

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 5<sup>th</sup> day of February, 2013 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Brett Hales	Council Chair
Jim Brass,	Council Member
Darren Stam,	Council Member - Conducted
Jared Shaver,	Council Member
Dave Nicponski,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Doug Roberts.	Police Department
Mike Terry,	Human Resource Director
Chad Wilkinson,	Division Manager
Scouts	
Citizens	

## 5. OPENING CEREMONIES

- 5.1 Pledge of Allegiance- Chad Wilkinson, Division Manager, Community & Economic Development.
- 5.2 Approval of Minutes

None scheduled.

5.3 Special Recognition:

5.3.1 **Special recognition of Murray student Heber Cook for achieving finalist status in the Turkish Olympiad for his patriotic poem in the Turkish Language.**

Staff presentation: Council Member Jared Shaver

Council Member Shaver introduced Heber Cook. Mr. Shaver said that he had known Mr. Cook for about five years and was his soccer coach for one season. He said that Mr. Cook is a marvelous and gifted young man, both athletically and in his mind. As a Council they have come to the decision that they see individually what the youth do. They regularly invite the new Miss Murray to come and address the Council. They thought it would also be advantageous, when the youth of our City excel, when they step forward and really do something extraordinary, they need to recognize that. As you have just heard, Mr. Cook has been studying the Turkish language for a year and a half and goes to a school where those who administer the school are from Turkey. He has been studying the language and was invited to go to Turkey to do a poem that he had written in that language.

Mr. Shaver said that he had the opportunity to watch Mr. Cook recite his poem and felt it was very fun. Mr. Cook was dressed in a cowboy hat and each of the students was dressed in their native costume. Mr. Cook did an excellent job and not only represented the United States but also the City of Murray and did so very well. Mr. Shaver asked Mr. Cook to recite his poem.

Mr. Cook recited his poem in Turkish and then introduced his family and his some of his teachers.

Mr. Hales asked Mr. Cook how he became involved in learning this language and how this poem and trip came to happen.

Mr. Cook said that there were many Turkish speakers at his school and he thought the language was cool so he tried it out in eighth grade. Once he started learning the language he realized he loved to learn languages. He also watched the children's show 'Caillou' which is very popular in Turkey. He watched it for about ten minutes a day in Turkish and it was what probably helped him the most. He also read for about ten minutes a day in Turkish.

Mr. Hales asked him if he was fluent in the language.

Mr. Cook stated that he can understand it much better than he can speak it.

Mr. Stam congratulated Mr. Cook and told him to keep up the good work.

One of Mr. Cook's teachers added that Mr. Cook is much too humble. He put in so much time during and after school, working very hard to get where he is. He also competed in California before competing in Turkey as part of a ten-member team to represent the United States.

6. **CITIZEN COMMENTS** (Comments are limited to 3 minutes unless otherwise approved by the Council.)

Beth Graham, Constituent Representative, Congressman Matheson's Office

Ms. Graham is the new Constituent Representative working with Murray City and has met with Mayor Snarr. She is available to work with any Federal issues that may come up or answer any questions. She wanted to put a face to her name and let everyone know that they are located at: 9067 South 1300 West, West Jordan, Utah 84088. Their telephone number is: (801) 486-1236.

April Richardson, 4943 South Wasatch Street, Murray

Ms. Richardson stated that she has been a resident of Murray for eight years. She and many of her neighbors have been fighting for their neighborhood for the past year against an apartment complex that wants to come in on Center Street. As a neighborhood, they are asking for a variance to be granted to the developer. The developer has spoken to the neighbors about being ok with changing, not the set-back of the apartments but turning it away from the street which would lessen the effect on the neighborhood overall. Parking would be facing their street which could possibly lessen crime that could happen in the parking lot. They are also asking for the variance so that the bottom ground floor does not have business in it, which will then lessen the overall height of the building. They ask that this be granted.

Janice Strobell, 4912 South Wasatch Street, Murray

Ms. Strobell said she also part of the same neighborhood as Ms. Richardson. They are proud of their historic neighborhood. They now that through their combined efforts, working with the Council and the City, they can keep their neighborhood a vital and thriving contribution to the City. They are certain that they can find a way for the high-density development to be the least intrusive possible to the neighborhood and they ask for the City's help in their efforts. They are eager to work with the City in this endeavor.

Ms. Strobell said she had a request for those on the Council and opens this to everyone in attendance. She asked that they take a drive up Main Street and stop where the five-story multi-use developments are being constructed in the Fireclay District. Take a moment and look up at the buildings and notice the width of Main Street, the ability for parking on each side of the street and still have two lanes of opposing traffic to flow easily down the street. Then drive to Center and Court and imagine that type of structure being built right on Center Street. The variance would help eliminate some of that problem. Ask yourself if this type of structure feel

appropriate for Center Street. Center Street is one of the oldest streets in the City. It was built when homes desired to be built in close proximity of the businesses on State Street. A beautiful, small neighborhood grew from those initial homes on Center Street. Those homes are still on Center Street today. They are very concerned with what the high-density zoning that is now on the west side of Center Street will do to all of Center Street and the balance of their whole neighborhood. Those living on the west side of Center Street are very concerned and it is hard for them to feel that they now have any voice for the zoning that is in place. With their structures now being classified as non-conforming there is no protection in place for their homes to have any buffer to such high-density development being built right next door to them, within a few feet from their property if they even get that.

