN AT PUBLIC RIGHT OF WAY
- ㉕ PROPOSED 40' FLAGPOLE, MAINTAIN Ø24' CLEAR SPACE ABOVE GRADE
- ㉖ PROPOSED 8' MONUMENT SIGN
- ㉗ PROPOSED BUILDING CANOPY OVERHANG, REFER TO ARCHITECTURAL PLANS
- ㉘ PROPOSED TRANSFORMER LOCATION. (REF. UTILITY PLAN)
- ㉙ PROPOSED EMPLOYEE PARKING
- ㉚ PROPOSED BRIDGE OVER LITTLE COTTONWOOD CREEK
- ㉛ PROPOSED CROSSWALK STRIPING
- ㉜ CONSTRUCT GUARD POST/BOLLARDS TYPICAL EACH ISLAND
- ㉝ CONSTRUCT PLOWABLE END SECTION PER UDOT STANDARDS
- ㉞ CONSTRUCT MOUNTABLE M2 CURB AND GUTTER PER UDOT STANDARDS
- ㉟ CONSTRUCT ASPHALT PATCH PER UDOT STANDARDS. MATCH EXISTING.
- ㉟ CONSTRUCT CONCRETE SIDEWALK PER CITY OF MURRAY STANDARDS.
- ㉟ CONSTRUCT CONCRETE CURB AND GUTTER PER CITY OF MURRAY STANDARDS.
- ㉟ CONSTRUCT CONCRETE WALL.

## BENCHMARK

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

## BASIS OF BEARING

ALL BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE SALT LAKE BASELINE & MERIDIAN, U.S. SURVEY, MONUMENTED ON THE WEST END BY THE SOUTHWEST CORNER, SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 EAST AND ON THE EAST END BY THE SOUTH  $\frac{1}{4}$  CORNER, SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 WEST AND IS  
CONSIDERED TO BEAR S89°52'01"E, PER RECORD AND IS MONUMENTED AS SHOWN.

## FEMA FLOOD ZONE

PER FIRMETTE 49035C0313G, EFFECTIVE 09/25/2009;  
THIS PROPERTY RESIDES IN FEMA FLOOD ZONE X - AREAS OF MINIMAL FLOOD HAZARD

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

CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL INFORMATION FOR FINAL ACCEPTANCE OF WORK FOR ANY LOCAL, STATE OR FEDERAL AGENCY, UTILITY DISTRICT OR ANY OTHER AGENCY OR DISTRICT HAVING APPROVAL AUTHORITY OVER WORK. THIS INFORMATION MAY INCLUDE, BUT

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

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

## EASEMENT SCHEDULE

<input checked="" type="checkbox"/> A	<p>AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR PURPOSE OF CONSTRUCTING A WATER FACILITY AND INCIDENTAL PURPOSES, AS GRANTED TO SALT LAKE COUNTRY, A BODY CORPORATE AND POLITIC OF THE STATE OF UTAH BY INSTRUMENT RECORDED AUGUST 20, 1980 AS ENTRY NO. 3467361 IN BOOK 5138 AT PAGE 1447 OF OFFICIAL RECORDS. (SUBJECT TO AND PLOTTED HEREON)</p>
<input checked="" type="checkbox"/> B	<p>AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR PURPOSE OF CONSTRUCTING A WATER FACILITY AND INCIDENTAL PURPOSES, AS GRANTED TO SALT LAKE COUNTY BY INSTRUMENT RECORDED APRIL 01, 1980 AS ENTRY NO. 3418166 IN BOOK 5079 AT PAGE 163 OF OFFICIAL RECORDS. (SUBJECT TO AND PLOTTED HEREON)</p>
<input checked="" type="checkbox"/> C	<p>AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR ELECTRIC POWER TRANSMISSION AND INCIDENTAL PURPOSES, AS GRANTED TO PACIFICORP, AN OREGON CORPORATION, D/B/A ROCKY MOUNTAIN POWER ITS SUCCESSORS AND ASSIGNS BY INSTRUMENT RECORDED MAY 08, 2009 AS ENTRY NO. 10697566 IN BOOK 9720 AT PAGE 8102 OF OFFICIAL RECORDS. (SUBJECT TO AND PLOTTED HEREON)</p>
<input checked="" type="checkbox"/> D	<p>AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR TELECOMMUNICATIONS FACILITIES AND INCIDENTAL PURPOSES, AS GRANTED TO U.S. WEST COMMUNICATIONS, INC., A COLORADO CORPORATION BY INSTRUMENT RECORDED AUGUST 17, 1994 AS ENTRY NO. 5900976 IN BOOK 7002 AT PAGE 235 OF OFFICIAL RECORDS. (SUBJECT AND PLOTTED HEREON)</p>

## CAUTION – NOTICE TO CONTRACTOR

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

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



**Know what's below.**  
**Call before you dig.**

811

Now what's **below**.  
**Call** before you dig.

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P: 888-458-6646

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

#2505- MURRAY, UTAH

6031 900 EAST

## SITE PLAN

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

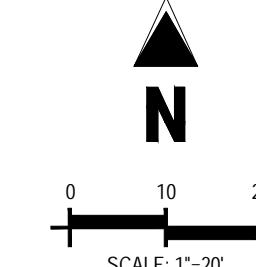
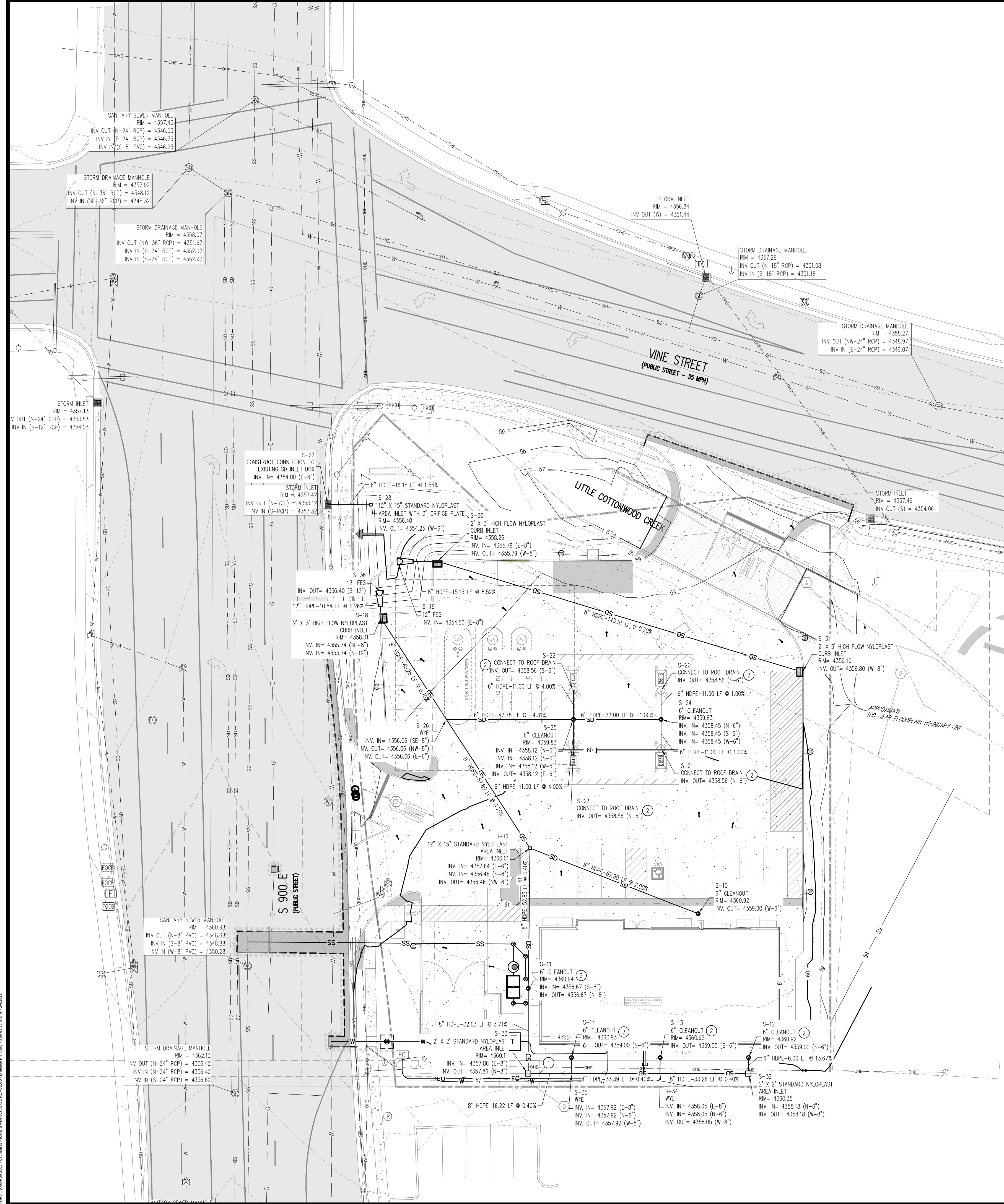
DATE	REVISION DESCRIPTION	REVISIONS

02.04.2022

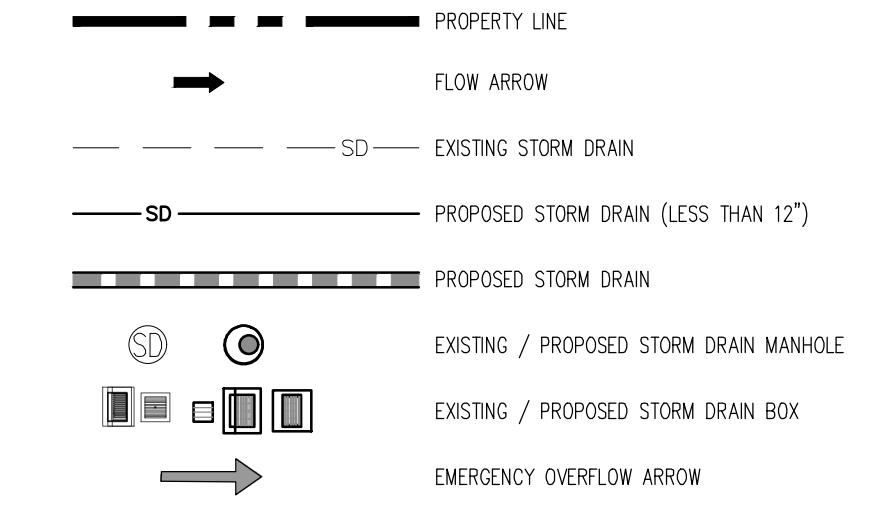








## DRAINAGE LEGEND



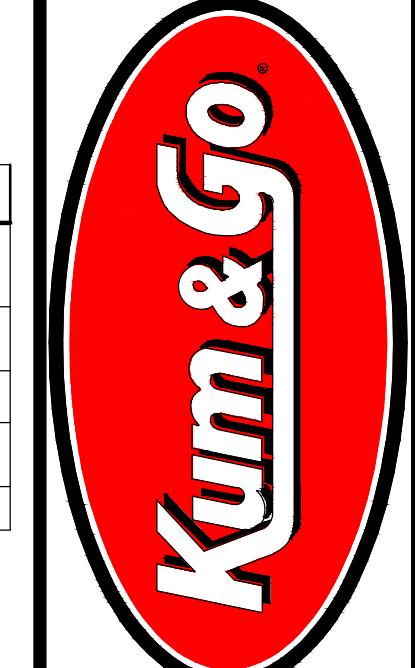
## FLAG NOTES

- ① CONSTRUCT UTILITY CROSSING. CONTRACTOR TO MAINTAIN MINIMUM 1.5' CLEAR SPACE BETWEEN UTILITIES FROM OUTER EDGE TO OUTER EDGE OF PIPE.
- ② PROPOSED ROOF DRAIN OR CANOPY DRAIN CONNECTION TO BUILDING. REFERENCE PLUMBING PLANS FOR CONTINUATION.

## **DETENTION/RETENTION PO**

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

**PRELIMINARY**  
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NOT FOR CONSTRUCTION



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Des Moines, IA 50309  
P: 888-458-6646

#2505 - MURRAY, UTAH  
6031 900 EAST  
DRAINAGE PLAN

## BENCHMARK

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

## BASIS OF BEARING

ALL BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE SALT LAKE BASELINE & MERIDIAN, U.S. SURVEY, MONUMENTED ON THE WEST END BY THE SOUTHWEST CORNER, SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 EAST AND ON THE EAST END BY THE SOUTH  $\frac{1}{4}$  CORNER, SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 WEST AND IS  
CONSIDERED TO BEAR S89°52'01"E, PER RECORD AND IS MONUMENTED AS SHOWN.

FFMA FLOOD ZONE

**FEMA FLOOD ZONE**  
PER FIRMETTE 49035C0313G, EFFECTIVE 09/25/2009;  
THIS PROPERTY RESIDES IN FEMA FLOOD ZONE X - AREAS OF MINIMAL FLOOD HAZARD

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

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

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

THEIR COST.

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

## CAUTION – NOTICE TO CONTRACTOR

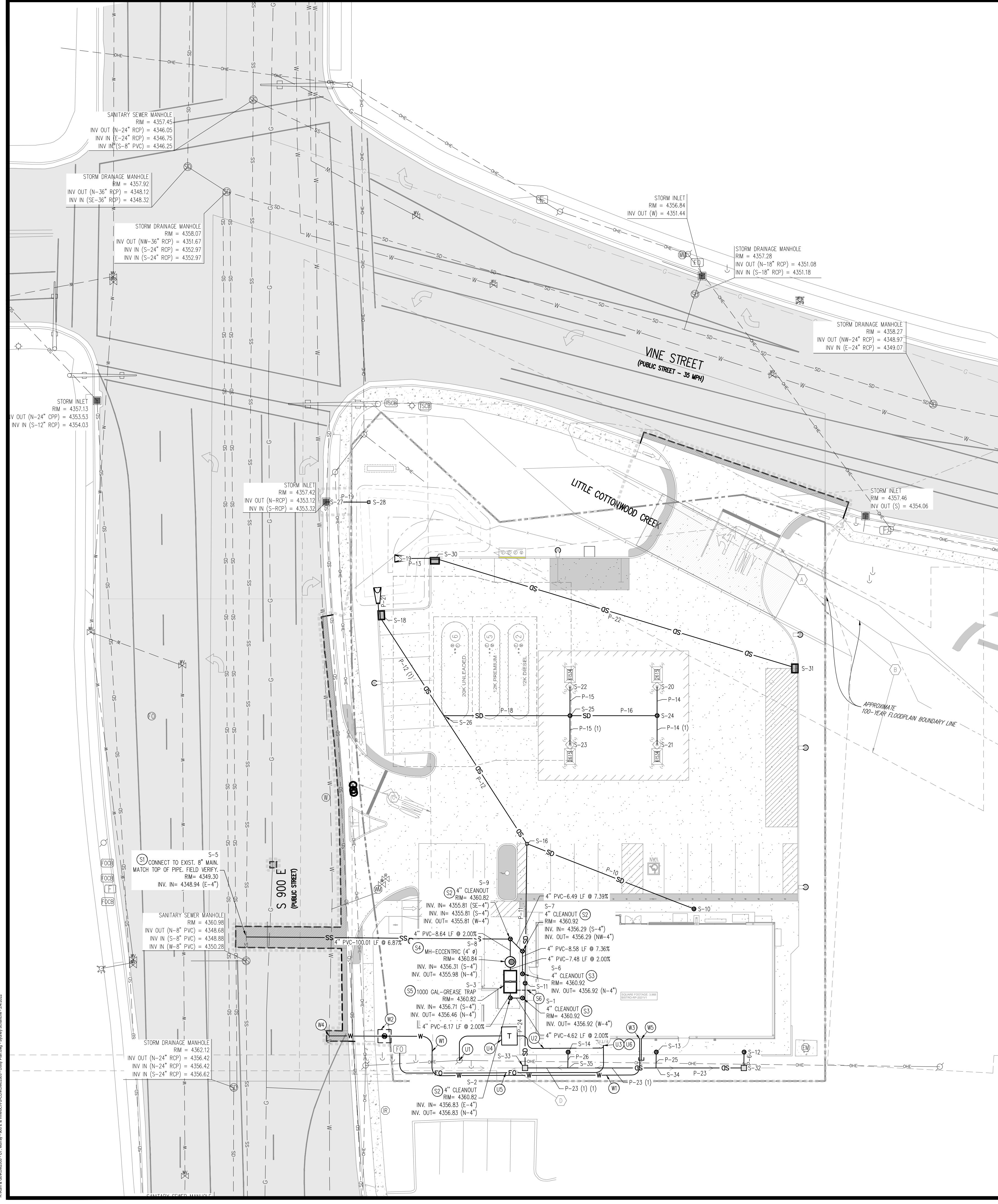
1. ALL UTILITY LOCATIONS SHOWN ARE BASED ON MAPS PROVIDED BY THE APPROPRIATE UTILITY COMPANY AND FIELD SURFACE EVIDENCE AT THE TIME OF SURVEY AND IS TO BE CONSIDERED AN APPROXIMATE LOCATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES, PUBLIC OR PRIVATE, WHETHER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

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



Know what's **below**.  
Call before you dig.

