

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 18th day of November, 2014 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,	Councilmember
Blair Camp,	Councilmember
Diane Turner,	Councilmember – Conducted
Dave Nicponski,	Councilmember

Others who attended:

Ted Eyre,	Mayor
Jan Wells,	Chief Administrative Officer
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Janet Lopez,	Council Administrator
Janet Towers,	Executive Assistant to the Mayor
Craig Burnett,	Police Chief
Taylor Blauer,	Police Officer
Carlos Sanchez,	Police Officer
Jerome Bradbury,	Police Officer
Joshua Haskell,	Police Officer
Gil Rodriguez,	Fire Chief
Doug Hill,	Public Services Director
Justin Zollinger,	Finance Director
Brenda Moore,	Controller
Tim Tingey,	Administrative and Development Services Director
Mary Ann Kirk,	Cultural Arts
Citizens	

6. Opening Ceremonies

6.1 Pledge of Allegiance – Vincent Nuccitelli

6.2 Approval of Minutes

6.2.1 None scheduled.

6.3 Special Recognition

6.3.1 Murray City Council Employee of the Month.

Staff presentation: Brett Hales, Councilmember
Mayor Ted Eyre

Mr. Hales invited Justin Zollinger, Finance Director, to the podium saying that Mr. Zollinger works with the City Council, the Mayor and the administration.

Mr. Hales said the Council started the Employee of the Month a couple of years ago. They felt it was important to be able to recognize the City's employees. He said that Mr. Zollinger would never have wanted this in a million years. He likes to give awards to his staff so this is something he is not comfortable with.

Mr. Hales presented Mr. Zollinger with a certificate, a \$50 gift card and told him his name would appear on the plaque located in the Council Chambers. He expressed his appreciation to Mr. Zollinger for all he does for the City.

Mayor Eyre said this is a major surprise for Mr. Zollinger. The Employee of the Month program has been well received by every department as they have an opportunity to choose, when it comes to their rotation, the Employee of the Month. This is the second time the Mayor's office has been able to choose someone they think really stands out.

Mayor Eyre said in the previous meeting there was an auditor from the City's auditing firm who just completed a several week long audit of all the City's books and found zero discrepancies. That just doesn't happen. The auditor testified to that saying this is probably one of the finest financially run cities that he has run into. The City is extremely proud of that report and of Mr. Zollinger's ability to save the City millions and millions of dollars. He has an incredible staff in his office that work with him. They are dedicated to what they do because they love the way that Mr. Zollinger does his job and cares for his people.

Mayor Eyre said he could not think of any other employee in the City that affects every single employee as much as Mr. Zollinger and his department. If it was not for them, the lights would not come on and we would not get paid. He is responsible for everything financial in the City.

The thing that makes Mr. Zollinger stand out, like so many of the Department Heads and Senior Staff, is that they go far beyond what their job description says. They do what they do and they ask, "What more can I do?" Every time Mr. Zollinger has been asked for help in a certain area the quality of help that he gives them is overwhelming. Here is an individual that does what he is asked to do; then goes above and beyond in every aspect. That is why the City employees and his department love him so much.

Mayor Eyre presented Mr. Zollinger with a gift.

Mr. Zollinger expressed his appreciation for this award and working for Murray City. He introduced his family.

6.3.2 Presentation of Community Art Awards.

Staff presentation: Brandon Beckstead, Arts Advisory Board Chair

Mr. Beckstead recognized those in attendance from the Arts Advisory Board and local art organizations. He asked them to stand for the audience and thanked them.

Mr. Beckstead said that Murray City Cultural Arts and the Arts Advisory Board are very busy with a variety of activities this year. They have a winter season in full swing and on December 6, 2014 the Murray Symphony is doing a Messiah Sing Along. They are just finishing a juried art show at the library which had 25 local artists. A closing reception for that will be held on November 24, 2014 at 7:00 pm at the Murray Library.

They are currently producing musicals at every elementary school, including the new charter school, for a total of 10 musicals. They are conducting storytelling residencies at most schools, the Heritage Center, and the Murray Library. Two of the schools, Grant and Longview, were selected for special school assemblies and a teacher workshop by well-known national storyteller Donald Davis. This is made possible through a state grant given to the Timpanogos Storytelling Festival.

Murray City continues to be a leader throughout the state in local community arts; annually involving 2,500 artists and approximately 40,000 patrons.

Mr. Beckstead said as part of the National Arts Celebrations, they would like to recognize several people here tonight including five amazing volunteers and past and outgoing Arts Advisory Board members. They are: Elaine Judd, Sharon Whitney, Jenny Simmons, Stephanie Pollei, and David Christiansen. Mr. Beckstead presented them with their awards.

These people have given, over the last four to six years, thousands of different hours. They have done everything from Board meetings, setting up art exhibits, museum projects, cemetery storytelling, judging literary and Murray's Got Talent entries, making phone calls, and taking tickets at various performances. These things could not be done without volunteers. They are grateful for the service they give.

One of the recipients said it has been a pleasure to serve on the Murray Arts Advisory Board, but all of this happens because of Mary Ann Kirk, Cultural Arts. Ms. Kirk tirelessly works and never quits; she is amazing. It is a pleasure to live in such an exciting city that always has something fun going on. It is a blessing.

Mr. Beckstead said the Arts Advisory Board would like to give special recognition to the Mayor and Council for their support of the arts. They could not do these things without the funding and help they give. Many communities throughout the state look to Murray as a model for local arts. They sincerely appreciate the efforts made to maintain staff, program funding and an amphitheater, one of the first of its kind in the valley.

Mr. Beckstead also thanked the Mayor and Council for their efforts over the past several years to address some of their critical facility needs through the new Jr. High enhancements and advocating for an additional county facility. They know that balancing the needs of the City is demanding and thanked them for their willingness to view the arts as an essential part of the City. They truly believe that arts are the heart of our community.

6.3.3 Swearing-In new Murray City Police Officers, Taylor Blauer, Carlos Sanchez, Jerome Bradbury, and Joshua Haskell.

Staff presentation: Craig Burnett, Police Chief

Chief Burnett said this is always a great opportunity and they are always excited for this. This, in the Police Department's mind, is part of what makes Murray great; the opportunity to bring in new people with good ideas to come and help do the work that they have to do. It is not always glamorous, but they come because they are looking for an opportunity to serve. The Police Department is excited for these four young men. Chief Burnett welcomed the new officers as part of the Police Department

family.

Chief Burnett stated that earlier today, the Police Department had the opportunity to take part in saying good-bye to the Great-Grandfather of the City's Police Department, Cal Gillen. What this department has become, in almost every way, is because of a lot of things he did 30-40 years ago. It is a great tradition that has been set and they are excited for the new officers to become part of it.