Ms. Strobell asked if they can create some protection for these existing homes. Can they create protection from the drastic change that will happen to the balance of their historic neighborhood should that whole side of Center Street become high-density? That is how it is how it is approved right now. They, the members of the neighborhood believe that they can create protection and they are committed to that end. They commit themselves for their neighborhood, to continue to be family friendly. Children are the future of our City and they wish to provide a neighborhood that allows them to grow and thrive and become productive citizens of the community. Ms. Strobell quoted from Sunday's front page article from the Deseret News: "High density is the death of demographic growth. In America, England, France, and Japan the more you force people into higher density the more they simply don't have kids." She asked if we really need such high-density for the whole west side of Center Street. Is lack of demographic growth what they want for Murray City? Are they really thinking about the future of the City when they create high-density in such close proximity to neighborhoods? They look forward to working with the Council and the City in finding a solution that will protect their neighborhood and insure a bright future for the City.

**Citizen comment closed**

**7. CONSENT AGENDA**

None scheduled.

**8. PUBLIC HEARINGS**

8.1 Public Hearing #1

8.1.1 Staff and sponsor presentations, and public comment prior to Council action on the following matter:

**Consider an Ordinance relating to land use; amends the General Plan from Residential Single-Family Low Density to Residential Multiple-Family High Density and amends the Zoning Map from A-1 (Agricultural) to R-M-20 (Multiple-Family High Density Residential) for the property located at approximately 6271 South 900**

**East. (Camter Development)**

Staff presentation: Tim Tingey, Director of Administrative & Developmental Services.

Mr. Tingey stated that this proposal was brought before the Planning Commission in December. There was a public hearing at that time, has been noticed to the adjacent property owners and that the City has gone through all the processes that they need to from a legal standpoint. The General Plan was established many years ago. It outlined what the existing land uses are and what the vision is for future land uses throughout the whole City. The current zoning for this property is agricultural and in the General Plan, Agricultural will be phased out in the future. Agricultural allows for a variety of uses and the residential component of that allows for one parcel per acre and right now the Agricultural zoning is in place.

In the General Plan the future land use designation is Low-Density Residential which would basically allow for five units per acre. The proposal going to R-M-20 that is being proposed tonight would allow roughly 17 residential units per acre as well as a variety of other uses. This proposal is to change that designation in the General Plan and also to rezone that property. The Planning Commission considered this; there are a number of issues that have to be considered. In the General Plan there is flexibility allowed when there are circumstances that are changed in the area. When the Planning Commission considered this, they evaluated it and recommended denial of that. Staff is also recommending denial of that because of the General Plan. They do not feel that there are circumstances that have changed the area. There are surrounding residential uses as well as open-space and based on that they are recommending denial.

Mr. Shaver asked for more information on the A-1 designation because on the west side of the street, there is also an A-1 designation.

Mr. Tingey said that on the west side of the street there is an A-1 designation. In the General Plan, it states that the land use designation will go away and there will be either open-space or residential uses primarily designated for those areas. It is to be phased out. Our community has changed from the days when there was much more agricultural than there is today.

Mr. Shaver said that even when A-1 changes, the idea is to still have open-space.

Mr. Tingey said that was correct. Open-space is an element in our General Plan.

Mr. Shaver asked if that particular property on the north side of this property is still open-space.

Mr. Tingey said that right now the zoning is Agricultural. It is not designated as open-space and it is undeveloped property.

Mr. Stam explained that the applicant gets 15 minutes to make his presentation after

which they will open the public hearing for public comment.

Jarred Cameron, Camter Development, Applicant

Mr. Cameron showed a map of the proposed property. He explained the map to the Council, showing them where the concerned neighbors live in relation to his proposed development. He stated that they are planning a southern entrance to the property, which was changed from the last Planning Commission meeting, moving to south for safety issues. There would be an apartment building with 23 or 24 units depending on if they went with 17 or 18 units per acre. It is a two and a half story building with eight units per floor. on the top story they would start the roof line down as low as possible to keep the overall structure height where it would blend in better. They would have the parking stalls underneath the building to create more green space as well as secured parking for the residents. There are parallel parking stalls for space and buffering to the street on the north. They moved the fence back and made other changes to make it a very nice complex.

Mr. Cameron said there is 50' of buffering from the building to the north property line. from the other side of 900 East to the start of the building is 50' as well as an additional 50' to the initial access, giving it a total of 100' from 900 East to the building access. Further to the east, from the edge of the building to the property line, there is 210'. It consists of the parking area for the overflow, a storage barn for RV's, a covered patio area, a private park and a play land. There is a distance of 25' from the back of the barn to the property line to give everything as much space as possible.

They are in a transitional, conflicting area and are trying to do the best they possibly can, given the circumstances that they are up against. By planning this zone this as Multi-Family Residential they can help many families, both present and future, realize how nice it can be living next to a 75 acre park. With their proposal, they have provided their very best effort to make sure that there is adequate space between the adjacent properties. They will also provide trees and a large amount of vegetation to screen and blur the transitional areas. In the end they would like to make their project something that everyone will be satisfied with.