C2.3  
8 OF 18



#### GENERAL FLAG NOTES

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

#### DRY UTILITY FLAG NOTES

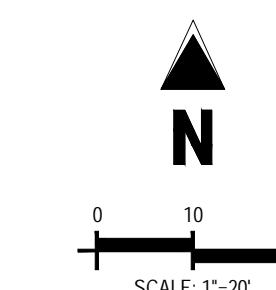
- (U1) PROPOSED CONNECTION TO ROCKY MOUNTAIN POWER. CONTRACTOR TO VERIFY EXACT LOCATION WITH UTILITY PROVIDER.
- (U2) PROPOSED ELECTRICAL PRIMARY ROUTING FROM P.O.C. TO TRANSFORMER. COORDINATE WITH ROCKY MOUNTAIN POWER FOR FINAL ROUTING.
- (U3) PROPOSED BUILDING ELECTRICAL POINT OF SERVICE. REFERENCE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

#### WATER FLAG NOTES

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

#### SANITARY SEWER FLAG NOTES

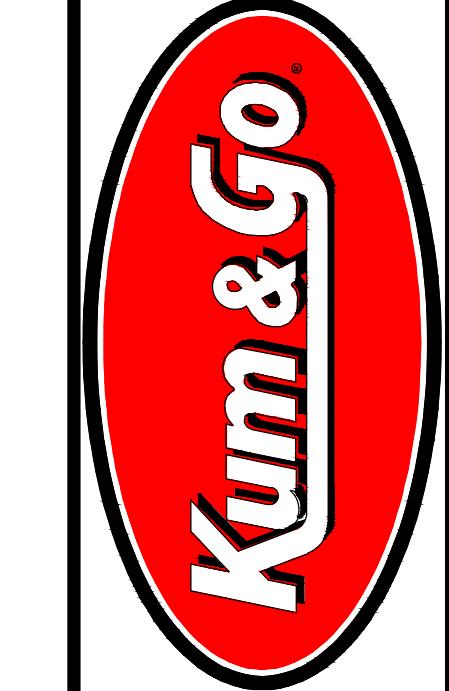
- (S1) PROPOSED 4" SEWER LATERAL CONNECTION TO EXISTING 8" MAIN. MATCH EXISTING TOP OF PIPE ELEVATION.
- (S2) PROPOSED SANITARY SEWER CLEANOUT.
- (S3) PROPOSED SANITARY SEWER CLEANOUT FOR POINT OF SERVICE TO BUILDING. REFERENCE PLUMBING PLANS FOR CONTINUATION.
- (S4) PROPOSED 6" SANITARY SEWER SAMPLING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



#### UTILITY LEGEND

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

**PRELIMINARY**  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION



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

#2505 - MURRAY, UTAH  
6031 900 EAST  
UTILITY PLAN

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

#### BASIS OF BEARING

ALL BEARINGS ARE BASED ON THE LINE OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 EAST AS THE SAME IS LAYED OUT AND SURVEY MONUMENTED ON THE WEST END BY THE SOUTHWEST CORNER, SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 EAST AND IS END BY THE SOUTH CORNER, SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 WEST AND IS CONSIDERED TO BE BM#2/3/4/5, PER RECORD AND IS MONUMENTED AS SHOWN.

#### FEMA FLOOD ZONE

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

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

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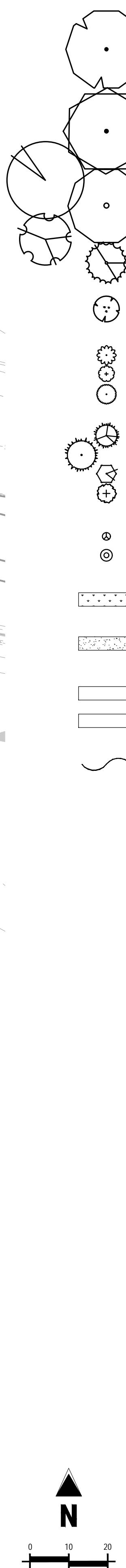
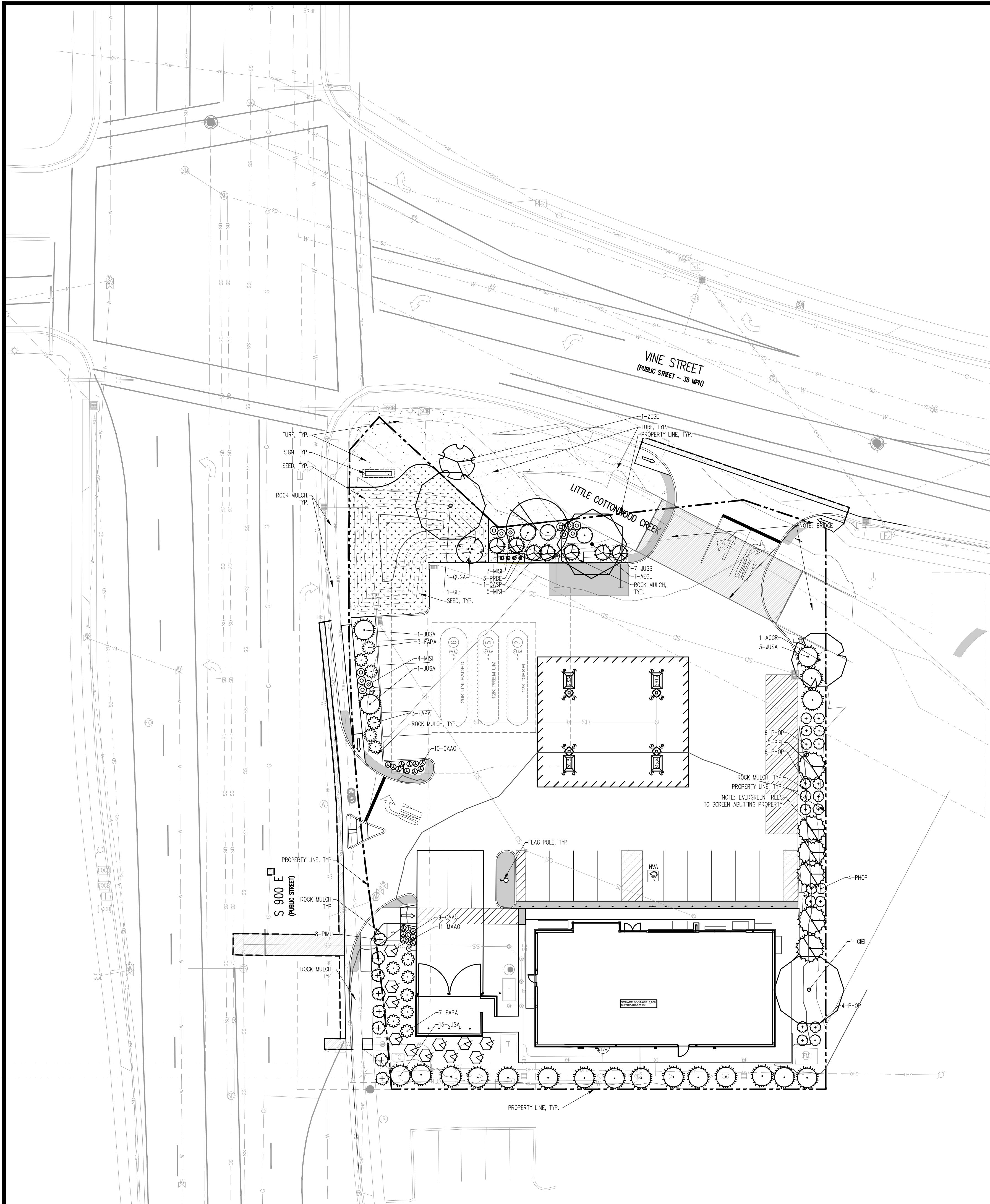
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DATE: 02.04.2022  
SHEET NUMBER: C3.1  
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#### LANDSCAPE CALCULATIONS

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

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

#### PLANTING LEGEND

LEGEND	COMMON NAME	PLANTING SIZE (MINIMUM)	MATURE SIZE (VLL,M,H)	WATER USE	SUN/SHADE
QTY ABBREV. BOTANIC NAME					
DECIDUOUS TREES					
1 AAGR ACER GRANDIDENTATUM	BIGTOOTH MAPLE	2' CAL B&B	30'X30'	M	SUN/PART SHADE
1 AEGL AESCULUS GLABRA	OHIO BUCKEYE	2' CAL B&B	40'X40'	M	SUN/PART SHADE
1 CAPS CATALPA SPECIOSA	WESTERN CATALPA	2' CAL B&B	50'X30'	L	SUN
2 GIBI GINKGO BILOBA	GINKGO	2' CAL B&B	50'X40'	M	SUN
1 ZESE ZELKOVA SERRATA 'WIRELESS'	WIRELESS	2' CAL B&B	35'X20'	M	SUN/PART SHADE
EVERGREEN TREES					
6 PIPL PINUS FLEXILIS 'VANDERWOLFS PYRAMID'	LIMBER PINE	6' HEIGHT B&B	20'X10'	M	SUN/PART SHADE
ORNAMENTAL TREES					
1 QUQA QUERCUS GAMBELII	GAMBEL OAK	1.5' CAL B&B	15'X12'	L	SUN
DECIDUOUS SHRUBS					
13 FAPF FALLOUGIA PARADOXA	APACHE PLUME	#5 CONT. 18-24"	5'X5'	VL	SUN
20 PHOP PHYSOCARPIUS OPULIFOLIUS 'DONNA MAY'	LITTLE DEVIL NINEBARK	#5 CONT. 18-24"	4'X4'	LM	SUN
3 PRBE PRUNUS BESSEYI 'PAWNEE BUTTES'	PAWNEE BUTTES SAND CHERRY	#5 CONT. 18-24"	18'X6'	VL	SUN
EVERGREEN SHRUBS					
7 JUSB JUNIPERUS SABINA 'BUFFALO'	BUFFALO JUNIPER	#5 CONT. 18-24"	12'X6'	VL	SUN/PART SHADE
20 JUSA JUNIPERUS SABINA 'MONINA'	CALGARY CARPET JUNIPER	#5 CONT. 18-24"	9'X10'	VL	SUN/PART SHADE
11 MAAQ MAHONIA AQUIFOLIUM 'COMPACTA'	COMPACT OREGON GRAPE HOLLY	#5 CONT. 18-24"	3'X5'	VL	SUN/PART SHADE
8 PIMU PINUS MUGO V. PUMILLO	MUGO PINE	#5 CONT. 18-24"	3'X5'	VL	SUN/PART SHADE
ORNAMENTAL GRASSES					
19 CAAC CALAMAGROSTIS ACUTIFLORA KARL FOERSTER	FEATHER REED GRASS	#1 CONT.	5'X2'	L	SUN
12 MISI MISCANTHUS SINENSIS 'GRACILLIMUS'	MAIDEN GRASS	#1 CONT.	5'X4'	L	SUN
SEED					
2,140 S.F. (MURRAY, UT) WETLAND SEED MIX	GREAT BASIN SEED	SEED		L	
SOD					
2,690 S.F. FESCUE SOD	RTF (RHIZOMATOUS TALL FESCUE)	SOD		M	
MULCH					
8,487 S.F. ROCK COBBLE MULCH	1'x6' ROCK COBBLE MULCH WITH WOOD MULCH RING AROUND ALL PLANT MATERIAL SEE PLANTING NOTES & DETAILS	MULCH		N/A	
AS NEEDED WOOD MULCH	DARK BROWN SHREDDED HARDWOOD MULCH	MULCH		N/A	
EDGING					
128 L.F. STEEL EDGING	BLACK STEEL EDGING. SEE LANDSCAPE NOTES	EDGING		N/A	

#### UTILITY NOTES

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

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DATE: 01.21.2022

SHEET NUMBER: L1.1

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CRITERIA PLAN 04/2024

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

**PRELIMINARY**  
NOT FOR BIDDING  
NOT FOR CONSTRUCTION



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

#2505 - MURRAY, UTAH  
6031 900 EAST  
LANDSCAPE PLAN

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

REVISIONS	REVISION DESCRIPTION	DATE

DATE: 01.21.2022

SHEET NUMBER: L1.1

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CRITERIA PLAN 04/2024

## GENERAL PLANTING NOTES

### GENERAL

- ALL WORK SHALL CONFORM TO ALL APPLICABLE STATE AND LOCAL CODES, STANDARDS, AND SPECIFICATIONS.
- LANDSCAPE DESIGN IS DIAGRAMMATIC IN NATURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN TAKEOFFS AND QUANTITY CALCULATIONS. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE LANDSCAPE LEGEND, THE PLANT QUANTITY SHALL PREVAIL. THE CONTRACTOR SHALL TAKE PRECAUTIONS AND NOTIFY THE LANDSCAPE ARCHITECT OF THESE DISCREPANCIES. MINOR ADJUSTMENTS IN THE QUANTITY OF MATERIALS AND LOCATIONS MAY BE PROPOSED FOR CITY CONSIDERATION AT THE CONSTRUCTION DOCUMENT STAGE TO RESPOND TO MARKET AND FIELD CONDITIONS; HOWEVER, THERE SHALL BE NO REDUCTION IN THE NUMBER AND SIZE OF MATERIALS.
- CONTRACTOR SHALL MAKE HIMSELF AWARE OF THE LOCATIONS OF EXISTING AND PROPOSED UTILITIES, AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE UTILITIES AND/OR ANY INJURY TO ANY PERSON. THIS DRAWING IS PART OF A COMPLETE SET OF CONTRACT DOCUMENTS. UNDER NO CIRCUMSTANCES SHOULD THIS PLAN BE USED FOR CONSTRUCTION PURPOSES WITHOUT EXAMINING ACTUAL LOCATIONS OF UTILITIES ON SITE AND REVIEW ALL RELATED PLANS AND DOCUMENTS.
- ALL UTILITY EASEMENTS SHALL REMAIN UNOBSTRUCTED AND FULLY ACCESSIBLE ALONG THEIR ENTIRE LENGTH FOR MAINTENANCE EQUIPMENT.
- THE CONTRACTOR SHALL TAKE EXTREME CARE NOT TO DAMAGE ANY EXISTING PLANTS INDICATED AS "TO REMAIN," ANY SUCH PLANTS DAMAGED BY THE CONTRACTOR SHALL BE REPLACED WITH THE SAME SPECIES, SIZE, AND QUANTITY AT THE CONTRACTOR'S OWN EXPENSE, AND AS ACCEPTABLE TO THE OWNER. REFER TO THE TREE PROTECTION NOTES ON THE PLANS (AS APPLICABLE).
- LANDSCAPE CONTRACTOR SHALL EXAMINE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED AND NOTIFY THE GENERAL CONTRACTOR IN WRITING OF UNSATISFACTORY CONDITIONS. IF SITE CONDITIONS OR PLANT AVAILABILITY REQUIRE CHANGES TO THE PLAN, THEN AN APPROVAL WILL BE OBTAINED FROM THE CITY. DO NOT PROCEED UNTIL CONDITIONS HAVE BEEN CORRECTED.
- ALL CONSTRUCTION DERRIS AND MATERIAL SHALL BE REMOVED AND CLEARED OUT PRIOR TO INSTALLATION OF TOPSOIL, TREES, SHRUBS, AND TURF.
- FOR ALL INFORMATION ON SURFACE MATERIAL OF WALKS, DRIVES, AND PARKING LOTS, SEE THE SITE PLAN. SEE PHOTOMETRIC PLAN FOR FREE STANDING LIGHTING INFORMATION.
- THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT ONE WEEK PRIOR TO BEGINNING CONSTRUCTION.
- WINTER WATERING SHALL BE AT THE EXPENSE OF THE CONTRACTOR UNTIL SUCH TIME AS FINAL ACCEPTANCE IS RECEIVED.
- ALL LANDSCAPE CONSTRUCTION PRACTICES, WORKMANSHIP, AND ETHICS SHALL BE IN ACCORDANCE WITH INDUSTRY STANDARDS SET FORTH IN THE CONTRACTORS HANDBOOK PUBLISHED BY THE UTAH LANDSCAPE CONTRACTORS ASSOCIATION.
- LANDSCAPE AND IRRIGATION WORK SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY.