Chief Burnett invited the new officers up front for the swearing-in.

The Swearing-In Ceremony was performed by Jennifer Kennedy.

Mr. Camp thanked the new officers for accepting the responsibility of the job and protecting the citizens of this city.

7. Citizen Comments (Comments are limited to 3 minutes unless otherwise approved by the Council.)

No comments were given.

8. Consent Agenda

Ms. Turner asked that all items be taken together; no objections were made.

8.1 Consider confirmation of the Mayor's appointment of Elliott Smith to the Murray City Board of Appeals in an At-Large position for a three-year term to expire November 1, 2017.

8.2 Consider confirmation of the Mayor's appointment of Roger L. Hansen to the Murray City Board of Appeals in an At-Large position for a three-year term to expire November 1, 2017.

Mayor Eyre stated he has had the opportunity to meet and interview both of these individuals. He has had the pleasure of knowing Mr. Smith personally for a good number of years. Both of these individuals have a great deal of experience, talents, and qualities that will be needed for this Board and both of them will be an asset to our City.

Mr. Brass made a motion to adopt the Consent Agenda
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

 A Mr. Hales
 A Mr. Nicponski

A Mr. Camp
 A Mr. Brass
 A Ms. Turner

Motion passed 5-0

9. Public Hearings

9.1 Public Hearing #1

9.1.1 Staff and sponsor presentations and public comment will be given prior to Council action on the following matter:

Consider an Ordinance relating to land use; amends the Zoning Map for the properties located at approximately 703, 709, and 753 East Winchester Street, Murray City, Utah from R-1-8 (Single-Family Low Density Residential District) to R-N-B (Residential Neighborhood Business District). (Steven Feder, Roger Knight, Ned & Carolyn Walker, Estate of Edward Collett & Mildred Page Collett Living Trust, and Mehdi Jamshidbaigi applicants.)

Staff Presentation: Tim Tingey, Administrative and Development Services Director.

Mr. Tingey stated there was a Public Hearing held at the Planning Commission meeting on September 18, 2014. All of the information from that meeting was forwarded to the Council including the letters that were submitted for the Planning Commission meeting as well as the packet of information which include the minutes from the meeting and notices. Mr. Tingey said he would go through this request, outline what it is about and talk about the recommendation that will be provided and that was provided by the Planning Commission.

Mr. Tingey showed the properties as part of a PowerPoint slide show presentation (Attachment 1). This request involves three properties that are currently zoned R-1-8 (Single-Family Low Density Residential). The zoning around them includes some General Office and R-N-B. Across the street there is some Multi-Family and more General Office.

The General Plan is an important part of this process. The City goes through a general planning process which we have embarked upon for the next General Plan. It is about a 10-15 year plan that is in place. It outlines the vision for the future related to a variety of different elements such as transportation, economic development, housing, land use, parks and recreation as well as others.

In the General Plan, the City goes through an intensive planning process as part of this and a future land use is designated. If there is any change to the future land use it has to go through a public input process and Public Hearing for the Council to make a decision on changes.

This is not that tonight because the future land use that is designated for this property is an R-N-B use. As part of that, there are elements of transportation that are taken into consideration as well as the land use in other scenarios that account for this future land use designation. This is simply a rezone; not anything that addresses the General Plan although the General Plan is the vision document that governs the City as well.

Mr. Tingey said that Residential R-1-8, which is what the property is zoned right now, allows for single-family dwellings on 8,000 square foot lots. That is what the '8' in the R-1-8 is designated as. The maximum height of the residential or any other projects that are allowed is 35 feet. Charter schools are allowed as well as elementary, Jr. High, and Sr. High schools through Conditional Use Permits. A Single-Family Residential is primarily designated for residential but there are other uses allowed.

The purpose of the R-N-B is to provide an appropriate transition between high traffic arterial streets, which is what Winchester Street is, to adjacent residential neighborhoods. An important part of that is they have to exude a good neighborhood fit and it has to be harmonious development which will promote outstanding design. There cannot be any unsightly or unsafe strip mall type commercial development; that is not what is anticipated for this R-N-B. It is anticipated to be either a residential use or, if there are commercial uses, they have to be low intensity uses.

Some of the other elements that limit the density in these areas are front yard regulations; a 20 foot front yard setback. In all of the other commercial areas, the setbacks are much less than this. Ten feet is typical in the C-D-C areas which are the commercial areas. There is a rear yard setback of 20 feet and side yard regulations of 8 feet of a normal side yard and 20 foot if it is on a corner lot side yard. These are more intensive as far as regulating the density elements because there are greater setbacks that are required.

Mr. Tingey said that one of the big differences in an R-N-B zone related to density and other commercial areas are that the height limitations are the lowest in all of the zoning ordinances throughout the City. Height is limited to 20 feet for commercial buildings and up to 30 feet may be allowed with Planning Commission approval; it has to go through a Conditional Use Permit process. All commercial structures and projects that are proposed in an R-N-B zoning district have to go through a Conditional Use Permit process which is a public input process at the

Planning Commission. If there is any proposal for commercial, there has to be a process they go through for that.

There is also a requirement for fencing regulations. If the site abuts a residential zone, they have to build a six foot high masonry wall as a buffer to that residential area. Landscaping also provides some buffering for residential areas. There is a 10 foot landscaping requirement along all frontage areas not occupied by drive accesses. There is also landscaping adjacent to residential zoning which is a buffer landscape of 10 feet that is required as it abuts residential zoning. Another important part related to density in these projects is that 15 percent of the total site has to be landscaped. There has to be elements of that, especially in the parking areas where there is landscaping.

Mr. Tingey highlighted some of the conclusions that were made. The requested change has been considered. It has gone to the Planning Commission and they provided a recommendation. The General Plan recommends a transition from arterials to allow for commercial or residential development that abut a residential neighborhood. Uses allowed in the R-N-B provide that transition and buffer. The R-N-B zone development standards include restrictions in design standards. Beyond the heights and building materials, the design elements of the buildings have to fit into an area so it does not detract from a residential neighborhood. In addition to that, there are limitations on the height of lighting for the area; an 18 foot limit. You cannot have lights that are up above buildings. If they are at 20 feet, the lights have to be below buildings.

Transportation issues have also been considered. The arterial street, Winchester Street, is outlined in the General Plan and there are things in place that will help to allow for this type of development if commercial development is proposed for this area.