Mr. Cameron said that they are going for R-M-20 (Residential Multi-Family) which is 20 units per acre. Their goal is to go for 17-18 units per acre. According to the Wasatch Front Regional Council, in 2007 they forecasted 75,015 people living in the Murray area by 2040. Usually their forecasts are fairly close to being accurate. That is 70% more than what Murray has today, and 26,000 more people in the next 27 years. He asks of the Council, as they think about what they are trying to do here, they are trying to make a good situation. They know that there is high-density going in north of 4500 South with 1,000 plus units and there are other complexes that have gone in over the past ten years as well as the manufacturing district on 300 West and south of 4500 South. Their goal is to provide a nice transition for families, and younger families, and they feel that they can provide a nice place for that.

In the Murray City General Plan, the last comment on the first page of the introduction states “Thus, if Murray is to continue with population increase past this decade, it will be by building higher density in place of existing structures.” This is important enough to have been stated four times throughout the Murray City General Plan. The Planning Concept also acknowledges “the need to make changes and compromises, but not in an all-encompassing fashion. Change should be carefully implemented with appropriate tools applied on a case by case basis.” They agree with that. The General Plan states that there is 15 acres to be future zoned as Residential Multi-Family High-Density and they would like the opportunity to become a part of that as well.

In the recent history timeline, as Mr. Tingey mentioned, the staff says there has not been a change in the circumstances to warrant what they are asking from the City. They feel that in the nine years since the Murray City General Plan has been adopted a lot has changed. The General Plan was adopted in June of 2003. In the summer of 2004 UDOT widened 900 East going northbound from a single lane to two lanes. That seems like a large change in circumstances to him alone. In 2006, Murray City adopted an updated Transportation Plan and designates 900 East as a major arterial, one of only four in Murray City. This is a major arterial that still has single-family residential adjacent to 900 East. Usually single-family homes are better protected and further back in the areas. To his knowledge, as well as history shows, everything adjacent to major arterials or busy streets in general has higher density whether it has apartments, a building, commercial, industrial, or whatever it may be. Those types of businesses are usually adjacent to the main streets and not single-family residential.

Mr. Cameron asked that the Council re-look at the plan to see if they warrant, not only for high-density, but medium density as well. They feel that they fit that piece also in that area. They also feel that they fit General Office and R-N-B. That is not what they are doing here tonight, but their main concern is that they feel that there are other zoning classifications that better fit their position in a transitional area with very nice residential on one side and a major arterial on the other. If the Council gets nothing from this tonight and shoot him down, and he expects nothing less than being butchered by everyone, he wants them to understand that they are in a conflicting transition, a conundrum of a spot and don't believe that single-family residential is the albeit solution. They feel that there are other solutions that are better zoned for this area.

Mr. Cameron said that the Utah Department of Transportation, in some of their statistical data that they found, says that in 2010 traffic statistics, the daily average was 26,130 for vehicles that travelled this section of 900 East. They feel that there are other areas better suited for single-family residential than this. One question the Council may be asking is why he would be going for high-density when he is conflicting himself. The fact of the matter is that he has spoken with John Leonard, who verified their thoughts and theories. Mr. Leonard is an operations engineer and safety expert from UDOT. He said that pedestrian safety is directly related to the distance away from vehicle traffic and more specifically traffic travelling at a relatively high rate of speed. He was referring to vehicles travelling above 30 mph. 900 East is also a Utah highway, it is State Road 71. It is a Utah highway that is controlled by the County and they designated the speed limit at

45 mph. Why is it that there are single-family residences adjacent to 900 East? It is baffling to him.

In relation back to John Leonard, the bottom line is that the margin of safety increases exponentially for pedestrians with distance from vehicles travelling at relatively high rates of speed. They feel that with their 50' of area plus an additional 50' of area before you get access to the building, they can provide as much as 200-300% plus margin of safety over what they could do with single-family residential there. As economics go, what they are into just for the land, if they were to do single-family there they would have to narrow it down as much as they possible can and dice it up as small as possible realistically.

One of the other criteria for high-density, the General Plan calls for high-density residential to be located in areas adjacent to mass transit. The staff goes on to say that it only includes the areas with mass transit stops as in light-rail. Nowhere in the General Plan could he find that as being the case. Maybe there is some other Murray City writing somewhere that says that, but he could not find anywhere in the General Plan that states that High-Density Residential Multi-Family is only in the areas where the three mass transit sites for light-rail are. What they do have along 900 East are two bus routes adjacent to their property. The first bus route is #209 and the second is #313. #313 goes from the University of Utah all the way through 1300 East, along 900 East, then down to 10600 South. He is simplifying this as to not waste time. Bus route #209 goes from Temple Square to 900 East then down to 6600 South and back down to the Fashion Place Trax Station. They do have mass transit opportunities in the area.

Not only do they have the mass transit opportunities but also the necessary parking for 2 ½ parking stalls per unit with over 33% open-space. Being that they are going for high-density residential, they have 36% zoned as open-space in their area, including their park/play land area with the overall effect being that they are getting open space and private areas that are normally only associated with medium-density in their high-density request. They feel that they are providing something above and beyond.