### IRRIGATION CONCEPT

- AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AND OPERATIONAL BY THE TIME OF FINAL INSPECTION. THE ENTIRE IRRIGATION SYSTEM SHALL BE INSTALLED BY A QUALIFIED IRRIGATION CONTRACTOR.
- THE IRRIGATION SYSTEM WILL HAVE APPROPRIATE BACKFLOW PREVENTION DEVICES INSTALLED TO PREVENT CONTAMINATION OF THE WATER SOURCE IF APPLICABLE.
- ALL NON-TURF/SEED PLANTED AREAS WILL BE DRIP IRRIGATED. TURF/SOD/SEED SHALL RECEIVE POP-UP SPRAY IRRIGATION FOR HEAD TO HEAD COVERAGE.
- ALL PLANTS SHARING SIMILAR HYDROZONE CHARACTERISTICS SHALL BE PLACED ON A VALVE DEDICATED TO PROVIDE THE NECESSARY WATER REQUIREMENTS SPECIFIC TO THAT HYDROZONE.
- THE IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED, TO THE MAXIMUM EXTENT POSSIBLE, TO CONSERVE WATER BY USING THE FOLLOWING DEVICES AND SYSTEMS: MATCHED PRECIPITATION RATE TECHNOLOGY ON RODOR AND SPRAY HEADS (WHEREVER POSSIBLE), RAIN SENSORS, AND SMART MULTI-PROGRAM COMPUTERIZED IRRIGATION CONTROLLERS FEATURING SENSORY INPUT CAPABILITIES.

### SEED NOTES

- ALL SEED MIXES AVAILABLE THROUGH:  
GREAT BASIN SEEDS  
4500 SOUTH 50 EAST  
EPHRAM, UT  
(435)-283-1411
- WETLAND SEED MIX  
4LBS AC SALT LANDER  
4LBS RUSTLER TALL FESCUE  
4LBS WLD RYE  
2LBS ALKALI SACKATON  
6LBS HULK TALL WHEATGRASS
- ALL SEED APPLICATIONS SHALL BE DRILL SEEDED, WITH HYDROSLURRY APPLIED OVER THE SEED BED AFTER SEEDING. THE SLURRY MIX SHALL CONTAIN THE FOLLOWING:  
LBS /1,000 SF  
WOOD FIBER MULCH 46  
15-15-15 ORGANIC FERTILIZER 9  
ORGANIC BINDER 4

### SEED ESTABLISHMENT NOTES

- THE LANDSCAPE CONTRACTOR SHALL SEED ALL NATIVE SEED AREAS AS SOON AS POSSIBLE AFTER COMPLETION OF GRADING OPERATIONS. SOIL PREPARATION MEASURES IN AREAS TO BE SEEDED SHALL BE COMPLETED PRIOR TO SEEDING.
- FOR PROPER ESTABLISHMENT, SEED SHALL BE INSTALLED WHEN AT LEAST THREE MONTHS REMAIN IN THE GROWING SEASON. IF LESS THAN THREE MONTHS REMAIN IN THE GROWING SEASON AT THE TIME OF SEEDING, THE LANDSCAPE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT AND OWNER. THE IRRIGATION SYSTEM FOR SEEDED AREAS SHALL BE FULLY OPERATIONAL AT THE TIME OF SEEDING. DISTURBED SOILS MUST BE STABILIZED WITHIN 14 DAYS OF FINAL GRADE. IF SEEDING IS NOT PERFORMED, ALTERNATIVE STABILIZATION MEASURES WILL BE REQUIRED.
- THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ADDITIONAL CORRECTIVE MEASURES, AT HIS OWN COST, TO SATISFY ESTABLISHMENT REQUIREMENTS AND ENSURE TIMELY GROWTH. THESE MEASURES MAY INCLUDE, AT THE OWNER'S OPTION, RESEEDING OF SPARSELY GERMINATED AREAS AND/OR INSTALLATION OF SOD IN ALL SEDED AREAS.

**FINISH GRADING AND SOIL PREPARATION**

- CONTRACTOR SHALL CONSTRUCT AND MAINTAIN FINISH GRADES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GEOTECHNICAL REPORT, THE GRADING PLANS, THESE NOTES, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND OWNER.
- AFTER FINISH GRADES HAVE BEEN ESTABLISHED, IT IS RECOMMENDED THAT THE CONTRACTOR SHALL HAVE SOIL SAMPLES TESTED BY AN ESTABLISHED SOIL TESTING LABORATORY FOR THE FOLLOWING: GENERAL SOIL FERTILITY, PH, ORGANIC MATTER CONTENT, SALT (CEC), LIME, SOILUM ABSORPTION RATIO (SAR) AND BORON CONTENT. EACH SAMPLE SUBMITTED SHALL CONTAIN NO LESS THAN ONE QUART OF SOIL. CONTRACTOR SHALL ALSO SUBMIT THE PROJECT'S PLANT LIST TO THE LANDSCAPE ARCHITECT FOR APPROVAL. SOIL AMENDMENTS, SOIL FERTILITY, AND BORON ANALYSIS SHALL BE PROVIDED BY THE CONTRACTOR. SOIL FERTILITY ANALYSIS SHALL ALSO PROVIDE A FERTILIZER PROGRAM FOR THE ESTABLISHMENT PERIOD AND FOR LONG-TERM MAINTENANCE.
- THE CONTRACTOR SHALL RECOMMEND INSTALLATION OF SOIL AMENDMENTS AND FERTILIZERS PER SOILS REPORT FOR THE OWNER/OWNER'S REPRESENTATIVE CONSIDERATION.
- AT A MINIMUM, ALL TOPSOIL SHALL BE AMENDED WITH NITROGEN STABILIZED ORGANIC AMENDMENT COMPOST AT A RATE OF 5.0 CUBIC YARDS AND AMMONIUM PHOSPHATE 16-20-0 AT A RATE OF 15 POUNDS PER THOUSAND SQUARE FEET OF LANDSCAPE AREA. COMPOST SHALL BE MECHANICALLY INTEGRATED INTO THE TOP 6" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPING. GROUND COVER & PERENNIAL BED AREAS SHALL BE AMENDED AT A RATE OF 8 CUBIC FEET PER THOUSAND SQUARE FEET OF NITROGEN STABILIZED ORGANIC AMENDMENT AND 10 LBS. OF 12-12-12 FERTILIZER PER CU. YD., ROTOTILLED TO A DEPTH OF 8". NO MANURE OR ANIMAL-BASED PRODUCTS SHALL BE USED FOR ORGANIC AMENDMENTS.

**PLANTING**

- ALL DECIDUOUS TREES SHALL HAVE FULL, WELL-SHAPED HEADS; ALL EVERGREENS SHALL BE UNSHEARED AND FULL TO THE GROUND; UNLESS OTHERWISE SPECIFIED. TREES WITH CENTRAL LEADERS WILL NOT BE ACCEPTED IF LEADER IS DAMAGED OR REMOVED. PRUNE ALL DAMAGED TWIGS AFTER PLANTING.
- ALL PLANTS WITHIN A SPECIES SHALL HAVE SIMILAR SIZE, AND SHALL BE OF A TYPE FAMILIAR TO THE SPECIES. ANY PLANT DEEMED UNACCEPTABLE BY THE LANDSCAPE ARCHITECT SHALL BE IMMEDIATELY REMOVED FROM THE SITE AND SHALL BE REPLACED WITH AN ACCEPTABLE PLANT OF LIKE TYPE AND SIZE AT THE CONTRACTOR'S OWN EXPENSE. ANY PLANTS APPEARING TO BE UNHEALTHY, EVEN IF DETERMINED TO BE ALIVE, SHALL NOT BE ACCEPTED. THE LANDSCAPE ARCHITECT SHALL BE THE SOLE JUDGE AS TO THE ACCEPTABILITY OF PLANT MATERIAL.
- ALL TREES SHALL BE GUED AND WOOD STAKED AS PER DETAILS. NO "T-STAKES" SHALL BE USED FOR TREES.
- ALL PLANT MATERIALS SHALL BE TRUE TO TYPE, SIZE, SPECIES, QUALITY, AND FREE OF INJURY, BROKEN ROOT BALLS, PESTS, AND DISEASES, AS WELL AS CONFORM TO THE MINIMUM REQUIREMENTS DESCRIBED IN THE "AMERICAN STANDARD FOR NURSERY STOCK". FOLLOW GREENCO TREE PLANTING RECOMMENDATIONS FOR MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
- ALL TREE AND SHRUB BED LOCATIONS ARE TO BE STAKED OUT ON SITE FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

### UTILITY NOTES

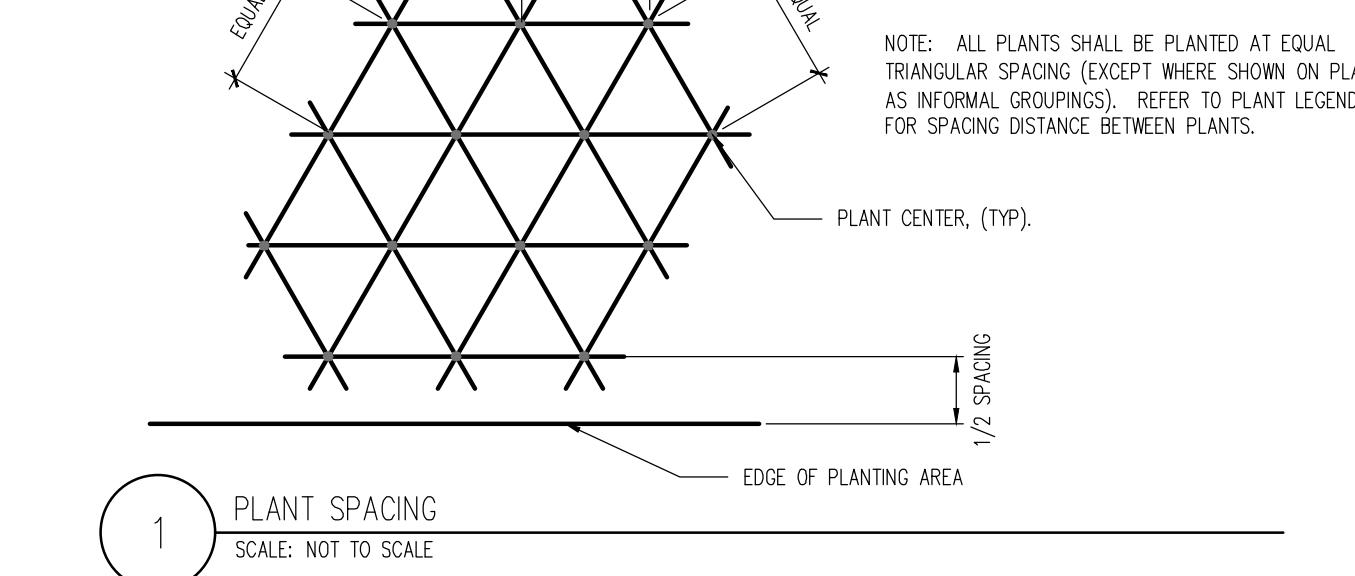
- THE LANDSCAPE CONTRACTOR IS REQUIRED TO CONTACT THE COUNTY PUBLIC WORKS DEPARTMENT, AND ANY OTHER PUBLIC OR PRIVATE AGENCY NECESSARY FOR UTILITY LOCATION PRIOR TO ANY CONSTRUCTION.
- THIS DRAWING IS A PART OF A COMPLETE SET OF BID DOCUMENTS, SPECIFICATIONS, ADDITIONAL DRAWINGS, AND EXHIBITS. UNDER NO CIRCUMSTANCES SHOULD THESE PLANS BE USED FOR CONSTRUCTION PURPOSES WITHOUT EXAMINING ACTUAL LOCATIONS OF UTILITIES ON SITE, AND REVIEWING ALL RELATED DOCUMENTS.
- THE LOCATION OF ALL UNDERGROUND UTILITIES ARE LOCATED ON THE ENGINEERING DRAWINGS FOR THIS PROJECT. THE MOST CURRENT REVISION IS HERE IN MADE PART OF THIS DOCUMENT. UNDERGROUND UTILITIES EXIST THROUGHOUT THIS SITE AND MUST BE LOCATED PRIOR TO ANY CONSTRUCTION ACTIVITY. WHERE UNDERGROUND UTILITIES EXIST, FIELD ADJUSTMENT MAY BE NECESSARY AND MUST BE APPROVED BY A REPRESENTATIVE OF THE OWNER. NEITHER THE OWNER NOR THE LANDSCAPE ARCHITECT ASSUMES ANY RESPONSIBILITY WHATSOEVER, IN RESPECT TO CONTRACTORS ACCURACY IN LOCATING THESE UTILITIES. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GEOTECHNICAL REPORT, THE GRADING PLANS, THESE NOTES, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND OWNER.