Based on that, the Planning Commission recommended approval unanimously to the Council. Staff recommended approval to the Planning Commission and tonight Mr. Tingey is recommending approval of this zone change from R-1-8 to R-N-B.

The Council asked if any of the applicants would like to speak.

Steven Feder, applicant, stated they are here tonight requesting this rezone for these properties to an R-N-B zone and strictly focusing on that issue tonight. Other issues regarding the design elements and the site plan will be brought up later with Planning and Zoning when the plans are presented. At that time, there will be opportunities for public input.

Tonight they are here strictly for the rezone and to bring this property into compliance with the General Master Plan. Mr. Feder said he thinks the questions that need to be asked are, is there a General Master Plan that includes this property in the R-N-B zone; the answer is yes. Did the Council adopt that plan at a Public Hearing; yes. Was there an opportunity for neighborhood input at that time; there was and as Mr. Feder understands it, there was very little if no negative comment at the time that the Master Plan was adopted.

Mr. Feder said the developers have heard the comments, thoughts, and concerns of the neighbors. Those concerns are and will be taken into account in the whole design that will be presented to Planning and Zoning and for public input. They are concerned about the neighborhood and their feelings. He thinks they will be pleasantly surprised on how they have responded to their concerns and requests when they present their final plan at the appropriate time.

Mr. Feder asked the Council to adopt the zoning to an R-N-B for these three properties and to bring these properties within compliance of the General Master Plan.

Public Hearing Open for Public Comment

Norman E. Nielsen – 5451 South Quaking Aspen Drive, Murray, Utah

Mr. Nielsen expressed he has a personal interest in this change in the zoning. He was on the City Council years ago for eight years. His concern is that a year ago they went through this. They had a building that was quite high and he did not think it was appropriate for the zone and it was denied.

Mr. Nielsen stated he personally does not like the zone. He moved into Murray in 1954. He moved in with three children under five. They had a family of seven. His wife passed away 12 ½ years ago and he moved out of Murray for a couple of years. He is now back in Murray because Murray is important to him.

The thing that concerns him is there is no open residential property in Murray. It is all gone. The only way people put in businesses is they package three or four houses, come before the Council or Planning and Zoning, and want to have it changed. The problem Mr. Nielsen has with Murray is you look at the freeway and it divides the city. The people on the eastside of Murray are older than the people on the westside.

Years ago, before he was on the City Council, there was a Mayor Muir that had bought property for the cemetery. They said it was not good land for the cemetery so they put an apartment complex there. Since then, the east part of Murray, on 900 East, has about 150 apartment units. That is

why he is here. He is afraid that because there is no residential property left in Murray, people will come and want to rezone their property to something they can put a building on so they can more money on their property.

Mr. Nielsen told the Council they are setting precedence for Murray that he believes is very dangerous. He wants them to understand the precedence they are setting.

Pam Squires – 687 East Winchester Street, Murray, Utah

Ms. Squires said she is on the band where she could come to the City someday and ask for her home to be turned into a new zone for more money. When Make-A-Wish came in, the citizens were told that nothing else would go in. Then the house next to Make-A-Wish applied a few years ago and the citizens were told it would not go any farther. When will it really end?

Ms. Squires said they have been in their home for 27 years. It was a dump when they bought it. They got a variance to the law which is why they have a fence on all four sides. The time before when they met, someone told them there would not be a driveway coming out on 725 East. She does not believe that. They will find some regulation and say they had to put it in.

Years ago when land was donated for 725 East, the donor was told it would never be punched all the way through to Winchester Street; but it was. It was punched through and the reason given for doing it was because of the Federal Government. Every time they hear Murray City say, "It is not going to go any farther, take our word for it," the City breaks its word. If there is no integrity in Murray, why are we doing this?

Ms. Squires said it is amazing to her. The other people that have those homes have all inherited them. They have said in the past, those homes are running down. Well, they have not taken care of them and people have tried to buy those homes. Ms. Squires said they wanted to buy the lot directly across from them. She wants to know when Murray plans to keep their word.

She does not want any more traffic. Last October they got their parking all ground up. They have no parking in front of their house because there was a left hand turn lane put in that doesn't even line up with the left hand turn lane opposite it coming from Midvale. They were told this would save on accidents. Come March and April there were three accidents on that corner and since that time when she is there, she waits until the light turns green and waits another minute. If she hadn't, on two occasions, she would have been broadsided. There is a lot of traffic already there and she does not

want any more. She truly believes this building will depreciate her home and she does not think that is fair.

Davis Hansen – 736 East Labrum Avenue, Murray, Utah

Mr. Hansen said the Council knows the issues and concerns that have been brought up over and over again. He said it is likely the Council has already made up their minds, although he hopes that is not the case.

Mr. Hansen said that people keep saying they should have known better when they bought their house. They bought their house 4 ½ years ago and it was beat up and blighted. He has put \$25,000 into his house and it looks great now. When they moved in, they knew there was the potential for a rezone. When they looked at the zoning, they thought if the property owners do it according to the zone, they would sell each property at some point in time, fix up the houses and put a business inside each house. Three smaller single-story properties probably would not be that terrible.

The reality is that when people attack his integrity, saying he should not have bought that place and he should have known better, it is absolutely incorrect. When three people decide to go together to sell these houses and put a huge building on it; he had no idea that would happen.

They are fighting this because they feel like they have been backed into a corner. Mr. Tingey has been telling them they will have a say during the Public Hearing when the building comes. They have to stop it now. They do not have a say in this. The developer keeps saying over and over again that it is going to be great and they will love it. Why should they trust him? The first building plan they brought up was 18,000 square feet. Are they supposed to trust that is what is going to happen, that he is going to get their input. No, it needs to stop now or else they will not be protected if this goes through.

Mr. Hansen said as far as the process as a whole, people keep saying over and over again that the building has nothing to do with the rezone. It has everything to do with a rezone. The whole purpose of a rezone is to determine what goes on that property. The fact that somebody can walk up and say, “I want to rezone my property” and not have any indication as to what is going to go on that property is absolutely insane and ludicrous to him. It blows his mind that is even allowed.

Mr. Hansen, his wife and the people around these properties are not completely unreasonable people. He thinks everybody thinks they are and are not willing to negotiate. He thinks that is completely untrue. If the developer were to ask for his input, maybe they could work something out.

The City keeps saying they want to follow the Master Plan. This property

is R-N-B and that is what it should be. The Master Plan also says that we are supposed to protect our established neighborhoods and this is an established neighborhood. If this gets rezoned, the City is not protecting that neighborhood.