**Public Hearing opened for public comment.**

Robert J Nielson, 968 E Wheeler Farm Cove, Murray, Utah

Mr. Nielson stated that he is speaking on behalf of Karl Lind as well as himself. Mr. Lind owns the nine acres directly north of the subject property. He read from a letter to the Council:

*Dear Council Members.*

*Lind Ranches owns the property to the immediate north of the property considered for a zoning*



*change. We along with Wheeler Farm Cove home owners will be impacted the most by this zoning change as well as Wheeler Historic Farm. For the most part this impact will be negative and detrimental to its neighbors.*

*Two large undeveloped properties remain in this area adjacent to Wheeler Farm. The Lind Ranches property consisting of 9.5 acres and the L.H. Skaggs property, 11 plus acres, for a total of 20 plus acres. (a diagram is attached to the letter) It is possible that in the next 20 years these properties will be developed.*

*The question before this group is-what do the residents of Murray City want this area to become?*

*On the one hand these adjacent properties to Wheeler Farm could become the Walker Lane of Murray with low density, high-end residential homes as has been started at Wheeler Farm Cove, attracting families with pride in ownership adding stability and participation in the community. On the other hand, you opt for a different community for the entire 20 acres if you allow this zoning change. This change in zoning to R-M-20 will eventually cascade into more apartments, hotels, rehabilitation centers and credit unions as has occurred on the south border to Wheeler Farm at 6400 South. This has brought to the area increased traffic congestion, vandalism, vagrancy, drug use, and arson as seen on the farm adjacent to the Skaggs property. When these incidents were brought to the attention of the Murray City Police Department, they admitted frankly they did not have the manpower to oversee this area effectively. With this zoning change you will bring these same problems to the north border of the Farm and adjacent to us.*

*A second issue totally apart from the above concern is the wetlands. Fully 1/3 of this property is wetlands through which there is drainage from Wheeler Farm on to Lind Ranches' ponds and then returned to Little Cottonwood Creek. This may preclude building on this ground when the U.S. Corps of Engineers is consulted.*

*Let me suggest four alternative plans for this property to be considered:*

- 1. Trade the property to Wheeler Farm for property facing 6600 South and south of the canal. This is an unused area of the Farm which attracts vagrants and vandalism. This area is already near apartments.*
- 2. Purchase the property by the State of Utah with funds set aside for open space and donate it to the Farm.*
- 3. Purchase by the residents of Wheeler Farm Cove for a park for their personal use.*
- 4. Concede the use of Wheeler Farm Cove drive for access and egress for the construction of two, not more than three, homes on the property.*

*Respectfully yours,  
Karl E. Lind for Lind Ranches*

Mr. Nielson said that his own view is that it is a fantasy to think that you could think that you could build underground garage parking on that property. It is wet. In the spring and summer, there is more water there than they know what to do with. It is his personal view that they should protect and defend and have this open space, and have low density housing for as long as they

can get away with it. It is a beautifully consistent property with everything that is around it and with the farm. It is what makes this unique and he hopes that the Council will uphold the Planning Commission recommendation.

LaVerle Christenson, 1005 Wheeler Farm Cove, Murray, Utah

Ms. Christenson stated that she is representing Susan Lund, who is the Executive Director at Wheeler Farm Friends, Inc. It was necessary for her to be out of town and she expresses her regret and has asked Ms. Christenson to read a letter on her behalf as well as that of Wheeler Farm.

*As the Executive Director of Wheeler Farm Friends Board, a community board for Wheeler Historic Farm, I come to you this evening to discuss my concerns regarding the zoning change to the property adjacent to the Farm. Wheeler Historic Farm has become very well-known and loved as a destination location for the County. It provides three different venues with its agricultural and open-space. Approving high-density housing on the perimeter of this farm has a highly negative impact on its environment.*

- 1. Recreation. Its large area, somewhat undeveloped, provides space for many types of parties, picnics, sports, and unstructured play for children.*
- 2. Agriculture. Farm, animal and crop education, cow milking, egg gathering and wagon rides. A farm equipment museum, farm house and garage as well as certain out-buildings for tours and viewing.*
- 3. Nature and Wetlands. There are areas of Wheeler Farm which are left undisturbed except for walking paths and grazing animals. These are great areas enjoyed by bird enthusiasts, photographers and those who just want a good walk.*

*High-density housing on the north perimeter brings additional problems to the Farm. In addition, there is currently not enough security provided by Murray City Police to keep vandalism and mischief from occurring at Wheeler Farm, especially at night. Vandalism occurs in the form of much theft, destruction of equipment and land, and graffiti on the bridge and park signs. Mischief to animals is common. Therefore, the Board is discouraging the zoning change for the following reasons:*

- 1. Vandalism and mischief increases.*
- 2. Tenants climb or go through fences*
- 3. Mischief occurs with a greater risk to animals as unsupervised children climb fences to feed animals with handfuls of grass or dog food, or try to bareback or ride on horses standing next to a fence.*
- 4. The ground next to Wheeler Farm is part of Wheeler Historic Farms. The zoning change creates a visual barrier to the trees and grasslands which are now a part of the northern vista.*
- 5. There are possible wetlands adjacent or a part of this parcel.*
- 6. High-density traffic will increase by tenants cars and need for additional parking and flow in and out of the area are needed.*
- 7. Light pollution will occur with the need for multiple lighting for security purposes around the housing.*

8. *There will be complaints from tenants concerning animal smells, irrigation overflow and noise from recreational activities and lack of privacy from park patrons.*

*There is no need to change zoning from this piece as it is designed wetlands and the narrowness make it unacceptable for housing. For these reasons, I suggest the best use of this property is to develop the landscaping or as animal pasture. This would be in the best interest of the Farm and the community.*

Ms. Christenson stated that as a resident there, she concurs wholeheartedly with the viewpoints that are coming from historic Wheeler Farm.