### LANDSCAPE GUARANTEE AND MAINTENANCE

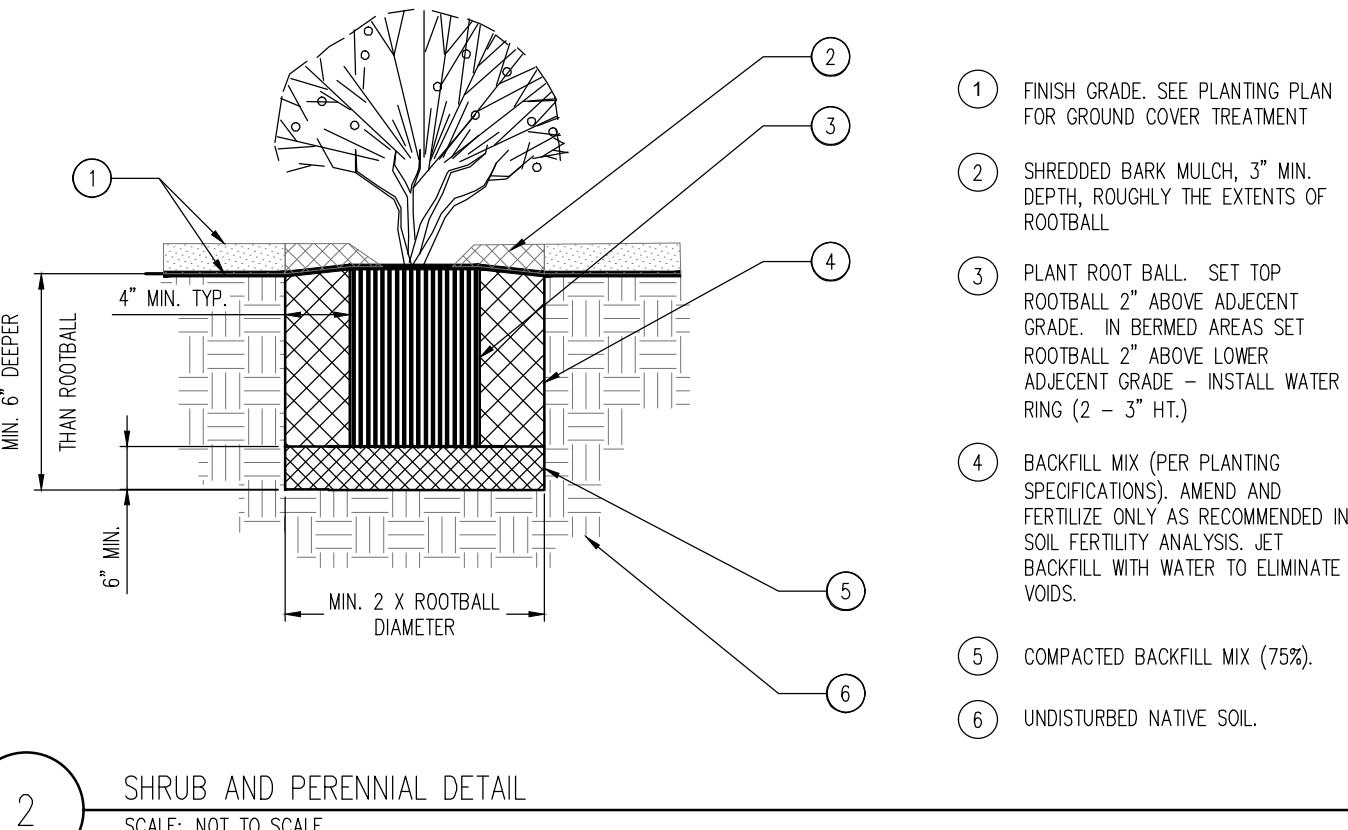
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL TREES, SHRUBS, PERENNIALS, SOD, SEDED AREAS, AND IRRIGATION SYSTEMS FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE OWNER'S ACCEPTANCE. THE CONTRACTOR SHALL REPLACE, AT HIS OWN EXPENSE, ANY PLANTS WHICH DIE IN THAT TIME, OR REPAIR ANY PORTIONS OF THE IRRIGATION SYSTEM WHICH OPERATE IMPROPERLY.
- THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN A NEAT, CLEAN, AND HEALTHY CONDITION FOR A PERIOD OF 90 DAYS. THIS SHALL INCLUDE PROPER PRUNING, MOWING AND AERATION OF LAWNS, WEEDING, REPLACEMENT OF MULCH, REMOVAL OF LITTER, AND THE APPROPRIATE WATERING OF ALL PLANTINGS. IRRIGATION SHALL BE MAINTAINED IN PROPER WORKING ORDER, WITH SCHEDULING ADJUSTMENTS BY SEASON AND TO MAXIMIZE WATER CONSERVATION. IF SITE OPENS DURING WINTER, TO AVOID FREEZE DAMAGE ON PLANTINGS, THE 90 DAYS SHOULD BEGIN AFTER ACCEPTANCE OF THE WORK.
- DURING THE LANDSCAPE MAINTENANCE PERIOD, THE LANDSCAPE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES IN ALL LANDSCAPE AREAS AT THE MINIMUM SLOPE SPECIFIED IN THE GEOTECHNICAL REPORT. LANDSCAPE AREAS WHICH SETTLE AND CREATE THE POTENTIAL FOR PONDING SHALL BE PREPARED TO ELIMINATE PONDING POTENTIAL AND BLEND IN WITH THE SURROUNDING AREAS. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GEOTECHNICAL REPORT, THE GRADING PLANS, THESE NOTES, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND OWNER.

### MULCHING

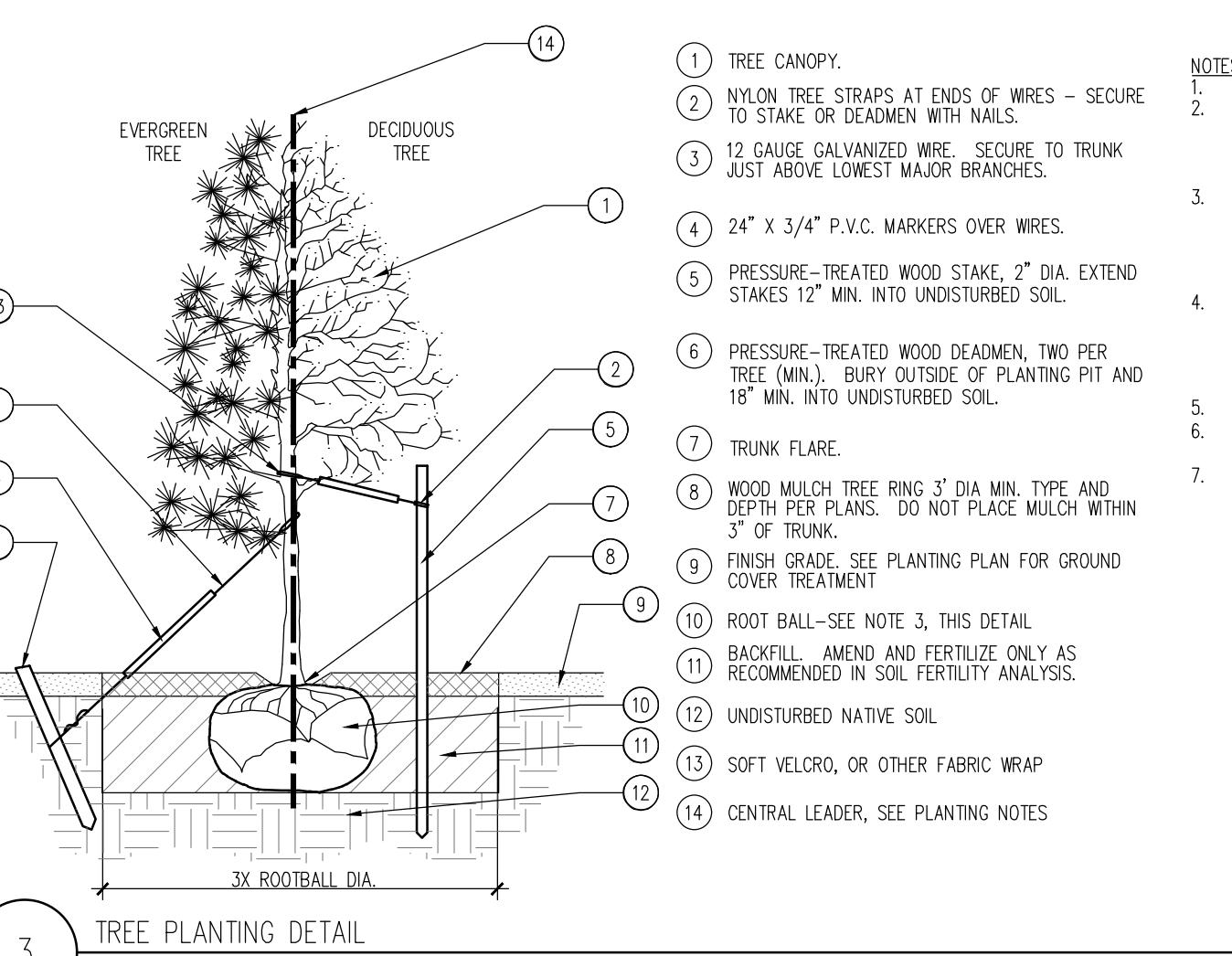
- AFTER ALL PLANTING IS COMPLETE, THE CONTRACTOR SHALL INSTALL A MINIMUM 4" THICK LAYER OF MULCH AS SPECIFIED IN THE PLANTING LEGEND. INSTALL A 4" THICK RING OF DOUBLE SHREDDED CEDAR BARK MULCH AROUND ALL PLANT MATERIAL IN ROCK MULCH BEDS WHERE LANDSCAPING IS SHOWN ON THE PLANS. WOOD MULCH RING SIZE SHALL BE THE CONTAINER SIZE OF THE SHRUBS, PERENNIALS, AND ORNAMENTAL GRASSES. TREE RING SIZE SHALL BE GREEN INDUSTRIES OF COLORADO INDUSTRY STANDARD WIDTH.
- ALL MULCH SHALL BE HARVESTED IN A SUSTAINABLE MANNER FROM A LOCAL SOURCE.
- INSTALL DEWIT PRO-5 WEED BARRIER FABRIC UNDER ALL ROCK MULCH SHRUB BEDS SPECIFIED ON THE PLANS ONLY. NO LANDSCAPE FABRIC SHALL BE USED IN WOOD MULCH AREAS. NO PLASTIC WEED BARRIERS SHALL BE USED.
- ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED.
- ALL PLANTING AREAS WITH LESS THAN A 4:1 GRADIENT SHALL RECEIVE A LAYER OF MULCH, TYPE AND DEPTH PER PLANS. SUBMIT 1 CUBIC FOOT SAMPLE OF MULCH (ONE SAMPLE PER TYPE) TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION. THE MULCH SHALL BE SPREAD EVENLY THROUGHOUT ALL PLANTING AREAS EXCEPT SLOPES 4:1 OR STEEPER, OR AS OTHERWISE DENOTED ON THE PLAN. ABSOLUTELY NO EXPOSED GROUND SHALL REMAIN IN AREAS TO RECEIVE MULCH AFTER MULCH HAS BEEN INSTALLED.
- ALL PLANTING AREAS ON SLOPES OVER 4:1 SHALL RECEIVE COCONUT FIBER EROSION CONTROL NETTING FROM ROLLS. NETTING SHALL BE #07-125, AS MANUFACTURED BY NORTH AMERICAN GREEN (OR EQUAL). INSTALL AND STAKE PER MANUFACTURER'S SPECIFICATIONS. SEE ALSO THE CIVIL ENGINEER'S EROSION CONTROL PLAN.
- ALL TREE AND SHRUB BED LOCATIONS ARE TO BE STAKED OUT ON SITE FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.



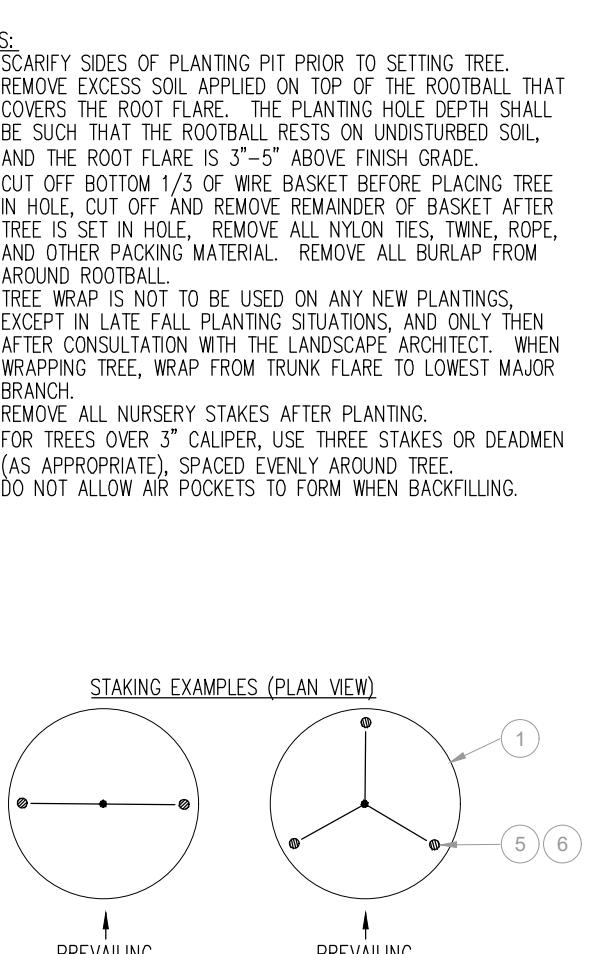
1 PLANT SPACING  
SCALE: NOT TO SCALE



2 SHRUB AND PERENNIAL DETAIL  
SCALE: NOT TO SCALE



3 TREE PLANTING DETAIL  
SCALE: NOT TO SCALE



1 Prevailing winds  
6 Prevailing winds

**Galloway**  
172 N. East Promontory, Suite 214  
Farmington, UT 84025  
801.543.1367  
Galloway.com

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

#2505 - MURRAY, UTAH  
6031 900 EAST  
LANDSCAPE NOTES & DETAILS

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

REVISIONS	REVISION DESCRIPTION	DATE

REVISIONS	REVISION DESCRIPTION	DATE
		01.21.2022

SHEET NUMBER:  
L1.2  
13 OF 18

CRITERIA PLAN 04/2022

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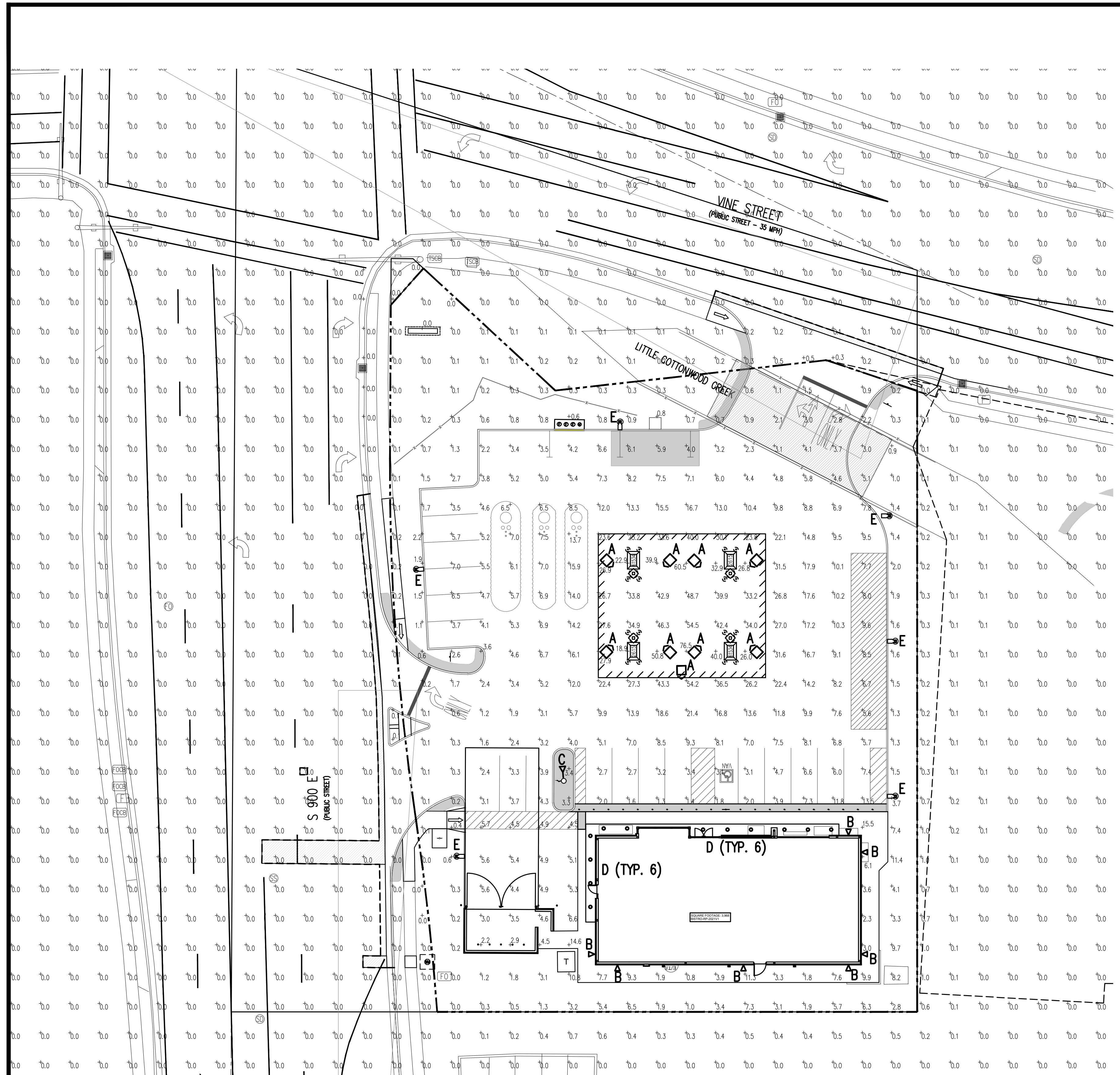
CAUTION - NOTICE TO CONTRACTOR

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

2. WHERE A PROPOSED UTILITY CROSSES AN EXISTING UTILITY, IT IS THE CONTRACTOR'S RESPONSIBILITY TO IDENTIFY THE EXISTING UTILITY AND REPORT ITS LOCATION TO THE ENGINEER PRIOR TO CONSTRUCTION.