Rebecca Simmons – 6468 South 725 East, Murray, Utah

Ms. Simmons said she does not understand why this is never over. Behind the Squires' home, there is another lovely home and another one on the other side of Castlefield Lane. They are all on Winchester Street but they face each other and have walls. The house on Castlefield has just been renovated. There is no reason why a lovely home could not be built on the first property that faces into Winchester Street. It would be as fitting as the ones on Castlefield Lane.

At the last hearing, Ms. Simmons' son-in-law, who is an architect, drew up two townhomes that could fit on this. He measured it all out and drew it up to show how it could fit. They called about buying the property but they put the property alone, before you built anything on it, at \$300,000. They were willing to put in their savings for it, but \$300,000 for just the property and then have to put up the homes. What they were really saying is they are going to set a price that would not allow them to do a residential property. That could easily be a residential property that would complete and enhance the neighborhood more than any business ever possibly could.

Ms. Simmons said that having townhomes or a home on that property would be just as fitting as the homes that are on Castlefield or the Squires' home or their home, where they have lived for 18 years and they have put in tens of thousands of dollars into their home. It is their nest egg now and to see the value crumble down because there is an enormous business on the other side is unfair.

They come and support these meetings every six months. She would like to hear a final decision that this is part of their neighborhood, they count, they are here, they are willing to negotiate and do their part in the Council is willing to protect their neighborhood.

Karen Hansen – 5837 South Majestic Pine Drive, Murray, Utah

Ms. Hansen said once again they are dealing with rezoning on Winchester Street and once again she is extremely opposed to it. She has lived in Murray her whole life and has noticed a disturbing trend. They are not getting young families in their homes. Because of the lack of new construction, young families are choosing to go south or west. To live in Murray is going to be a difficult thing to get these families to do. Labrum Avenue has a lot of families, but where she lives, there used to be 66 children in 22 homes. There are now four children.

They moved from one house to another. They had numerous people come through their house and everybody asked where the children were. Ms. Hansen had to say they are hoping they are coming, but right now, they are not enticing children to their neighborhoods. She thinks it is a big problem. Murray is not going to be a bedroom community but a drive-thru community. Every time a single-family home is torn down the spirit of community is lost.

Ms. Hansen drove down Winchester Street last night and there are 24 homes that are being talked about being torn out. That affects all those people behind there and all the way to their house. When the Master Plan considered the property, they saw there were separate homes and she thinks what they would have liked to see was homes built on those properties. She really thinks that is what they meant to do.

The Master Plan is not the law. If the Master Plan were the law, they would not be here. They tried to buy property behind the Hansen's house several times, and all they said was she should have known the Master Plan. She knew it was residential and if the Master Plan is the law, then they do not need to be here. She told the Council they are her neighbors and they are watching her back. She knows a lot of times they do and she appreciates all the Council does because she knows it is a hard job, but she really would like them to watch their backs this time and keep the homes that are there, there so they can have that community. Ms. Hansen believes revitalizing the neighborhoods does not mean tearing down homes, rather revitalizing those homes like the Hansen's did in their house.

Julie Collett – 10259 South 2460 East, Sandy, Utah

Ms. Collett said if the residents feel that these three houses are really a part of the neighborhood and community behind them, that has been years and years and years since that happened. The original property owners lived long lives and their children received these properties in their older years; most of them are well into their 70's. They have spent five years trying to sell these properties. Many hours and much effort have been spent along with a lot of money. For two years, they have had an offer from a developer that wants to build a small commercial building.

Since the offer, the realtor of the buyers has consulted with the Murray City Planning and Zoning Commission as well as the City Council many times. They have all worked very hard and paid the required fees to meet the requirements for rezoning to R-N-B. They have been told many times that everything they are doing would bring about the requested change. However, when the time to make the change was requested to the City Council last year, it was denied.

The Murray City Master Plan indicates that the desired use for the property in question is a small business that blends in with the surrounding residences and provides a transition from the busy street and surrounding businesses.

Ms. Collett said she sells shutters and blinds. She is in every area of the valley two to three times a week. Over the past 15 years she has seen every city in our valley progress and evolve. There have sometimes been growing pains, not every change can make every property owner happy. Nevertheless, change does occur. They are here to discuss the progress of Murray City. The decision is not to side with one group or the other, but to put forth a plan that can better the City by having an attractive and profitable solution to this property which is becoming run down and an eyesore.

When the Collette home was built by Ms. Collett's in-laws they chose to live with one other home on a dirt road. In time more people built their homes and the road was paved. The neighborhood to the north, where most of the residents in attendance live, was built on acres of a field that surrounded them. Then the mall and R.C. Willey were built. The traffic increased and they were no longer part of the neighborhood. They were on a busy road. They decided to remain there, however they did not get to choose everything that happened around them.

The current property owners have decided to sell the property. No one has come forward with a market value offer to buy any of the residences. They have not had one offer. They are under contract with a commercial builder; which is what is on the Master Plan. They are asking, because all of the current homes are in various states of disrepair and becoming more dilapidated each passing year. An attractive building would accommodate the neighborhood better and increase property values. Ms. Collett respectfully asked the Council to consider it necessary to rezone the subject properties as requested to an R-N-B zone.

Kristin Fisher – 802 East Silver Shadow Drive, Murray, Utah

Ms. Fisher said she has concerns with changing the zone because there is a property on 900 East that a vision center has been put in and it is an R-N-B zone. She has spoken to a few Councilmembers about that, but that building they put on that lot does not comply with the laws of the zone.

The property owner took a petition around their neighborhood, showed the design and asked if the residents were okay with the building going in on that property. It is a nice building, it is angular and sitting sideways on the lot but it looks like no building anywhere within miles of their neighborhood. There is not one house that looks like that building. The building supplies they used on it do not look anything like any building

supplies that are used in their neighborhood.

Ms. Fisher stated her concern is if this zone is passed, the Planning Commission is supposed to be accountable to their laws and ordinances and they did not follow their own laws when they put that building up. What reason do the neighbors have to believe if this zone passes and the Council says they have to follow the laws; they have already not followed their own laws. They have already been dishonest about what was supposed to be in that zone. What reason do the neighbors have to believe that they are going to do it this time?

Ms. Fisher asked who needs to be accountable to the residents because of that. She knows the Mayor appoints the Planning Commission, so is it the Mayor that needs to be accountable? She knows they are not talking about this issue, but she does not want the zone changed until she knows that someone is going to protect the residents and follow the laws that are set forth by the zone. It is not fair to rezone this and then not follow the laws. Why they brought the petition to her house she wrote no because it does not fit the zone. She wrote no and they still passed it. She has a real problem that something was allowed in a zone that does not belong there and that is the zone they are getting.