James Pollock, 980 Wheeler Farm Cove, Murray, Utah

Mr. Pollock stated that he has the same concerns as the rest of the residents in the area. They bought their home a year and a half ago, moving from West Jordan. He was told by the gentleman that they bought the house from, who is Mr. Cameron's partner, that in an attempt to protect his property, he had to raise his land ten feet because of the water from the back area which is a wetland. In this area, they do not have basements because the water from the wetlands encroaches on the property as it is but also flows right behind and into the property that is subject to rezoning. He would recommend to the Council that it remain agricultural and that there can be other arrangements made to protect this for all of the people of Murray because it is used by the entire City and the County. There is significant traffic as it stands. In defense of Mr. Cameron, it is nice that there are some bus lines that do run and can connect the park and other facilities such as Fashion Place Mall and uptown Salt Lake, but they would like to see it stay as it is.

Jane Stutzman, 968 Wheeler Farm Cove, Murray, Utah

Ms. Stutzman said that a year and a half ago they bought a great home on a lot that they were led to believe was adjacent to Wheeler Historic Farm. As it turns out, their home backs up to the property that Camter Company wants to develop into apartments. They have heard of plans for two to three homes to be built on the space, however, the only plans that have been presented to them show the possibility of one home and up to 27 apartments requiring more than 60 parking spaces. They were told that if they did not agree to the plans, the company would do whatever they could do without any input from the neighbors.

They do not see how a three-story apartment building could possibly be an asset to the community. The zoning now calls for one-acre lots and any change would allow the developer to say one thing but to do as much as the zoning laws allow. With apartment living come issues of traffic, lighting, noise, pollution, safety, trash, and a population that is largely transitional. It is their opinion that this project is being pursued as an investment benefitting very few people, mainly those who purchased this land. They have all made large investments in their homes and are very concerned about how apartments will affect their home values. They are in agreement with the recommendation by the City staff and the unanimous decision of the Zoning Board to deny the request for any zoning change on this small piece of land.

Russell Swan, 989 Wheeler Farm Cove, Murray, Utah

Mr. Swan said that as a resident of Wheeler Farm Cove, they are against the zoning change from A-1 Agricultural to R-M-20. They are certain that the zoning change would not only affect the residents of Wheeler Farm Cove, but it will also impact the Wheeler Farm and a large majority of the citizens of Murray City. They believe that a zoning change to R-M-20 high-density is in no way a proper fit in this particular area which is one of Murray City's last open-spaces. The current zoning of A-1 is an excellent fit and should remain that way. The Master Plan for Murray City has been well thought out and should be kept as is.

They have had a consultant with IHI Environmental, Engineer Tom Hawkins, look at the land in question. Due to the water flow, dish lines, and wetlands, he is of the opinion that an environmental study should be done before any development is considered. They have also spoken with Kathleen Bailey, who is the administrator for Wheeler Farm and she is against any large residential development adjacent to the Farm. Her concern is for the animals, keeping the farm a safe and lovely environment for the families and visitors for years to come. By building transient housing right next to the Farm, it could potentially threaten the safety of the farm animals, the many children who visit the farm daily and also bring the probability of vandalism which seems to increase around housing expansion around the area. Mr. Wayne Johnson and Mr. Lee Colvin from the Salt Lake County Real Estate Division are also opposed to the potential zoning change.

Mr. Swan said that last but not least, they have no personal disregard to side with Mr. Sider or Mr. Cameron. There was some discussion with the residents of Wheeler Farm to purchase the property, but they were unable to reach any kind of an agreement on asking price. This would have been a win-win situation for all involved. Each time the residents were approached a new set of ideas for the development were presented. Each time, their group as a whole did not support the proposal. It is clear that they had not researched the project carefully. Their initial proposal was to build two to three large homes. That would work in the current zoning laws and other than working out some small details, it seemed most were in agreement. Suddenly the plans changed. Jared and Terry decided that their plans were not the most financially secure decision for the two of them so they came up with another proposal. They were told that if they did not agree to the second proposal, which was to build four larger homes, that they would build either duplexes or apartments. This is unfortunate because they did and do have a limited opportunity for this property. Mr. Swan thanked the Council for their time and interest on this matter and hopes that the Council will consider the large negative impact that a zoning change will make, and agree to save this beautiful, serene jewel that they are so proud of.

Neil Christensen, 1005 Wheeler Farm Cove, Murray, Utah

Mr. Christensen stated that they were one of the first families to buy a lot in the Cove and he concurs with what has been said about the high water table. They had to raise their house about five feet to accommodate the water problem. As has been said, the garage design parking would not work. Pretty much everything has been said but he would like to point out the problem of coming out and coming in from 900 East. The traffic hazard there is an accident waiting to happen. He thinks that with the 125 feet and the lane on the north, there are two rather busy streets and it is amazing how their lane is so busy just with seven occupants. You not only have

people living there but deliveries and other things going on. He doesn't see two areas that are so close, particularly with 50 cars coming and going not being a challenge. It is already a challenge for the current residents to get out on 900 East.