Know what's below.

Call before you dig.



#### LUMINAIRE SCHEDULE

LABEL	SYMBOL	QTY	ARRANGEMENT	MODEL NUMBER	DESCRIPTION	LUMENS	TOTAL WATTS
A	█	9	SINGLE	SCV-LED-23L-SCFT-50-WHT	LSI LIGHTING, SCOTTSDALE VERTIX SERIES, 23L LUMEN PACKAGE, SYMMETRIC AND FORWARD THROW DISTRIBUTION, 5000K, WHITE, LED CANOPY FIXTURE, MOUNTED AT 15'-6"	23101	188
B	□	7	SINGLE	WST-LED-P2-40K-VW-MVOLT	LITHONIA LIGHTING, WST LED SERIES, 3,000 LUMEN PACKAGE, 4000K, VISUAL COMFORT WIDE DISTRIBUTION, LED DECORATIVE WALL SCONCE, MOUNTED AT 11'-0"	3512	25
C	▽	1	SINGLE	TLFL LED-20L-UNV-DIM-40-BLK	LSI LIGHTING, TLFL SERIES, 20L LUMEN PACKAGE, 4000K, BLACK COLOR, LED FLOODLIGHT, MOUNTED AT 4'-0", AIMED TO ILLUMINATE FLAG	19790	188
D	○	12	SINGLE	DNR-52609 LED6-40K	ATLANTIC LIGHTING, RECESSED 6" LENSED LED DOWNLIGHT, 4000K, FROSTED LENS, SPECULAR CLEAR FINISH MOUNTED AT 9'-0"	1579	23.8
E	▣	6	SINGLE	SLM-18L-SIL-FT-UNV-50-70-BRZ-IL-S	LSI LIGHTING, SLICE MEDIUM LED SERIES AREA LIGHT, 18,000 LUMENS PACKAGE, 5000K, 70 CRI, SINGLE HEAD FLAT LENS FIXTURE WITH INTEGRAL LOUVER SHIELD, FORWARD THROW MOUNTED ON 16' POLE WITH 2'-6" CONCRETE BASE	12568	149

NOTES: REFER TO MEP PLANS FOR SITE LIGHTING ELECTRICAL AND POLE BASE DETAIL.  
DISTANCE FROM CENTER OF POLE TO BACK OF CURB = 4'-0" UNLESS NOTED OTHERWISE.

#### CALCULATION SUMMARY

LABEL	UNIFORMITY RATIOS	UNITS	AVG	MAX	MIN	AVG/MIN	MAX/MIN
CANOPY AREA	FC	34.82	76.5	18.9	1.84 to 1	4.05 to 1	
PARKING AREAS	FC	4.25	13.5	1.3	2.10 to 1	9.00 to 1	
DRIVE AREAS	FC	8.16	21.4	1.2	6.80 to 1	17.83 to 1	

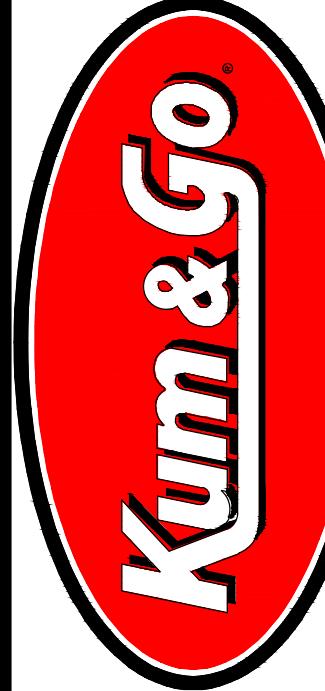
#### CAUTION - NOTICE TO CONTRACTOR

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



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#2505 - MURRAY, UTAH  
6031 900 EAST  
PHOTOMETRIC PLAN

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

REVISION	DESCRIPTION	REVISIONS

DATE: 02.04.2022

SHEET NUMBER:



SEAL



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

#2505 - MURRAY, UTAH  
6031 900 EAST  
EXTERIOR ELEVATIONS

KG PROJECT TEAM:  
RDM:  
SDM:  
CPM:

REVISIONS	REVISION DESCRIPTION

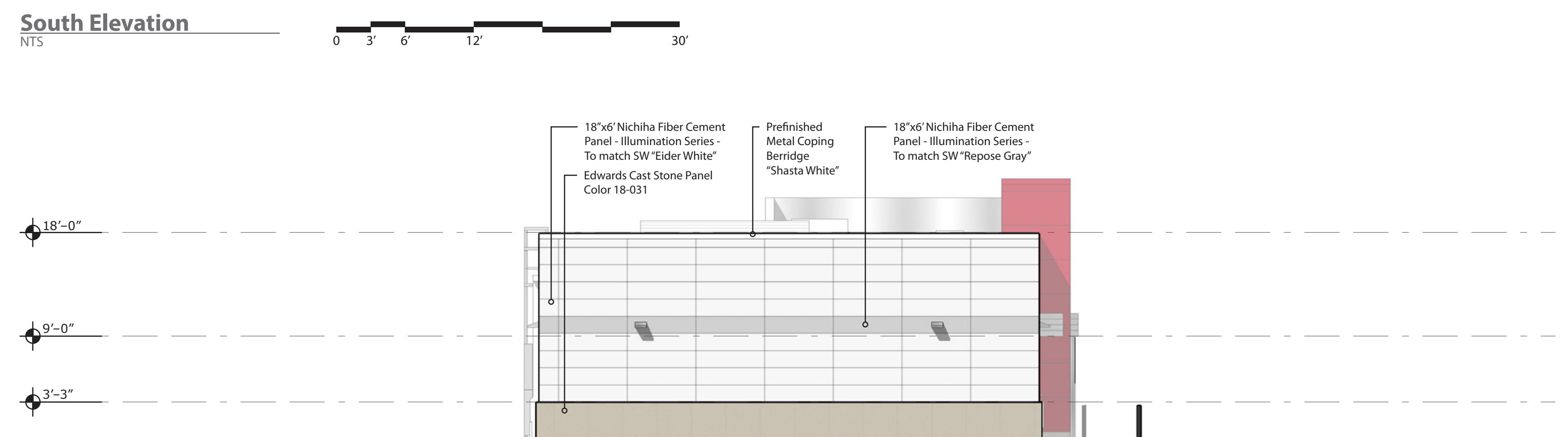
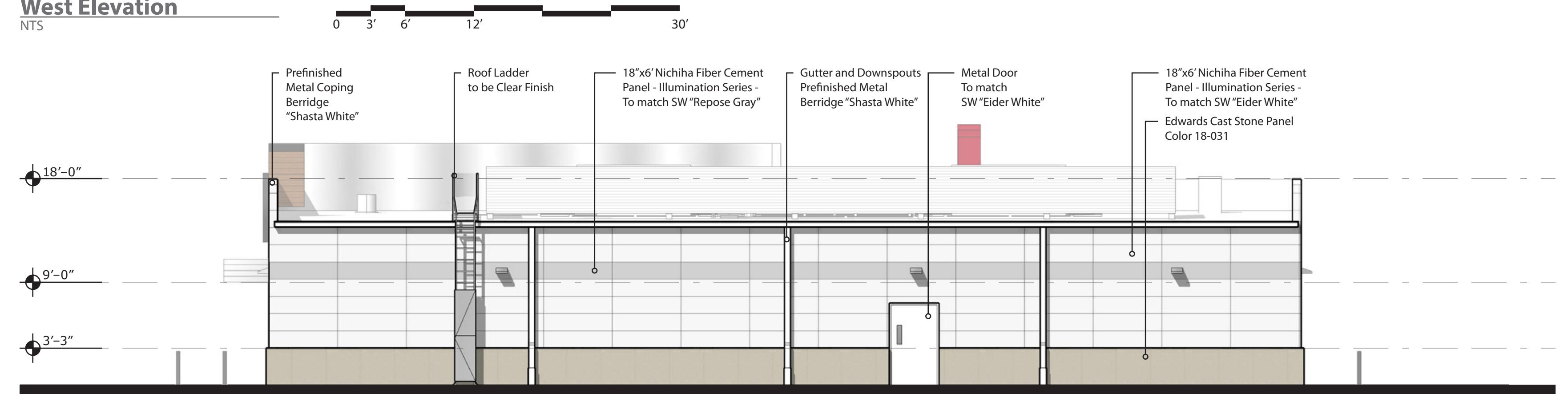
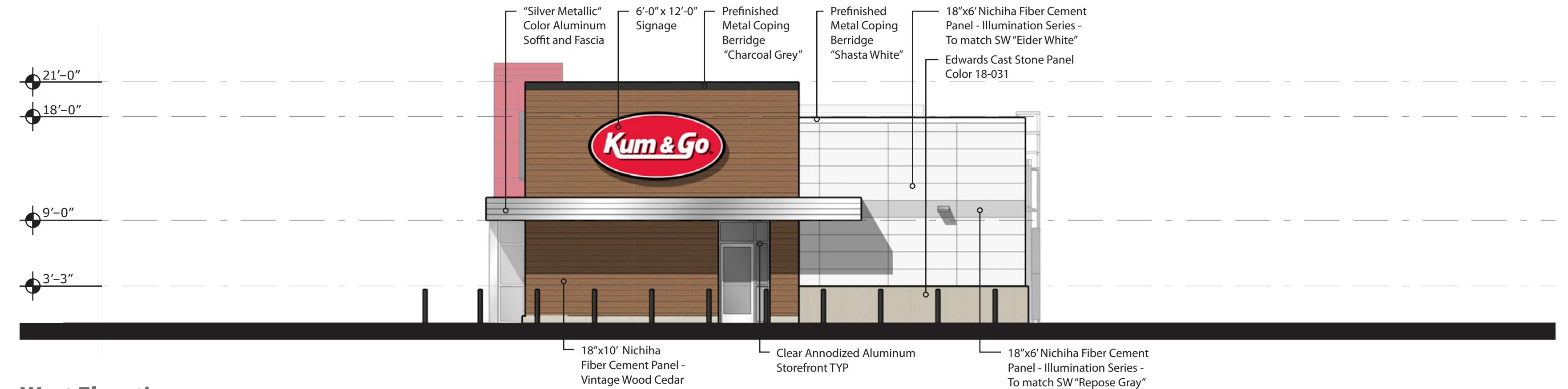
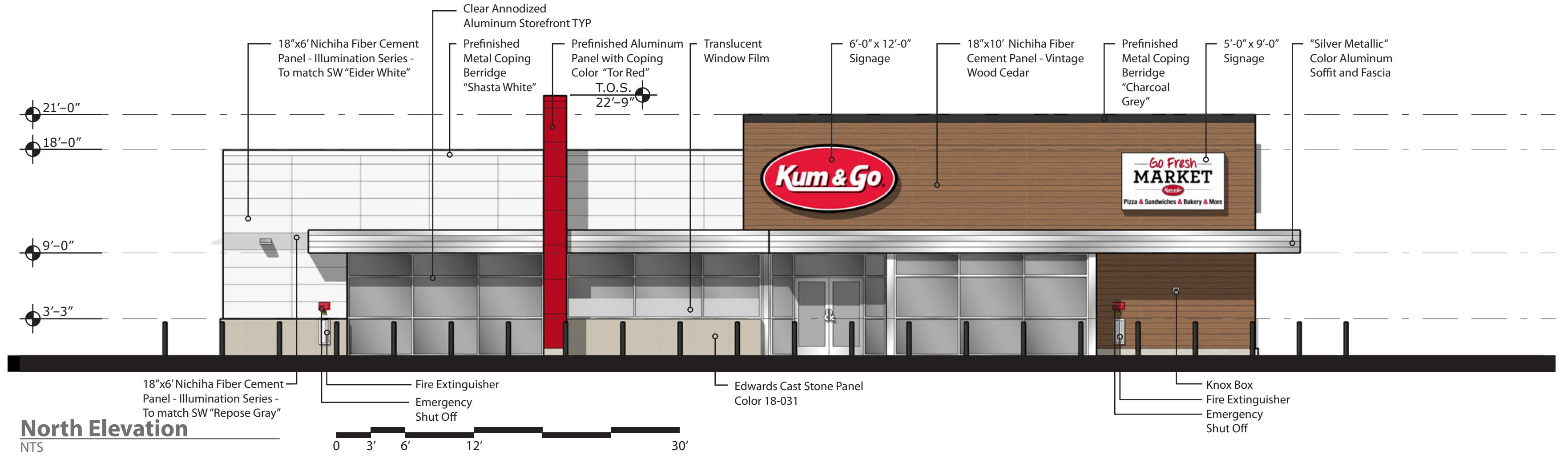
DATE: 10/29/2021