Paul Simmons – 6468 South 725 East, Murray, Utah

Mr. Simmons said they tried to buy one of the lots and it was not priced to sell as one lot. The plan all along has been to sell all three of these lots together. The frontage along Winchester Street for those three lots together is the same as the Unishippers building across the street on Winchester Street.

When this rezoning came up years ago for Make-A-Wish, Jack DeMann addressed the City Council and went over the history of this area. He explained the south side of Winchester Street was going to be commercial but the north side would always remain residential. If you put a building on that lot, that is equivalent to the Unishippers building across the street, the residential nature of the area is destroyed.

Mr. Simmons said the other point he wanted to make is that when they were rezoning Make-A-Wish the neighbors were initially opposed to that. There was a meeting at the Squires home where drawings of what Make-A-Wish would look like were presented. It was going to look like a home and fit in nicely with the neighborhood, so the neighbors decided not to oppose it. It was sort of a bait and switch because they ended up with a much bigger building than they thought they were agreeing to. He realizes this meeting is only to decide on a zoning change, but as Mr. Hansen said, you cannot really consider them separately. If this is rezoned R-N-B those three lots will be sold together and a large commercial building will be

built that will destroy the residential nature of the neighborhood.

Steven D. Neiswender – 6434 South Joma Street, Murray, Utah

Mr. Neiswender said he is not familiar with all the details with everything that has gone on. He was here at the last meeting when the petition for rezoning was denied. It seems like there was a question at that point of taking the property there and turning it into a hard surface and how that would affect runoff onto Labrum Avenue. He knows there have been flooding issues on the east end of Labrum Avenue in the past and there was a concern raised about how making this all a hard surface would continue to affect that flooding. He does not know if there have been any arrangements made for drainage or addressing that issue or if it is even still an issue. If it is it should be considered; if not he would be interested in knowing what measures have been taken to correct that.

Ned Walker – 1601 West Shenandoah Circle, Taylorsville, Utah

Mr. Walker owns the property that is on Winchester Street and 725 East. The home was built in 1941. It is run down; it is getting bad. Who is going to buy it with a frontage on Winchester Street? Not a sole. When you look at the McDonalds' original house in the back, it is still there and they used it as a rental. That house is condemned and has to be torn down.

The zoning for this has been gone over a lot of times. That whole street from the McDonalds' all the way down to 300 East has that rezoning from R-1-8 to R-N-B. He is asking the Council to do the right thing and go by the Planning Commission's recommendation and rezone the properties.

Richard Seiger – 753 East Labrum Avenue, Murray, Utah

Mr. Seiger stated a lot of the comments stated tonight have been accurate on both sides. The R-N-B with buffering residential from the arterial streets is what it is there for. A lot of concerns that have been brought up are more important for these particular lots than maybe some other lots for a lot of the reasons that have been brought up.

Some of the other reasons, and this is not necessarily the fault of the people that own the land currently, but standoff from the houses behind these lots is so small. Even if by the current regulations the business has to be 20 feet off the property line, these houses only have 10 foot backyards rather than a standard 20 or 25 foot backyard that the houses on 900 East behind the vision clinic have. That puts a business a lot closer to where kids might be playing or people might be sleeping. Even if that business is not operating at all times of the day, they would still have a closer proximity to where there are people living. That would be a concern for the residents on the other side of that.

Mr. Seiger said he is curious, as he was not involved back when the

General Plan was put in, to know when these areas are set as R-N-B is the intent to combine the lots. There is still going to be one house in between that will surrounded by R-N-B is this change is made. He asked if the thought was to combine all these R-1-8 lots into R-N-B or was the thought more to keep them as either individual or maybe combining one or two. He does not know the answer but it would seem the intent would have been to keep them smaller lots rather than like the huge business lot across the street. It would seem that would not fit the zoning intent.

Angie Hansen – 736 East Labrum Avenue, Murray, Utah

Ms. Hansen stated she is opposed to this. She said they have talked to some of the Councilmembers and have been told the reason they may be for it is because residential homes can be 35 feet and an office building can only be 30 feet. She said if they are just looking at that, they need to think about who is in the building. Last time, there were 80 parking stalls which could mean potentially 80 people in that building behind her home.

If it is a residential home, at the most there would be nine people. You'd only be looking at three or four cars. An office building will pull in a possible 80 cars. Ms. Hansen thinks that is a huge concern. It is not just about 35 feet and 30 feet, she thinks they need to look at who is going to be on that property day in and day out.

Glenn Collett – 10259 South 2460 East, Sandy, Utah

Mr. Collette said he has heard talk about setbacks, but they are not City Planners. They read something they do not understand and try to convenience the City Council that they know what they are talking about. That is irrelevant. If you want to know the truth, ask a professional or the City Planner and they will tell the truth about setbacks.

Mr. Collett said someone voiced a concern about traffic. A small business that is open 9-5 Monday through Friday and closed on the busiest days of the week, Saturday and Sunday, would have little or no impact to the traffic. Any talk of the rezone increasing traffic and making the street less safe is ridiculous. The rezone will actually make Winchester Street safer by allowing vehicles to enter the street forward instead of backing into four lanes of 40 MPH traffic. If the Council wants to make Winchester Street safer, then it should be rezoned.

Someone also mentioned flooding. Any concerns about flooding or water drainage will be addressed by an engineering plan. It would have no effect on neighbors whatsoever. These types of arguments are just a way to draw the City Council's attention away from real issues.

Mr. Collett said several people have said they were given promises by Councilmembers about stopping development on Winchester Street after

Make-A-Wish went in. If this is true, he would like to know how Councilmembers could possibly make blanket promises that go against the City's Master Plan without consideration for future proposals.

Regarding the neighborhood, Winchester Street is not a part of the neighborhood. For the last five years he lived there not one trick-or-treater ever showed up. Why; because their parents would not let them on that street.

The City Plan has been in effect since 2003. That is what they are working towards; the Master Plan. They are working for the Master Plan. That is why they have spent a lot of time and money working for it. That is why it is on the books. There are businesses on both sides of Winchester Street across the street from them and all the way up to their properties. That little flag lot is already a business.

Mr. Collett said someone mentioned they are tearing down 24 houses. They are actually tearing down three run-down houses that are the oldest in Murray. His parents built their house in 1941 when it was a dirt road. The house has asbestos, cast iron plumbing, these houses are shot.

Somebody mentioned that all the kids are gone. Kids grow up and move away while the parents stay there and no new kids move in. Would you want to raise your kids on that road? Every pet Mr. Collett had died on that road. Kids don't walk down that road, it is dangerous.