Mr. Christensen added that they love the area and the rural atmosphere and doesn't see any reason to urbanize that particular section.

Camille Cameron, 1014 Wheeler Farm Cove, Murray, Utah

Ms. Cameron indicated that she is Mr. Cameron's mother and she doesn't have much to say. She is not sure if she approves of all of the apartments, but she does think that something should go in there. She owns Christopherson Business Travel, pays a lot of taxes in Murray and lives on Wheeler Farm Cove. She does have a basement, so the water table is not a problem. She is not sure that this should be apartments but knows that at one time, Mr. Cameron had tried to get four homes approved for that location and the neighbors shut him down. He was very nice in going and meeting with the neighbors and the neighbors shut him down, that was it. They didn't want anything there so they shut him down. As a taxpayer, she does agree that Mr. Cameron should be listened to and she is not sure that it should be apartments, but maybe it should be a business or homes. She feels that Mr. Cameron has the right as a landowner to have something approved there.

Ms. Cameron admitted that she could be looking at this as a mother, but she also lives on the lane and she isn't sure that it should be apartments but she does approve of something being there.

**Public Comment closed.**

Mr. Shaver asked Mr. Cameron what the acreage of the site is.

Mr. Cameron stated it is 1.35 acres.

Mr. Shaver said that in spite of what might happen, the only issue before the Council tonight is whether they change the zoning from the way it is now to Multi High-Density. That is the only issue before them. It does not preclude in any way a decision made tonight that would make any other proposal invalid. Single-family homes, whatever that happens to be, because that is what it is zoned for at the present time. The only issue before the Council is whether they approve this particular project. Obviously, as Ms. Cameron stated, Mr. Cameron is welcome to bring forward any other proposal that he has before the Planning and Zoning, etc.

Mr. Nakamura clarified that this is not an approval of a project. It is a land use decision and has nothing to do with the project, only with the zoning.

Mr. Stam said that he was going to bring that up as well. He offered Mr. Cameron five minutes for a rebuttal or to answer any other questions.

Mr. Cameron said that the neighbors are all very nice people and he knows them all personally for the most part. He said that he does have to say that some of what they speak is gospel truth and some of what they speak is very bendable to whatever their needs may be. As Mr. Christensen spoke to the water table, he has a walk out basement and his yard backs up to Little Cottonwood Creek. Mr. Cameron built the home for his own folks, which also has a basement. He never once said that he was going to put...this is irrelevant to the zoning issue, he understands that, but the high water table that everyone speaks of, there are homes and stuff built all around it and it is fairly misleading. He does want to emphasize, as everyone unanimously votes this down and whatnot he understands that it is what it is, that they look at the big picture.

Mr. Cameron showed a picture of the future zoning map showing Wheeler Farm and the area that everyone is so concerned about. The future zoning map shows that adjacent to 900 East, they are one of very few properties- the Lind's own the property to the north of them and property that is zoned General Office adjacent to 900 East. As the Council all votes him down unanimously, that is fine, so be it, he will get over it. What he really wants to make the Council understand is that they tallied all of the property along 900 East. They measured a total of 4.96 miles between the two sides of 900 East. Of that roughly five miles up and down 900 East in Murray City 86% of the land adjacent to 900 East on both the east and west sides of the street is already zoned for anything but is not Single-Family Residential. That means that it can be General Office, Commercial, it can be church or government, it can be many things. It can be residential neighborhood business and there are many options it can be. That is more than anything he can get out of this tonight for them to understand because they are the final say when it comes down to it.

Mr. Cameron said that 86% of the landowners agree with him in the sense that single-family is not the solution in here. The piece of property on 5900 South, was also future zoned as single-family but if you look at the zoning map that is now present, it is General Office now. He is obviously not the only person who has a conundrum of a spot that is future zoned as single-family but is obviously not the best solution with 26,000 vehicles going up and down 900 East. It will only be more in the future when they expand the road to three lanes in either direction from what UDOT tells him.

With the Lind Ranches, he cannot speak for them and he cannot speak off of speculation as they seem to do very well. Very clearly, they have this zoned today as Agricultural but it is future zoned for General Office which also backs up to Single-Family Residential. He wants to make everybody understand and be aware of this. If and when they do propose something else, all of the homes that are future zoned for Single-Family Residential, if you take a drive up and down 900 East every single one of the homes that are future zoned as Single-Family are all a part of large neighborhoods that have well over 100 homes in each of them. There are probably 200 or 300 homes that these roads go into in these areas around the area. Every single piece of property, other than what accesses large 100 plus single-family uses, are everything but single-family. Even all along across the street is residential neighborhood business. His point more than anything is that whatever the Council takes away from tonight and after they shut it down and vote against him and make the neighborhood happy, that is fine, just understand that there are

other zonings better suited for this piece of land than Single-Family Residential as it says in the future zoning map.