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14 OF 18

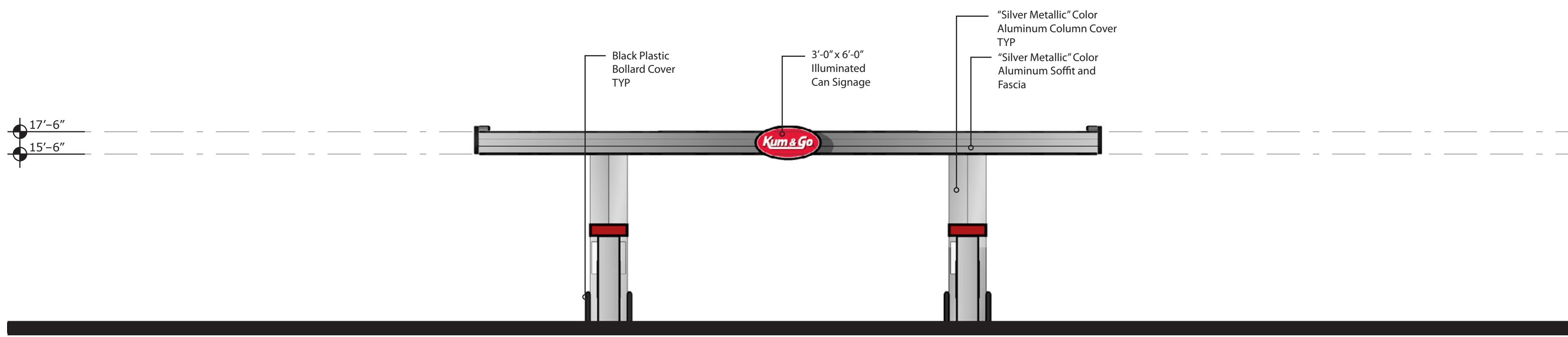
#### Proposed Building Signage

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



### Proposed Canopy Signage

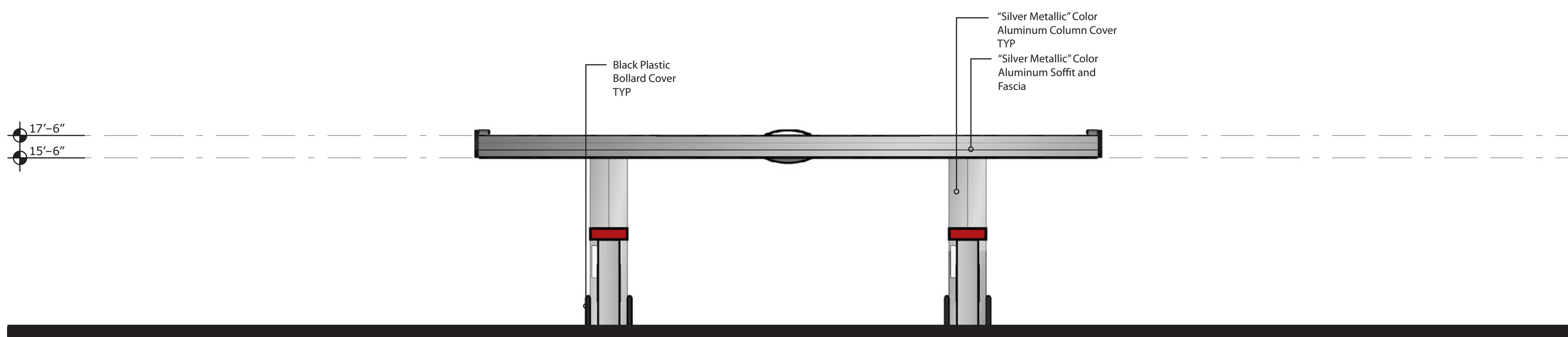
Location	Sign	Size	Area
North Elevation	"Kum & Go" Sign	3'x 6'	18 SF
South Elevation	No Signage	---	0 SF
West Elevation	"Kum & Go" Sign	3'x 6'	18 SF
East Elevation	"Kum & Go" Sign	3'x 6'	18 SF
Total			54 SF



North Elevation

NTS

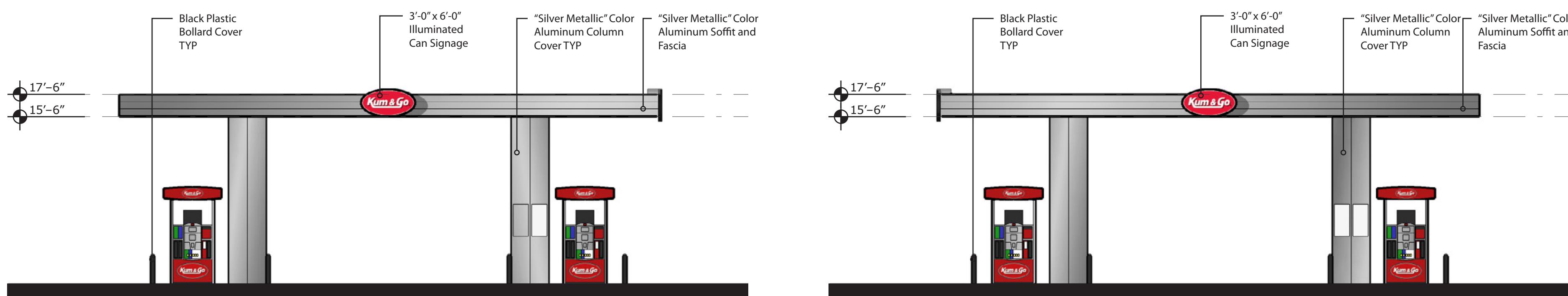
0 3' 6' 12' 30'



South Elevation

NTS

0 3' 6' 12' 30'



West Elevation

NTS

0 3' 6' 12' 30'



East Elevation

NTS

0 3' 6' 12' 30'

brr

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

SEAL



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Des Moines, Iowa  
50309  
P:515-457-6247

#2505 - MURRAY, UTAH  
6031 900 EAST

CANOPY ELEVATIONS

KG PROJECT TEAM:  
RDM:  
SDM:  
CPM:

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DATE: 10/29/2021

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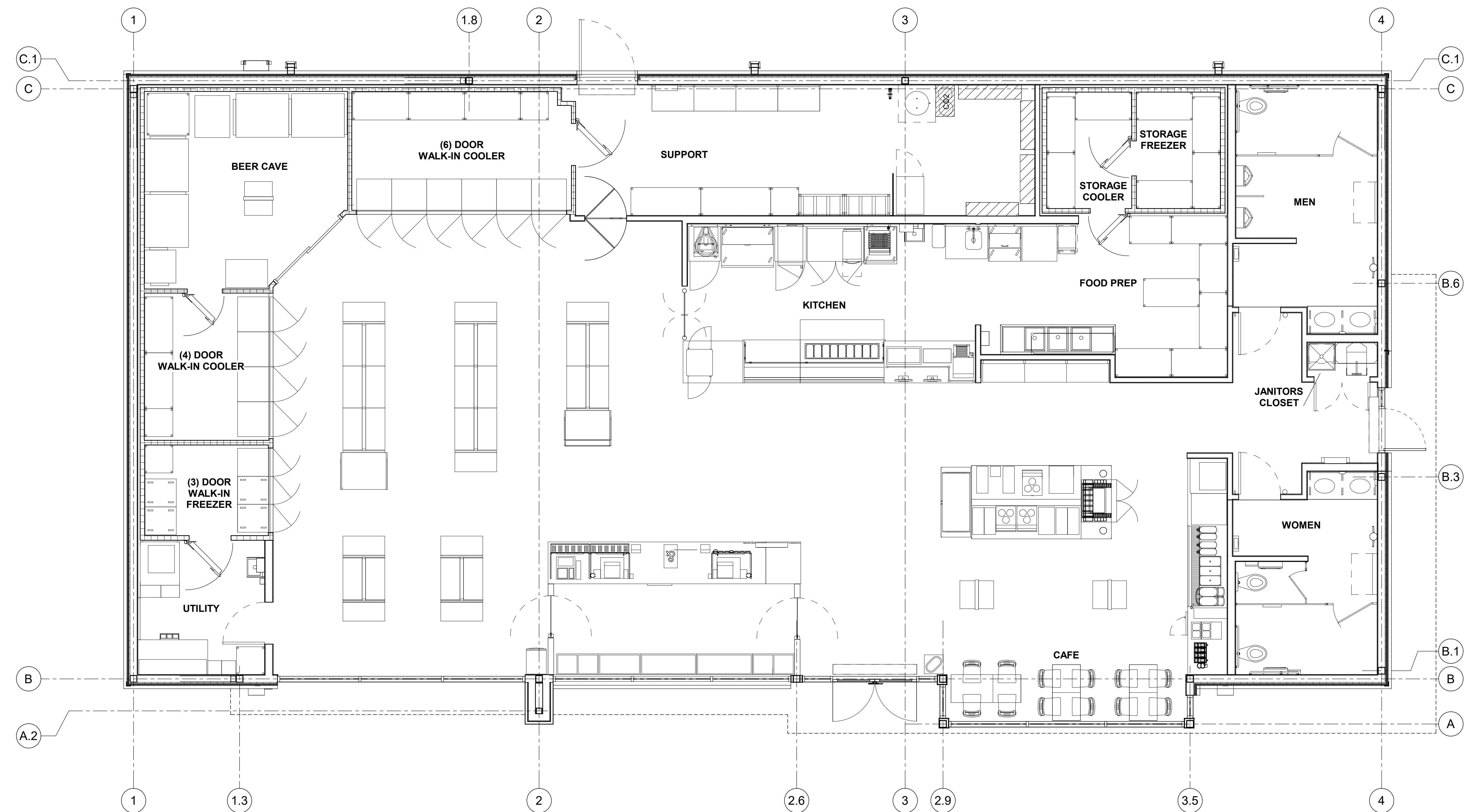
#2505 - MURRAY, UTAH  
6031 900 EAST  
Fixture Plan

KG PROJECT TEAM:  
RDM:  
SDM:  
CPM:

	REVISION DESCRIPTION

DATE	REVISION DESCRIPTION
10/29/2021	

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6031 900 EAST

ROOF PLAN

KG PROJECT TEAM:	RDM:	SDM:	CPM:

REVISIONS

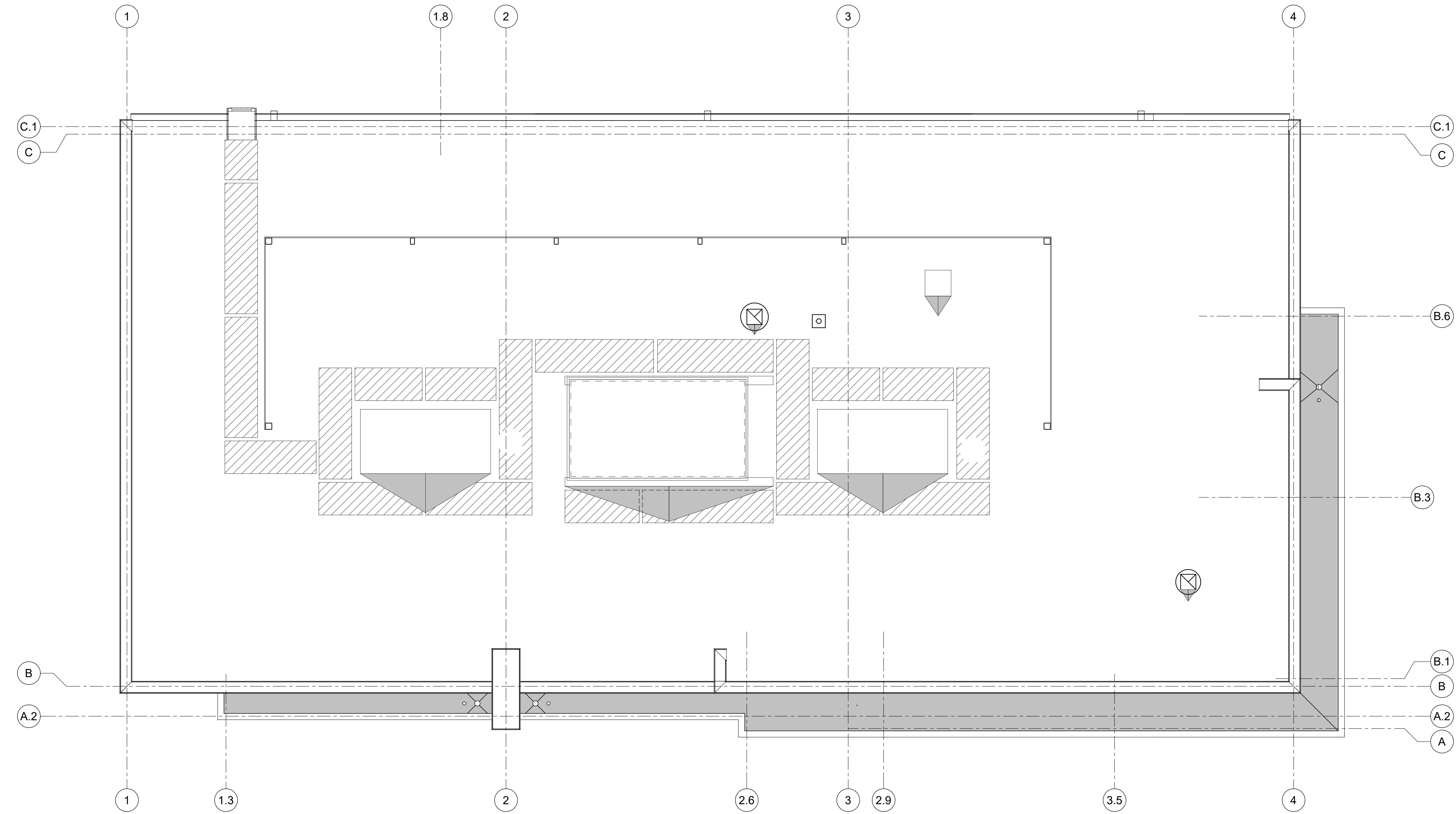
DATE	REVISION DESCRIPTION

DATE: 10/29/2021

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**ROOF PLAN**

1/4" = 1'-0"



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

## MURRAY CITY PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS

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

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

**APPLICATION TYPE:** Conditional Use Permit

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

### I. REQUEST:

The applicant is requesting approval of a Conditional Use Permit to allow the construction and operation of a Gasoline Service Station and Convenience Store at the subject property.

### II. MUNICIPAL CODE AUTHORITY:

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

### III. APPEAL PROCEDURE:

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

### IV. SUMMARY OF EVIDENCE:

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

### V. FINDINGS OF FACT:

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

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

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

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

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

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

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

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

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

## **VI. CONCLUSION**

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

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

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

## VII. DECISION AND SUMMARY

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

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

17.68 of the Murray City Land Use Ordinance.

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

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



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

**Attachment C**

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

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

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

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

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

#### APPROVAL OF MINUTES

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

#### CONFLICT OF INTEREST

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

Call vote was recorded.

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

Motion passed 4-0.

#### APPROVAL OF FINDINGS OF FACT

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

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

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

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

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

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

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

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

Seconded by Michael Richards.

Call vote was recorded.

A Lisa Milkavich  
A Jeremy Lowry

A Jake Pehrson  
A Michael Richards

Motion passed 4-0.

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

This item was continued to the March 17<sup>th</sup> meeting.