Mr. Collett asked what Vision Eye Center had to do with this meeting. This meeting is supposed to be about a rezone; and rezone only. But everybody brings up the building. Somebody was saying there is going to be a parking lot with 80 parking stalls on it. How do they know? Have they seen a plan somebody else hasn't? This is ridiculous.

Mr. Collett stated he knows there is some concern about a small R-N-B negatively affecting the neighborhood and families. He did some research on the Internet and found no evidence of a small business increasing crime in anyway. The opposite actually happens when run-down, rented homes are replaced with modern, clean and securely lit small businesses.

Mr. Collett said he would like everyone in this room to consider what could happen with his property. For the last seven years his daughter has been in that house so he had some control. He lost a lot of money waiting for this project to be approved. He told his daughter she had until the 18th to get out and she has moved out. If this rezone is not approved, he has alternative uses for this home, none of which involve selling the residence or renting the home to any one person or family. Current R-1-8 zoning allows for a variety of uses which would create income for him and not all

of which would be as attractive as a small commercial building.

Sergey Krasovskiy – 739 East Labrum Avenue, Murray, Utah

Mr. Krasovskiy said this is an emotional issue. He asked why we need to do this so many times with the same result. Is anybody behind this? Does anybody who makes the decisions have an interest in this? It seems like something is going around and the citizens don't understand. If anybody who makes a decision is somehow involved with the money that would be made in this project, please put it in the record. He would like to know because it is very suspicious.

He has been here five or six times and everybody is opposed except for the seller and we have to do it again and again and again. Why? Is it not enough to tell someone one, two, or three times that they do not want the zoning changes. It is not about the building, it is about the change in zoning. They do not need or want it. They do not need this buffer they want the normal residential neighborhood. If they cannot sell their property, just keep it like it is. But they want a much bigger amount of money to sell the properties combined. The residents do not have to sacrifice their lives, money and buildings just because they want more money. It is not going to happen, the residents are going to be fighting this.

Mr. Krasovskiy asked the Council to listen to what the people are telling them.

Public comment closed.

Mr. Camp stated to Mr. Tingey that the Make-A-Wish building was brought up a number of times tonight. As a clarification for him, he wanted to verify that building is not zoned R-N-B, it is zoned G-O (General Office) and was not build under the R-N-B zone.

Mr. Tingey said that was correct.

Mr. Hales verified that the General Plan was done in 2003 which was 11 years ago and we are getting ready to do that again.

Mr. Brass stated it was actually adopted in 2004.

Mr. Tingey stated the General Plan process and planning processes in general occur and are governed by State Law. State Law requires that you move forward with General Plans and so plans don't, typically in any state that he is aware of, just stay in place for a whole city for years and years without additional planning efforts that occur. The General Plan process is done typically every 10-15 years. It is governed by State Code that these

things are reviewed. It is very dynamic as far as the changes.

There were also some questions brought up about the process. This is a rezone; it is not about a specific process. The City's code allows for rezones to come back and be reconsidered, through a whole separate process and application, one year after a decision is made by the Council. The applicants met that criteria and that is per code. That can occur in any rezone because our code, unless it gets changed, allows for it after one year.

There is not a specific proposal tonight for this property and that is because we are considering a rezone. However, this rezone would allow for commercial buildings. It could be residential buildings as well, but it will allow for commercial buildings. Therefore, if this is rezoned, that could mean that a commercial proposal could come forward. Mr. Tingey stated he did not want to cover anything or mask anything. If this is approved, commercial development can occur on that property through a process. That process is a Conditional Use Permit and there is input allowed. But, if they meet the standards, it can be approved.

Mr. Hales verified it could be approved without coming back through the Council.

Mr. Tingey said that was correct, it would not come back to the Council if it is a Conditional Use Permit.

The purpose of the zone is to provide a buffer. There is a lot of fast traffic on those arterial streets and the intent of the R-N-B is to provide a buffer so you don't have those residential uses on those fast paced arterials if there is a buffer of low-density potential residential/commercial that buffers the neighborhood.

The Zoning Ordinance is the law and the Master Plan is the vision for the future that helps the City outline what the laws will be in the future.

As for the building that is not complying with the zone that has been discussed the buildings have to adhere to the code. The setbacks, height, and all those issues are clear cut and the building has to adhere to that. There is some subjectivity related to design and materials, there is no doubt about that. The Planning Commission has the authority to make a determination on whether they feel it meets the intent of the Ordinance when you go through a Conditional Use Permit.

Mr. Tingey said as far as the question on intent to combine lots. There is specific wording in the ordinance that says, "Where possible existing homes should be preserved and converted to appropriate uses. Where this

is not possible, or where existing structures and site conditions are prohibitive, two or more lots can be consolidated to meet the intent of this land use. You can do either. You can keep existing homes or combine lots to meet the intent of the ordinance.

Mr. Hales said that when Mr. Tingey stated the Master Plan is a vision, not a law; that is important to him. This is not a law, it is a vision. It was done 11 years ago and it is going to be redone again. Did anything change from last year? Nothing has changed. He voted to keep it residential and nothing has changed from that time.

Mr. Brass said there is a lot of agricultural property in this City. This is something that concerns him somewhat, but interesting enough, what was left of the Erickson Dairy area off of Vine Street went residential. There were a lot of people upset about that. There is potential for residential property left in Murray. There are approximately 30 large agricultural lots around the City.

Mr. Brass stated Make-A-Wish came up a lot. He was concerned about land use. He tried to build a building in Murray and he had questions so he got put on Planning and Zoning and learned a lot. Make-A-Wish was one of the projects they decided on. He was sitting on Planning and Zoning when that came along. The request was to change the zone to General Office from R-1-8. The Planning Commission, if he remembers right, voted unanimously to turn down the zone. The neighbors liked the building. Nobody wants to deny sick and dying children their last wish.

This goes to why we don't talk about the project. The reason is you don't know what is going to get built and if Make-A-Wish did not raise their money, then anything that was allowed in a General Office zone could have been built on that property and that includes a Unishipper's type building, a four-story building. They thought that was inappropriate against a neighborhood. The Planning Commission said no and the City Council overturned it, which is their right. In zone changes, the Planning Commission is the recommending body. He remembers that very well and yes the building is bigger than what was originally discussed. And again, that goes back to why isn't the building brought up.

Mr. Brass said his personal favorite at that time was Mountain Medical Imaging on 5400 South and Woodrow Street. The zone change was for a single-story drive-thru bank. It an office building and that was the source of great heartburn for that neighborhood. So you don't know what is going to be built.