Mr. Brass said that Mr. Cameron's mother stated it very well; what they decide or not, the Council does create the zone. Mr. Brass was around when they created the Master Plan as he was on the Planning and Zoning Board when they started it and he was on the Council when they voted for it. He really does not need to be told what they do or do not. He already knows. Approach is a lot. What the City Attorney and Mr. Shaver started to say is that they look at the zone and not at the project. They don't look at any projects. The reason is that whatever zone that is changed to, regardless of what happens with Mr. Cameron and whether he gets his funding or not, what is allowed in that zone can be built.

They have run into this before. One of the toughest decisions that he had made in Planning and Zoning was Make-A-Wish on Winchester Street which they wanted to change the zoning to General Office. At the time, that was the only one available to build that building. If they had not gotten their funding, they could have built anything allowable in General Office. They voted no and he cannot tell you how much fun it is to vote no against sick kids, but, as the Planning and Zoning Commission that is what you are charged with. The Council overturned that and Make-A-Wish was able to get their money and build the building but it could have been anything. Where Mountain Medical Imaging is, the zone request was for a bank. It is now a two-story medical office building and the neighbors in that area were livid over that. They only look at the zone and that is the issue now-whether it is appropriate or not.

The east side of 900 East was in the County. When they originally did the Master Plan nothing east of 900 East was in Murray. When they got that they adjusted the zoning to reflect as closely what the County had to what Murray had and some things have not been changed yet. The west side of 900 east, Mr. Brass was involved in the residential neighborhood business because it is difficult, he does not disagree with that, but he also does not know that he agrees that High-Density Residential is the decision either. What he would like to say to the neighbors is that the toughest decision that they deal with is private property. People have the right to develop their property and something is going to be developed there. When he moved into Murray he had a farm behind him with cows and horses and his kids loved it. He still have pictures of that. Now he has 62 homes behind him. He had hoped that the three brothers who owned that property and never got along would stay that way for as long as he lived but when you get a lot of money that solves many problems and now there are homes back there. That is the reality-something is going to be developed and if you want to keep it pristine, get somebody to buy the land.

Mr. Stam reminded everyone that this is simply a request to change the zoning from Agriculture to R-M-20. He thanked the residents who spoke for their respect in sticking to the time allowed.

#### 8.1.2 Council consideration of the above matter.

Mr. Nicponski made a motion to deny the Ordinance.  
Mr. Shaver 2<sup>nd</sup> the motion to deny.

Call vote recorded by Jennifer Kennedy.

  A   Mr. Brass  
  A   Mr. Shaver  
  A   Mr. Hales  
  A   Mr. Nicponski  
  A   Mr. Stam

Motion to deny passed 5-0

**9. UNFINISHED BUSINESS**

9.1 None scheduled.

**10. NEW BUSINESS**

**10.1 Consider a Resolution approving the City's Locally Preferred Alternative for the Taylorsville Murray Transit Project.**

Mr. Stam stated that this item was pulled from tonight's agenda and will be brought back on another night.

**10.2 Election of Vice-Chair for the Murray City Municipal Council for the calendar year 2013.**

Mr. Stam opened the floor for nominations of a Vice-Chair for the Murray City Municipal Council for the calendar year of 2013.

Mr. Brass nominated Council Member Nicponski.

Mr. Stam asked for any additional nominations. He then asked for additional nominations again. Hearing none, he asked for a motion.

Mr. Brass made a motion to approve the nomination of Mr. Nicponski.  
Mr. Shaver 2<sup>nd</sup> the motion.



Call vote recorded by Jennifer Kennedy.

- A   Mr. Brass
- A   Mr. Shaver
- A   Mr. Hales
- A   Mr. Nicponski
- A   Mr. Stam

Motion passed 5-0

## 11. **MAYOR**

### 11.1 **Mayor's Report**

Mayor Snarr stated that the Legislative Session is in full swing and they are all excited about the laws that are going to pass and hope that they don't affect the City negatively as they unfortunately have in the past a few times. The City has a person up on the Hill full time. Mr. Fountain is there to listen to the City's concerns and is tracking all of the legislation that may impact the City positively or negatively. He will keep the City informed with weekly memos and he recognizes that some things are not relevant to our operation. If you want to have a header saying that this is proposed legislation for your own interest, he would be happy to do that. Mayor Snarr added that he hates to have Mr. Fountain lobbying for things that do not impact the City that are at more of a State or Federal level. If anyone has any questions, he would be glad to hear from people.

The Red Cross is sponsoring a blood drive for employees on Thursday, February 7<sup>th</sup> in the morning. They will bring the Blood Mobile to the parking lot behind Creekview Alternative School and they are looking for participation. If you would like to give blood, please sign up. He would like to donate, but as he just gave through the Chamber of Commerce, they require you to wait 56 days between donations although in the military, he volunteered every week to get out of detail.

Mayor Snarr said that he has watched many projects and he is very excited about the Miller Lexus Dealership and what that will mean for our City. Their sales are extremely strong this year in all of their dealerships. But, one of the most fascinating projects this year is the Chick-fil-A project. If you go down there you will notice that their kitchen is almost two times larger than any other fast food kitchen because of the way they prepare their food. They are excited about their opening and Karl has worked extremely hard on this. He has worked under some very adverse circumstances, particularly with the weather and the elements. Because of the heat today they were able to go down and put the final paint on the fascia. That was a tough thing to do because the temperature, if it is certain degrees, will not allow the adherence of the paint to the fascia. They were actually up there heating it as they put it on so the metal was heated before they put the paint down. They are cleaning it up right now and cleaning the parking lot. The landscape obviously will not be completed until sometime in April when sod becomes available.