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

Zachary Smallwood presented the request. The applicant is requesting approval of a Conditional Use Permit to allow the construction and operation of a Gasoline Service Station and Convenience Store at the subject property. The property is 1.07-acre site in the C-N Zone, Commercial Neighborhood which allows convenience stores and fuel stations subject to Conditional Use Permit. The property is currently being used as a car wash. The applicant is proposing a 3,968 ft<sup>2</sup> building. Parking for gas stations is required to have one stall per 200 ft<sup>2</sup> which would equate to 16 stalls for this site. They have proposed 21 stalls. There are two parking stalls staff is proposing to remove due to the entrance on 900 East which would bring the total stalls to 19. They have proposed two access points, one off 900 East approximately 41' wide as a right-in right-out only and on north side onto Vine Street they would place a bridge over Little Cottonwood Creek for full access in and out. A traffic impact study was conducted and the City Engineer suggested having a right-in right-out would help that intersection on 900 East go from a level F to level D. The building design will be a mix of Hardie board with wood plank fiber cement board with metal accents. The building will be 21' high and the zone allows for 35'. Mr. Pehrson asked about the height of the surrounding residential zone. Mr. Smallwood verified the R-1-8 Zone height maximum is 35'. The canopy structure would be 17.5' tall. Staff has recommended the illuminated can sign that faces east be removed as it would face the neighboring property. The landscaping plan on the Vine Street side has an adequate number of trees, shrubs, bushes however the 900 East side is missing some trees and staff will work with them during the building process to get those incorporated. They did place evergreen trees that they will proactively plant along the east side that will help buffer the single-family residence. The Planning Commission can permit up to an 8' high fence. Staff is recommending they be required to place the fence on the east side. It isn't placed as a condition but from many of the emailed comments it may be a good addition. The dumpster area cannot be located between the street and the building; however, the planning commission may grant that in exceptions. They have proposed the dumpster between the building and the street so that it is not next to the residential area. Staff is willing to support the request for dumpster placement. They have proposed an 8' tall monument sign and the code only allows a maximum of 6' with 1' base with a 5' maximum sign area. Lighting pollution can't be on the property line per code but they are showing lighting above that amount and will need to modify it to meet the zero-foot candle. Ms. Milkavich asked about the lighting on the back side to discourage lingering in the back at night which is a concern from the community. Mr. Smallwood verified they would need lighting in the back and would be a safety feature for employee's going to the dumpster.

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

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

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

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

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

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

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

Mr. Lowry opened the meeting for public comment.

Kyung Han, 6053 South Bridges Lane

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

Brittany Noble, 953 E Bridges Court

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

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

Sterling Hansen, 6067 Bridges Lane

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

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

Kimberly Furness, 959 East Bridges Court

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

Nantawan Mortensen, 6051 South 900 East

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

The following emails were read into the record:

Rex Wheeler, 6061 Bridges Lane

*I live in the small subdivision adjacent to the proposed project. I am not in opposition to this. It will probably be a nicer property after the development. I would only ask that a block fence at least 8' high be built against our subdivision property.*

Diane Dykman

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

Mark and Brittany Noble

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

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

Travis Nay

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

Doreen Hanson

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

Holly Warren

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

Marisa DaGloria

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

Nick Furness

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

*literally be in my neighbor's back yard.*

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

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

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

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

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

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

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

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

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

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

1. The project shall meet Murray City Engineering requirements including the following:

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

any site work.

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

Seconded by Michael Richards.

Call vote was recorded by Mr. Smallwood.

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

Motion passed 4-0.

OTHER BUSINESS

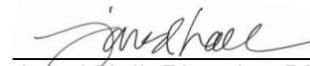
Planning Commission Meeting

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There was no other business.

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

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

**Attachment D**

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

# **MURRAY CITY PLANNING**

## **AUDIO TRANSCRIPTION**

**March 03, 2022**

**ADVANCED REPORTING SOLUTIONS**

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**PROVO** | 3507 North University Avenue, Suite 350-D | Provo, Utah 84604

**ST. GEORGE** | 20 North Main Street, Suite 301 | St. George, Utah 84770

 **REPORTING SOLUTIONS**  
**ADVANCED**

\* \*OFFICIAL TRANSCRIPTION\* \*

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

MARCH 3RD, 2022

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

<p>1                   P R O C E E D I N G S 2                   -000- 3 4           COMMISSIONER LOWRY: Moving on to -- and 5 again, for the record, we have tabled Item No. 5, Dirty 6 Devil Disposal until the March 17th planning commission 7 meeting, and we're moving on to Item No. 6, which is the 8 Kum &amp; Go gas station and convenience store located at 9 6029 South 9th East. 10           Is the applicant here? Welcome. Okay. 11           And Zach is -- 12           MR. SMALLWOOD: Uh-huh. 13           COMMISSIONER LOWRY: Zach Smallwood is -- is 14 presenting this. 15           MR. SMALLWOOD: Yes. Thank you. Sorry. 16 Just getting all prepped. 17           So this is Item No. 6, Kum &amp; Go. It's a 18 conditional use permit application for a gas station and 19 convenience store at 6029 South 9th East. As you can see 20 it's right there on the corner of, pretty much where Vine 21 picks back up, and 9th East. It's currently used as a 22 self-serve car wash, and I -- and Flowers on Vine is 23 right there on the corner as well. 24           It's a 1.07 acre site. They are proposing a 25 3,968 square-foot building. It is in the CN zone, which</p>	<p>Page 2</p>	<p>1 you can't get in there. They -- they craft those really 2 well. 3           The north side, however, onto Vine Street 4 where there currently is no access, they are proposing to 5 place a bridge over Little Cottonwood Creek and have a 6 full access, so that would allow for right-in, right-out, 7 left-in, left-out. 8           COMMISSIONER PEHRSON: Can I ask a question 9 about that -- 10           MR. SMALLWOOD: Please. 11           COMMISSIONER PEHRSON: -- while you're 12 talking? 13           MR. SMALLWOOD: Yeah. 14           COMMISSIONER PEHRSON: Currently the road is 15 double striped in the center on that road. So would it 16 not be illegal for them to turn -- turn left into that -- 17           MR. SMALLWOOD: According -- 18           COMMISSIONER PEHRSON: -- parking lot? 19           MR. SMALLWOOD: According to Trey, they would 20 be able to turn left. So I'll leave it up to him. 21 Trey's the city engineer. 22           COMMISSIONER MILKAVICH: Maybe -- maybe 23 that -- maybe he has the intent of them re-striping that 24 section. I don't know. 25           MR. SMALLWOOD: Potentially. I'm not sure.</p>	<p>Page 4</p>
<p>1 a -- allows convenience stores and fuel stations subject 2 to obtaining a conditional use permit. So we'll go ahead 3 and get started right into it. 4           So parking for gasoline -- or fuel stations 5 are required 1- to 200 square feet. It's basic retail 6 is -- is how we calculate it. So they need approximately 7 16 stalls. They have requested -- or they are proposing 8 21. 9           I will get into more of this a little bit 10 later, but -- and you can't see it very well right here, 11 but there are two parking stalls, one there and one 12 there, that we are proposing that they remove due to 13 its -- the -- the entrance on 9th East. It just 14 feels a little too close. 15           And then also I think providing that open 16 access to the proposed dumpster as well. So we are 17 recommending that they remove those two stalls, so that 18 would bring it down to 19 stalls. Still over what 19 they're required to have. 20           So access, they have -- they are proposing 21 two accesses on this site. The one on 9th East, which is 22 right here. It's approximately 41 feet wide. This would 23 be a right-in, right-out only, so people from 9th East 24 would not be able to turn into -- turn left into the Kum 25 &amp; Go. There would be a hard median divider in there, so</p>	<p>Page 3</p>	<p>1 That -- that was all just redone, so I highly doubt 2 they're going to re-stripe it. But I don't know. But 3 technically we would allow for a full access there. 4           So there was a traffic impact study done -- 5 conducted, 118 pages long. I provided the executive 6 summary to you guys because 110 of those pages are just 7 diagrams of -- of models that are done. 8           So -- in -- in the executive summary it was 9 stated that no changes were recommended. That actually 10 it would help 9th East go from a level -- that 11 intersection going from a Level F, I believe, up to a D. 12 So it -- it -- having that would -- would eliminate -- 13 having that right-in, right-out would help that 14 intersection quite a bit. 15           Let's see. So we will move on to the 16 building design. So staff didn't have any concerns here. 17 It's a mix of Hardie board. So this -- this would 18 Hardie -- Hardie board area with wood plank material as 19 well. It's not actually wood, it's fiber cement board 20 with metal accents on there. On the back it's mostly 21 the -- the fiber cement board with -- with very -- yeah. 22 Not a lot of accents on the back there because you don't 23 really need it. 24           Same goes for the -- the two sides. This 25 would be the side that faces 9th East here. This would</p>	<p>Page 5</p>

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

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

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

<p>1        COMMISSIONER LOWRY: Yeah. Are there 2 questions for the -- for staff? From the -- from the -- 3 from the -- the commission?</p> <p>4        UNIDENTIFIED FEMALE: (Inaudible).</p> <p>5        COMMISSIONER LOWRY: You'll have a -- any -- 6 there'll -- there'll be -- yes. So if you remember 7 our -- our agenda is we -- the staff presents, and then 8 the planning commission will ask questions. At that 9 point we will -- we will turn the time over to the 10 applicant, and then public comment will be -- will be 11 after that.</p> <p>12       So, yes, you'll have -- you'll all have time.</p> <p>13       Does the commission have any questions for 14 staff at this point?</p> <p>15       COMMISSIONER PEHRSON: Do -- do you know -- I 16 could ask this to the applicant, but the canopy and the 17 light you're recommending -- or the sign you're 18 recommending they take down.</p> <p>19       MR. SMALLWOOD: Uh-huh.</p> <p>20       COMMISSIONER PEHRSON: The sign was lit. Is 21 the canopy lit on the side? Do you know that?</p> <p>22       MR. SMALLWOOD: Let's take a look.</p> <p>23       COMMISSIONER PEHRSON: Or I can wait and...</p> <p>24       MR. SMALLWOOD: I would assume not. I mean, 25 it would -- they probably have downward directing lights</p>	<p>Page 18</p> <p>1        COMMISSIONER MILKAVICH: Would that fall in 2 that category?</p> <p>3        MR. SMALLWOOD: Yeah. I just included it as 4 part of this review for design review anyway, but, yes, 5 they do have to get a building permit to install signs.</p> <p>6        COMMISSIONER MILKAVICH: Okay.</p> <p>7        COMMISSIONER PEHRSON: I -- I guess you -- 8 you recommended that we put a condition on -- as removing 9 that sign.</p> <p>10       MR. SMALLWOOD: Uh-huh.</p> <p>11       COMMISSIONER PEHRSON: If -- if -- having 12 that sign on there and it still falls below the zero 13 candle whatever they are --</p> <p>14       MR. SMALLWOOD: Uh-huh. Yeah.</p> <p>15       COMMISSIONER PEHRSON: -- then is that even 16 necessary?</p> <p>17       MR. SMALLWOOD: Maybe not. But I mean 18 that --</p> <p>19       COMMISSIONER PEHRSON: (Inaudible).</p> <p>20       MR. SMALLWOOD: -- just -- it --</p> <p>21       COMMISSIONER PEHRSON: -- what I'm saying; 22 right?</p> <p>23       MR. SMALLWOOD: I'm trying to think of -- of 24 the neighbor next door. I wouldn't necessarily want a 25 light like there.</p>	<p>Page 19</p> <p>1 to -- to light the pumps themselves.</p> <p>2        COMMISSIONER PEHRSON: Yeah.</p> <p>3        MR. SMALLWOOD: But I would -- I wouldn't 4 assume the actual canopy itself is lit. But that is 5 definitely a question -- we can actually probably answer 6 that with this guy right here. Actually that's not going 7 to tell me because that's going to tell me overhead 8 lighting.</p> <p>9        COMMISSIONER PEHRSON: Either way, the -- the 10 light would be mitigated by the condition that you put in 11 there for the zero light -- whatever that term --</p> <p>12       MR. SMALLWOOD: Foot-candle.</p> <p>13       COMMISSIONER MILKAVICH: Foot-candle.</p> <p>14       COMMISSIONER PEHRSON: -- is --</p> <p>15       MR. SMALLWOOD: Foot-candle.</p> <p>16       COMMISSIONER PEHRSON: -- at the property 17 line?</p> <p>18       MR. SMALLWOOD: Yes.</p> <p>19       COMMISSIONER PEHRSON: Okay.</p> <p>20       COMMISSIONER MILKAVICH: My -- my thought or 21 question is very similar because I was thinking by 22 removing that sign we're mitigating the issue. But I 23 guess it -- there -- is that sign one of the signs they 24 would have to apply for a permit for signage?</p> <p>25       MR. SMALLWOOD: Yes.</p>	<p>Page 20</p> <p>1        COMMISSIONER PEHRSON: Yeah.</p> <p>2        COMMISSIONER MILKAVICH: And I don't really 3 think --</p> <p>4        MR. SMALLWOOD: Regardless.</p> <p>5        COMMISSIONER MILKAVICH: -- it sounds 6 appropriate. It's not hindering the applicant.</p> <p>7        MR. SMALLWOOD: Right. I -- I -- I don't 8 honestly see, as you're driving west, that you'll 9 actually see that sign through the trees.</p> <p>10       COMMISSIONER PEHRSON: I -- yeah. I guess 11 what I was saying is I don't think they'll be able to put 12 it there no matter what --</p> <p>13       MR. SMALLWOOD: Possibly.</p> <p>14       COMMISSIONER PEHRSON: -- because we already 15 have a condition -- I guess we could clarify --</p> <p>16       MR. SMALLWOOD: Yeah. Possibly.</p> <p>17       COMMISSIONER PEHRSON: -- and just have them 18 remove it.</p> <p>19       MR. SMALLWOOD: Are there other questions 20 from the commission?</p> <p>21       COMMISSIONER LOWRY: Zach, I would -- one of 22 the -- one of the topics we addressed in our pre-meeting 23 was the state statute regarding permitted conditional 24 uses and a planning commission's role. And could you -- 25 would you mind summarizing?</p>
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<p>1        MR. SMALLWOOD: Definitely. So I'll give the 2 medium answer.</p> <p>3        So there are -- in zoning there are three 4 types of uses: There are not permitted uses, which means 5 they're just not allowed in the zone; there are permitted 6 uses, which means they don't need to come to you as a 7 body, they are just allowed to go in, apply for business 8 licensing, do what they want.</p> <p>9        Like a restaurant along State Street doesn't 10 need to come to you guys every single time.</p> <p>11       COMMISSIONER MILKAVICH: Within the statute.</p> <p>12       MR. SMALLWOOD: Yes. Yeah.</p> <p>13       And then the third one, which is why we're 14 here tonight is called conditional uses. The state has 15 mandated that conditional uses -- that the planning 16 commission must approve a conditional use if the 17 reasonable application of conditions would mitigate 18 potential impacts.</p> <p>19       So that -- that's pretty much it. So the -- 20 your role as the planning commission is to make sure that 21 they are meeting the -- that the impacts that we've kind 22 of laid out, you know, through conditions are being met 23 reasonably. And -- yeah. That's -- that's pretty much 24 it.</p> <p>25       COMMISSIONER PEHRSON: Can I -- I just want</p>	<p>Page 22</p> <p>1        MR. MICHAELSON: Good evening, commissioners. 2 I'm Christian Michaelson with Galloway &amp; Co., and I'm 3 representing Kum &amp; Go tonight at this hearing.</p> <p>4        I want to thank Zach and all the staff.</p> <p>5 We've done a lot of coordination with them and tried to 6 do exactly what exact has -- has been explained here 7 tonight in mitigating any negative impacts that the -- 8 that the store might have in coming to -- to Murray.</p> <p>9        Kum &amp; Go's really excited to be part of the 10 Murray community, and this will be one of the first 11 stores that they're launching in Utah. So -- most people 12 in -- in Utah aren't familiar with the -- the product 13 that they have, but the -- Kum &amp; Go's owned by the -- the 14 Krauss family, and it is a family-owned business.</p> <p>15       These are all corporately owned stores.</p> <p>16 They're not franchised. And so they're well maintained 17 and well kept and well lit. And all the equipment is 18 kept up to standard, and it's a very, very professional 19 operation, I think.</p> <p>20       I actually wasn't familiar with it either 21 until we -- we started representing these guys. And I 22 went and toured a bunch of their stores over in Colorado, 23 and was really impressed with the -- the operation that 24 they -- they have and the way that they conduct their 25 stores and -- and -- and perform.</p>
<p>1 to clarify -- or clarify with a question. But basically, 2 we have determined that a gas station may have impacts --</p> <p>3        MR. SMALLWOOD: Uh-huh.</p> <p>4        COMMISSIONER PEHRSON: -- and that's why 5 we've made it condition --</p> <p>6        MR. SMALLWOOD: Uh-huh.</p> <p>7        COMMISSIONER PEHRSON: -- conditional use. 8 And our job now is to try to mitigate those impacts. Not 9 necessarily determine if we want a gas station here --</p> <p>10       MR. SMALLWOOD: Not remove impacts --</p> <p>11       COMMISSIONER PEHRSON: Right.</p> <p>12       MR. SMALLWOOD: -- or -- or the use, yes.</p> <p>13       COMMISSIONER PEHRSON: Okay.</p> <p>14       MR. SMALLWOOD: Yeah.</p> <p>15       COMMISSIONER PEHRSON: Thank you.</p> <p>16       MR. SMALLWOOD: Correct.</p> <p>17       COMMISSIONER LOWRY: Okay.</p> <p>18       MR. SMALLWOOD: Okay?</p> <p>19       COMMISSIONER LOWRY: Are there any more 20 questions? Thank you very much.</p> <p>21       MR. SMALLWOOD: Thank you.</p> <p>22       COMMISSIONER LOWRY: We'll invite the 23 applicant to come forward and to -- if they have a 24 presentation, and speak to the commission. We'd ask you 25 to state your name and your address for the record.</p>	<p>Page 23</p> <p>1        I don't have a big -- big presentation to 2 give you tonight, but I do want to say that Kum &amp; Go is 3 an amazing community partner. I think you'll find 4 that -- that they're pretty -- pretty awesome to have in 5 your town. They do give 10 percent of their profits back 6 to nonprofit organizations within the community, and they 7 do a lot of community outreach things.</p> <p>8        They -- they actually have a food give back 9 program that they do. So when -- when food doesn't meet 10 their standard, which is extraordinarily high, they'll 11 actually take those and -- and give them to local food 12 pantries. And it's still really good food, but they just 13 don't want it to go to waste. And they do a lot of 14 really cool things within the community -- community 15 partners that they have.</p> <p>16       I guess a couple of other things to mention 17 is that the state requires that they have an A, B and a C 18 operator. And -- and they always do have an A, B and C 19 operator for underground storage tanks. And so most of 20 their employees are certified as C operators, and the B 21 operators are the managers.</p> <p>22       And then their A managers are subcontract, 23 like, Seneca is a -- is a company that they work with in 24 their -- they're professional fuel tank and -- and system 25 installers, and they deal with these systems all over the</p> <p>Page 25</p>