The only thing available was R-1-8 or General Office on these arterials such as Winchester Street and 900 East. There were property owners

begging the City because their properties were vacant and going into disrepair. Neighbors in close proximity to those areas were complaining about the potential for crime so the City developed R-N-B. At the time it was to protect the neighborhoods. It was to allow for a smaller building and in many cases for people to move into these homes and convert them to buildings. The original applicant was a woman who wanted to turn a house into a real estate office. It was the last house on Winchester on the South side before you hit the Trax line. She was turned down twice. She stuck it out. They came up with a way to do it and they converted it into a Real Estate office. It turned out nice.

Murray Greenhouse is another example. Yes, some of these homes have been torn down and personally he would rather see the homes preserved. But, there is a balance here on personal property rates; yours and the people who own these properties. At some point, they had to find a solution and R-N-B has actually worked reasonably well. When he bought his house there was a farm behind him. He now has a big house looking down on him and his house is 35 feet high. That happens because things change.

Mr. Brass said a big issue that came up tonight is that they do not talk about the building not because it is a conspiracy and they don't keep bringing this back because it's a conspiracy, they keep trying to find solutions that help everybody. He hates these, but R-N-B is a solution. He would love to see neighborhoods stay. He agrees that he would not want to back out onto 900 East or Winchester Street and he does not know many people who would.

Mr. Camp said he has read the emails from both sides and the minutes from the Planning and Zoning Commission meeting and a lot of the residents are here tonight. He realizes and recognizes this is an emotional issue. If this were about who he liked or didn't like it would be easier because he had known some of these residents for years. But it is not about whom they like and who they don't.

This reminds him of a rezone that happened over on 5300 South a few years ago. It was turned down multiple times to rezone a vacant lot. He drove by there today and what was a vacant lot, and was for years, is now a really nice professional office building. There is a nice masonry wall between the building and the neighbors and it works well as a buffer.

His fear is that these lots on Winchester Street, because they are not attractive to a single family, will become more and more depilated and eventually become vacant lots. He thinks the City has an obligation, not just to protect one property owner's rights more than another, but a responsibility to do what is best for that property. This is a good candidate

for the R-N-B zone because it provides many more safeguards and protection for the neighborhood than any other zone would there. That being said, he will support the zone change.

9.1.2 Council consideration of the above matter.

Mr. Camp made a motion to adopt the Ordinance
Mr. Brass seconded the motion

Call vote recorded by Jennifer Kennedy

 N Mr. Hales – I was voted in to be a voice for the people, it would be wrong for me to vote yes because they voted me in as their voice and they obviously do not want this.
 A Mr. Nicponski
 A Mr. Camp
 A Mr. Brass
 A Ms. Turner

Motion passed 4-1

10. Unfinished Business

10.1 None scheduled.

11. New Business

11.1 Consider a change in the Murray City Representative to the UTOPIA Board of Directors.

Staff presentation: Mayor Ted Eyre

Mayor Eyre said there are representatives from our City who represent the City on the UTOPIA Board. Those representatives right now are Doug Hill, Public Services Director who is the primary representative and Mayor Eyre is the alternate. For reasons that were discussed in the Committee of the Whole meeting, he would like to ask the Council to consider changing those positions where Mayor Eyre would become the representative from Murray to sit on the Board for UTOPIA and Mr. Hill would be the alternate.

The reason for this request is the situation at UTOPIA has changed from complex to extremely complex with the Macquarie proposal and with a Murray proposal. The Murray proposal is the only one the City is aware of from any of the other ten cities that has been presented to the Board. Therefore, we feel it is a very good proposal and important for it to be stressed on the Board at the Mayor's level.

The decisions that are being made at UTOPIA right now are becoming extremely political because of the dividedness of the Board itself. With that in mind, he thinks that some of the relationships that have been developed over the last few months are very important to keep and he has been able to make some good relationships with other Mayors and City Managers.

Mr. Hales stated he believes Mr. Hill is in agreement with this. Like Mayor Eyre said it is on a level with other Mayors and City Managers. They appreciate all that Mr. Hill has done with UTOPIA, spending tons and tons of hours along with Mr. Zollinger. Mayor Eyre has put in a lot of hours also and is very concerned in trying to get this to work out.

Mr. Nicponski said he feels it is noble and appropriate for the Mayor to be the official representative on the UTOPIA Board. It is important that Mr. Hill does what he does best and serving as a first alternate will be adequate. Everything that Mr. Hill does for the City is greatly appreciated and noted.

Mr. Brass made a motion to approve the Resolution
Mr. Nicponski seconded the motion

Call vote recorded by Jennifer Kennedy

 A Mr. Hales
 A Mr. Nicponski
 A Mr. Camp
 A Mr. Brass
 A Ms. Turner

Motion passed 5-0

- 11.2 Consider a Resolution encouraging the State of Utah to pursue a comprehensive transportation funding strategy.

Staff presentation: Jan Wells, Chief Administrative Officer

Ms. Wells said this has been discussed quite a bit in Committee of the Whole recently. There are two different Resolutions and the one being presented tonight comes from the League of Cities and Towns. It is the funding portion of the transportation proposal. This is to ask our Legislature to give the City the ability to fund the demands for all modes of transportation, from sidewalks, mass transit, bike lanes, and streets, over the next 50 years. They have three proposals they are looking at. The main one is ¼ cent sales tax. There is one that is a \$.05 gas tax and then the ability to index the gas tax. All of those are on the table and will be discussed in the upcoming Legislative session.

Ms. Wells told the Council the other piece they will be receiving at the next

meeting is the part that is the Utah Transportation Coalition which is working with the cities, counties, the Chamber and others that will join as they go along. This is to help the City try to help the public understand the reasons for this and the concerns and importance of having transportation funding and some of the alternatives we are looking for.

Ms. Wells reiterated this one today is the League's piece which is to look at funding options that are part of the Transportation Comprehensive Plan.

Mr. Brass said what he likes about this is it is just not roads or light rail. It is sidewalks, paths and bike lanes. As they are hearing more and more from citizens, the City needs those connections.

He has talked with League members and one thing he personally brought up was sidewalks. It doesn't take much to stop a wheelchair. A little ¼ or ½ inch lip in the sidewalk will do it. It can cause problems.

He likes the variety of this. Cars are getting better gas mileage so people purchase fewer gallons of gas and the City gets less money but our road issues continue to increase. The road miles don't go away, just the revenue does. This is a great idea.