The regional manager who oversees the development of the Chick-Fil-A's will be in town later on this week. He will take control of the site although Karl, who is out of Texas and oversees the development of the sites because there are only two contractors who are over building the sites, will decide when they will open up. They have been trying to clean the dirt and debris off of the parking lot and have had some challenges. They don't want to get it too wet and then not be able to have it dry out and then have snow again.

Mayor Snarr said that he spoke with Tyler Howland today and expressed his concerns about the challenges the City is facing with the access into Best Buy. It has been made into a four-wheeler access. The cars think that they can get into the parking lot, circling around and some take the venture, jumping the curb and going up around the rocks. They track mud into the parking lot and a resolution needs to be come up with over this for the safety of the residents and also for the operation of Chick-fil-A. Using their parking lot, not using the drive-in and even blocking the drive-in because they are attempting to go to the Best Buy lot.

The Mayor told Mr. Howland that this is a travesty that should never have happened. But because people get greedy and don't want to work together for the whole, now they have a traffic safety issue there. That should be a light that accommodates the safe ingress and egress for people that turn left on State Street to go safely to the south of Murray City. The Mayor hopes to get Mr. Howland and the other parties together to resolve this issue. That his is goal because it has bothered him from day one, ever since they allowed that development to go in and buy that property. The City was very nice in the way they accommodated that development and the development has contributed nicely to the City's bottom line as well as cleaning up the area. He is working on resolving this issue and if they need to get some other parties involved as well as the Attorney's Office involved they will.

Mr. Hales asked if Mr. Howland is over that project.

Mayor Snarr said that he works with his mother and father on it. He added that you don't get to the point of solving problems until you lay out where you're coming from and the reasons why.

Mr. Nicponski said that it is good for the public's sake to let them know what is happening, economic development wise, on different projects from time to time. The overpass walkway just south of Hillcrest Jr. High has a building going up. He asked the Mayor to speak on that.

Mayor Snarr stated that is Mike Dahle's project. It is a unique project because of the slope which is very challenging. If you have ever seen a restaurant with a sloped parking lot, it doesn't work very well because people don't want to climb the parking lot in the middle of winter and slide down the hill. What he has done is basically put retail across the top where the old City Hall used to be. It was also the Dahle's Big and Tall store and is next to the current Larry H. Miller Super Used Car Dealership which will be moving

down to the current Lexus Dealership. Underneath that, because of the slope issues, he will have at-grade parking on the top and underneath will be some up-scale storage space. They will have the ability to rent some up-scale storage units. If you go over to 3300 South or even on Vine Street, they have some very up-scale storage facilities. The City approved this project because it made sense with the issues they face. It is an exciting development that took a long time to put together. He has been taking out the retaining wall that was in deplorable condition to the south of that development where the entrance used to go down to Murray Cove Trailer Park. It is going to be a nice addition to our community. It will be very attractive and function very well. The City was very creative in allowing that to be built there.

Mayor Snarr stated that he appreciates Mr. Brass' comments. The future of Utah is determined by one factor and you need to remember this, that one factor is water. We cannot sustain the growth of the State of Utah as we are currently doing if we are going to double our population by 2024. There are appropriate places for high-density housing. He can understand where they are coming from. At the same time, the City has a project that is approaching \$200 million in a highly contaminated area in the City that nobody wanted to develop, the Fireclay area. Mayor Snarr doesn't know if anyone wants to live in really nice, high end housing between the heavy and light rail lines. That was very challenging for the City. They would have loved to have condominiums and town homes there but when there is a heavy rail line rumbling through the area, it is a tough thing. That area was highly contaminated, it was the last area in the City that was really challenging us from the perspective of development and the City wants to see development happen. Our land resources are very limited and he feels that what they have done is great. When you have those individuals living in the community, they are going to shop in the community.

The City produces more sales tax revenue than any other city per capita. Fortunately, he often sees the old-time residents from Millcreek up by Skyline High School coming down and shopping at Costco. He thanks them every time he sees them there for helping to make Murray City a great place to live in. He feels that the Fireclay area is extremely attractive. He is glad that a portion of that development is affordable housing to help people who don't have the means to live in areas that require more money. Some of those are working students or people just starting out and need a place to live.

Mayor Snarr said that he is excited about the future of Murray. There are a lot of nice things that are happening. There is going to be a new development/addition to the Fashion Place Mall. The Sears store officially closed on the last Sunday of January and they are excited to see what the plans are for the future development and renovation of that mall. That mall is still the number one performing mall in all of Utah by a long ways. It is doing much better than the City Creek development as far as what it produces on a per square foot basis.

There are a lot of great things happening for Murray and the future looks bright. Someone will get to lead the charge coming next year and he is excited to watch it happen from the sidelines, and will not be an armchair quarterback.

## **11.2 Questions of the Mayor**

Mr. Shaver asked if the Mayor would like to wish Mrs. Brass a happy birthday tomorrow.

Mayor Snarr wished both Mrs. Brass and Mr. Hales a happy birthday.

## **12. ADJOURNMENT**

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**Jennifer Kennedy, City Recorder**