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

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

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

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

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

Audio Transcription  
March 03, 2022

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1       STERLING HANSEN: If you get my e-mail, it's 2 got a lot of bullet points. 3       COMMISSIONER LOWRY: We -- I read it. 4       STERLING HANSEN: And there's a few other 5 things that came to my attention as we were sitting here 6 that I wanted to add on. 7       Mark Noble, her husband, actually got that 8 500 foot notation from the mayor. He -- he was speaking 9 to the mayor today and -- isn't that correct? 10      BRITTANY NOBLE: Oh, actually, it was from -- 11 it was from the Eaglemountaincity.com. 12      STERLING HANSEN: Oh. 13      BRITTANY NOBLE: But we were talking to the 14 mayor about it. 15      STERLING HANSEN: Okay. 16      COMMISSIONER LOWRY: So -- 17      STERLING HANSEN: So that's something to 18 explore, obviously. And I'm sure -- I mean, if -- if you 19 had a gas station proposed to be built right next to you, 20 you'd probably feel the same way that we do. 21      The fence that they're proposing on the east 22 side, I'd like to know what kind of fence. They say it's 23 masonry. Is it cinder block? I mean, is it going to be 24 nice looking? I'd like to know the -- the details on 25 that. And I'd like -- if -- if it goes in, I'd like to	Page 46 1 Vine, that bridge that they're proposing is going to be 2 really close to the intersection. I see that as a -- as 3 a super hazardous situation. So I don't know how they're 4 going to -- how that got approved. 5       Okay. Those are the main things I wanted to 6 bring to your attention. Thank you for your time. 7       COMMISSIONER LOWRY: Thank you. Appreciate 8 your comments. 9       Please. Yeah. 10      KIMBERLY FURNESS: I sent an e-mail as well, 11 so I'll keep this very brief. I apologize. It's just -- 12 something that came up -- 13      COMMISSIONER LOWRY: You're good. 14      KIMBERLY FURNESS: -- as you were discussing. 15      COMMISSIONER LOWRY: What -- what's your name 16 and your address? 17      KIMBERLY FURNESS: Kimberly Furness, and my 18 address is 959 East Bridges Court. And if you'll excuse 19 me, I hate public speaking so I get jittery. 20      COMMISSIONER LOWRY: You're doing great. 21      KIMBERLY FURNESS: So if you come out of our 22 neighborhood and you go a couple blocks to the north, you 23 hit a 7-Eleven gas station, and before that, on the west 24 side there you hit a massive Macey's grocery store. If 25 you come out of our -- or come out on to 9th East and go
Page 47 1 go higher than eight foot. I mean, I think the higher 2 the better. 3       And then -- sorry. These are kind of just 4 disjointed comments, but -- and then why is -- why is 5 this public meeting taking place so far down the road? I 6 mean, shouldn't this be happening before they're ready to 7 build? I mean -- 8       And by the way, I didn't even receive a 9 letter. It says that you -- you said, like, 56 letters 10 went out, but I -- I didn't get one, and I don't know 11 why. Did you just randomly send to whoever you -- you 12 felt -- that was appropriate? I mean, how does that 13 process work? 14      You talked a lot about shielding the light, 15 but you didn't shield it 100 percent. I mean, light will 16 go over things. And -- and of course you can't shield 17 odor, which we've talked about. Odor's a big deal, and 18 nobody wants to smell gasoline. 19      They talked about a -- 21-lot parking, that's 20 a lot of -- that's a lot of parking. I mean, most little 21 convenience stores that I've seen on corners, maybe five 22 or six or seven. 21? We're talking about a pretty big 23 gas station here. And that's going to increase the 24 traffic. 25      And speaking of traffic, going across on	Page 49 1 south, you hit a gas station a couple blocks that way, 2 right there before you get to the freeway. 3       If you just cross our street, just walk 4 across 9th East, you hit a 7-Eleven. And if you were to 5 turn and go east, behind us, you will hit a gas station 6 at the end of that street. So we are literally 7 surrounded by convenience stores and gas stations. I 8 just -- I have no idea why Murray needs another one right 9 there. 10      It's great that they give to the community, 11 but those of us that live the closest, we're not 12 considered actual Murray. We don't get Murray power, we 13 don't get Murray garbage pick up. We do that through 14 Salt Lake County. So we're in Murray, but we're not 15 Murray. I've been told we're annexed Murray. So this is 16 going to affect as, but the most that -- we will see no 17 benefits of the Murray City charitable donations, etc. 18      So, again, we're surrounded by gas stations, 19 why do we need another one right there? And it does 20 sound pretty huge if they need that many parking spots 21 and there's that big grocery store, that Macey's that has 22 plenty of parking and shopping and whatnot. 23      And also, the 7-Eleven that's across from us, 24 it had gas pumps when we moved in. There were two or 25 three gas pumps there, and they took them out. And it

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

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

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

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

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

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

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

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

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

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

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

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

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<p>1 the planning division to install a -- up to an eight-foot      2 masonry fence along the south property line.      3 COMMISSIONER LOWRY: Okay. We have a      4 motion --      5 MR. SMALLWOOD: Perfect.      6 COMMISSIONER LOWRY: -- to approve a      7 conditional use permit and grant design approval to allow      8 the construction of the proposed Kum &amp; Go gas station and      9 convenience store on the property located at 6029 South      10 900 East subject to the 15 stated conditions, with an      11 additional 16th condition, which -- and -- and      12 encompasses the -- the south fence, and -- and will have      13 the -- the applicant work with the Murray City planning      14 staff to -- to -- to -- for approval.      15 Do we have a second for this motion?      16 COMMISSIONER RICHARDS: I'll second.      17 COMMISSIONER LOWRY: Okay. So we have an      18 approve -- we have a motion from Commissioner Pehrson,      19 and a second by Commissioner Richards.      20 Zach, will you do a -- a roll call --      21 MR. SMALLWOOD: Yep.      22 COMMISSIONER LOWRY: -- vote?      23 MR. SMALLWOOD: Commissioner Pehrson?      24 COMMISSIONER PEHRSON: Yes.      25 MR. SMALLWOOD: Commissioner Richards?</p>	<p>TRANSCRIBER'S CERTIFICATE      STATE OF UTAH )      ) ss      COUNTY OF SALT LAKE )      I, Amber R. Fraass, a Utah Certified Court Reporter      and Registered Professional Reporter, do hereby certify:      That I listened to the recorded and took down in      shorthand the foregoing on ^ ^, 2022.      That I thereafter transcribed my said shorthand      notes into typewriting and that the typewritten      transcript of said conversation is a complete, true and      accurate transcription of my said shorthand notes taken      down at said time, to the best of my ability to hear and      understand the audio file.      I further certify that I am not a relative or      employee of an attorney or counsel involved in said      action, nor a person financially interested in said      action.      IN WITNESS WHEREOF, I hereby certify this      transcript in the County of Utah, State of Utah, this      22nd day of April, 2022.        Amber R. Fraass, RPR, CSR</p>
<p>Page 99</p> <p>1 COMMISSIONER RICHARDS: Yes.      2 MR. SMALLWOOD: Commissioner Milkovich?      3 COMMISSIONER MILKAVICH: Yes.      4 MR. SMALLWOOD: And Chair Lowry?      5 COMMISSIONER LOWRY: A very reluctant yes.      6 MR. SMALLWOOD: Okay. Thank you very much.      7 COMMISSIONER LOWRY: Okay. With that, we --      8 we are -- we -- we have completed our agenda items. I      9 will ask if there -- I'll ask if there is a motion to      10 adjourn.      11 COMMISSIONER MILKAVICH: Mr. Chair?      12 COMMISSIONER LOWRY: Yes.      13 COMMISSIONER MILKAVICH: I'll make a motion      14 to adjourn the meeting at 8:35 p.m.      15 COMMISSIONER LOWRY: Okay. We have a motion      16 to adjourn.      17 COMMISSIONER PEHRSON: Second.      18 COMMISSIONER LOWRY: Seconded by Commissioner      19 Pehrson. All in favor.      20 (In unison) aye.      21 COMMISSIONER LOWRY: Thank you for -- thank      22 you for coming.      23 (End of commission meeting.)      24 *****      25</p>	

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**Attachment E**

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

# APPEAL OF A PLANNING COMMISSION LAND USE DECISION APPLICATION

Type of Appeal (check one):

Conditional Use Permit  Site Plan Review  Staff Determination

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

Project Address: 900 E Vine Street

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

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

## Applicant Information

Name: Brittany Killian

Mailing Address: 6040 S. Bridges Ln

City: Murray State: UT ZIP: 84121

Primary Phone #: 801 979 0382 Fax #:

Email Address: bkillian@adobe.com

## Property Owner's Information (If different)

Name: Brittany Killian

Mailing Address: 6040 S. Bridges Ln

City: Murray State: UT ZIP: 84121

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

Email Address: bkillian@adobe.com

Authorized Signature: BB Date: 4-8-22

## For Office Use Only

Case # 1585

Project Number: 22-059

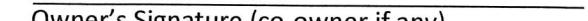
Date Accepted: 4/11/22

Planner Assigned: Zachary Smallwood

### Property Owners Affidavit

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

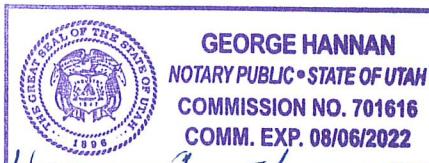
  
Owner's Signature

  
Owner's Signature (co-owner if any)

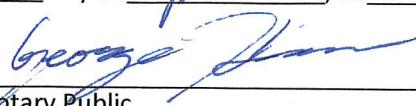
State of Utah

§

County of Salt Lake



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

  
George Hannan

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

### Agent Authorization

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

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

§

County of Salt Lake

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

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

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

## **Brittany Killian**

---

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

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

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

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

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

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

**Brittany Killian**  
LEGAL COUNSEL

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



# Property Owners Affidavit

STATE OF UTAH

§

COUNTY OF SALT LAKE

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

Owner's Signature

Owner's Signature (co-owner if any)

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



Susan Nixon  
Notary Public

Residing in Salt Lake County

My commission expires: 5/9/2023

## Agent Authorization

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

Owner's Signature

Owner's Signature (co-owner if any)

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

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

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

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

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

Dear Committee Members and Mayor Hale,

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

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

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

Brittany Noble  
953 E. Bridges Ct.

# APPEAL OF A PLANNING COMMISSION LAND USE DECISION APPLICATION

Type of Appeal (check one):

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

Project Name: Kum and Go

Project Address: 6029 S. 900 E

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

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

## Applicant Information

Name: Diane R. Dykman

Mailing Address: 952 E. Bridges Ct.

City: Murray State: UT ZIP: 84121

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

Email Address: didykman@hotmail.com

## Property Owner's Information (If different)

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

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

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

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

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

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

## **For Office Use Only**

Case # 1585

Project Number: 22-059

Date Accepted: 4/11/22

Planner Assigned: Zachary Smallwood

### Property Owners Affidavit

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

Diane R. Dykman  
Owner's Signature

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

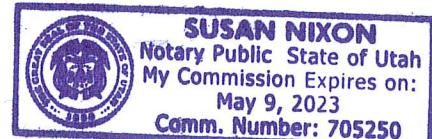
State of Utah

§

County of Salt Lake

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

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



### Agent Authorization

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

Owner's Signature

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

State of Utah

§

County of Salt Lake

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

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

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

).

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

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

### **Crime**

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

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

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

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### **Visual Impact**

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

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

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

Sincerely,

Diane Dykman

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

# APPEAL OF A PLANNING COMMISSION LAND USE DECISION APPLICATION

Type of Appeal (check one):

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

Project Name: Kum 3. GO

Project Address: 6029 S. 706 E

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

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

## Applicant Information

Name: Sterling Hanson

Mailing Address: 6067 S Bridges Lane

City: MURRAY State: UT ZIP: 84121

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

Email Address: Sterlinghanson@yahoo.com

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

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

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

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

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

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

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

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

## Property Owners Affidavit

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

Merly Hansen

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah Utah

County of Salt Lake

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

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

## Agent Authorization

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

---

Owner's Signature

---

Owner's Signature (co-owner if any)

## State of Utah

§

## County of Salt Lake

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

Residing in

---

Notary public  
My commission expires:

# Property Owners Affidavit

STATE OF UTAH

§

COUNTY OF SALT LAKE

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

Sterling Hanson  
Owner's Signature

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

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



Susan Nixon  
Notary Public

Residing in Salt Lake County

My commission expires: 5/9/2023

## Agent Authorization

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

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

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

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

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

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

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

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

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



Mr. Hanson,

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

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

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

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

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

Thank you,

jared

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sterling Hanson  
801-633-6380



Planning  
Comm...ion.pdf

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



Dear Sterling,

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

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

Thanks!  
Kasey

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

From: (Sterling Hanson) sterlighanson@yahoo.com

Please CANCEL proposed Kum and Go in Murray, Utah

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

we have the following question or update:

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

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



Where & means more:

{CMI: DLER1653323}



Where & means more:

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



Mr. Hanson,

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

Sincerely,

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

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

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

Dear Murray City Mayor and planning commission,

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

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

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

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

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

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

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

Increased traffic near a residential area.

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

Sterling Hanson  
801-633-6380