Mr. Nicponski made a motion to approve the Resolution

Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

 A Mr. Hales
 A Mr. Nicponski
 A Mr. Camp
 A Mr. Brass
 A Ms. Turner

Motion passed 5-0

- 11.3 Consider a Resolution acknowledging completion and receipt of the independent audit for Fiscal Year 2013-2014 and order that notice be published pursuant to Section 10-6-152 of the Utah Code.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger said they have a clean audit to bring before the Council. They strive to get information for the public out there. He will get this posted online so the public will be able to access it tomorrow. The monthly financial statements are out as well. There is a lot of good information in both of these.

Mr. Brass made a motion to approve the Resolution

Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

 A Mr. Hales
 A Mr. Nicponski
 A Mr. Camp
 A Mr. Brass
 A Ms. Turner

Motion passed 5-0

- 11.4 Consider a Resolution authorizing the execution of a Telecommunications Franchise Agreement between Syringa Networks, LLC. (“Provider”) and Murray City (“City”) for the provision of broadband services to high end bandwidth users using public rights of way.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said that under Federal and State Law, anyone who wants to provide telecommunication services and wants to use the City’s right-of-ways are allowed to. The City can impose certain conditions as to that use, coordinate construction, and have the City Engineer review any plans that they may have. Syringa has made that application to use the City’s right-of-ways and install fiber into them. Their plans have been discussed with the City Engineer and have been approved by him. Under the law, any Franchise Agreement must be approved by the City Council.

Mr. Nakamura reiterated the City has an obligation to allow them to use the right-of-ways. The Franchise Agreement is mainly to provide the conditions under which the construction and some other standards have to be met.

Mr. Hales made a motion to approve the Resolution
Mr. Brass seconded the motion

Call vote recorded by Jennifer Kennedy

 A Mr. Hales
 A Mr. Nicponski
 A Mr. Camp
 A Mr. Brass
 A Ms. Turner

Motion passed 5-0

12. Mayor

12.1 Report

Mayor Eyre acknowledged the funeral of Cal Gillen which many individuals from the City were able to attend. Our Police force did a commendable job. At the viewing they had a number of officers standing at attention to give honor. They represented the City extremely well. At the funeral today, there was an honor guard and a motorcade. At the graveside, there was a 21 gun salute.

Mayor Eyre stated the D.A.R.E. Program is starting again. It will go around to the elementary schools over the next several weeks and present graduation certificates to them. That involves 3-4 different police officers, Officer Black who heads up the program, and our school district. It affects hundreds of kids in our community in a positive way. It is an honor and thrill to be involved with that and to see so many people in the community supporting that.

12.2 Questions for the Mayor

13. Adjournment

Jennifer Kennedy, City Recorder

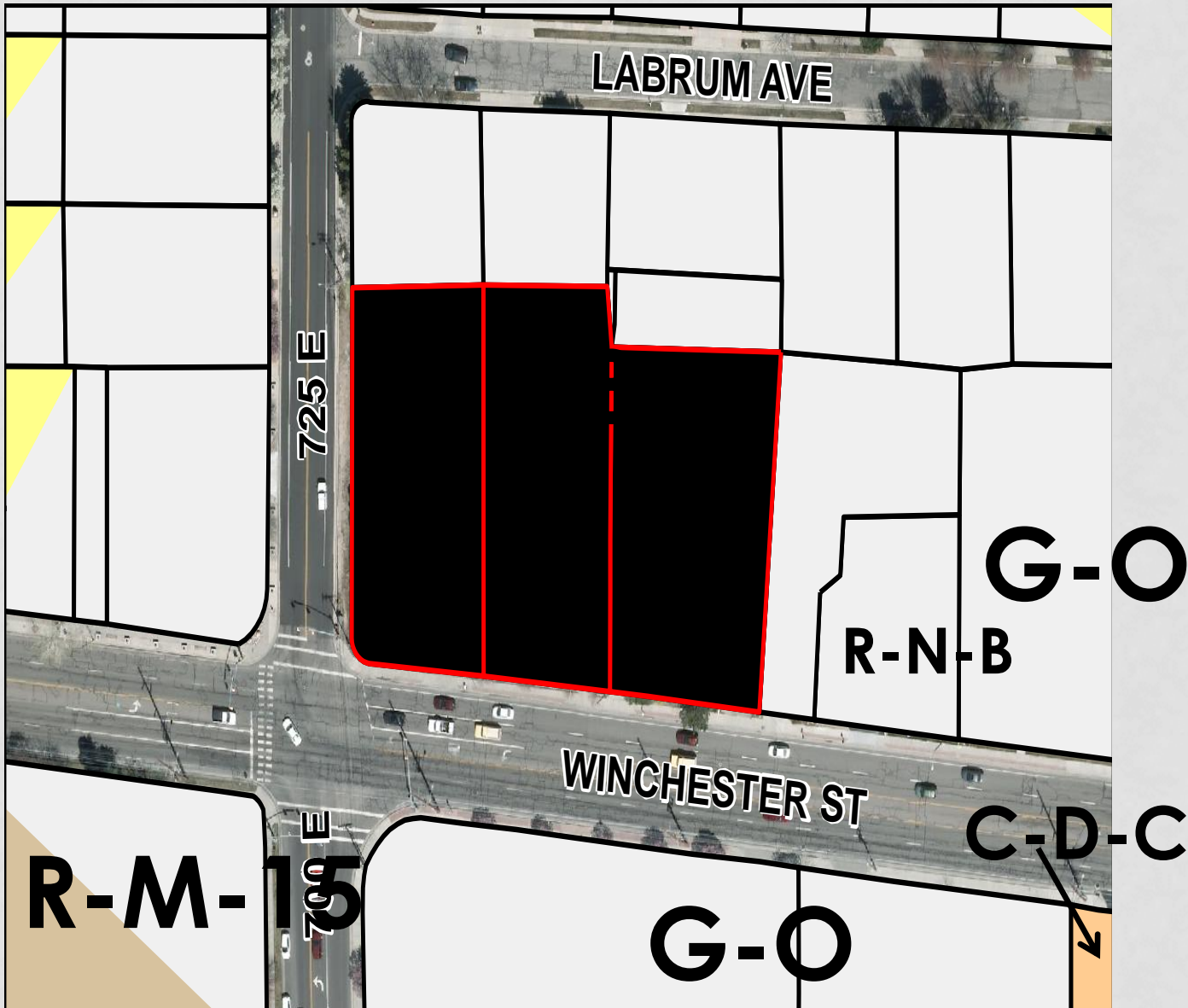
Attachment 1

703, 709 AND 753 E. WINCHESTER STREET

Rezone Request

**From R-1-8 (Single Family, Low Density)
to R-N-B (Residential Neighborhood Business)**





LABRUM AVE

725 E

G-O

R-N-B

WINCHESTER ST

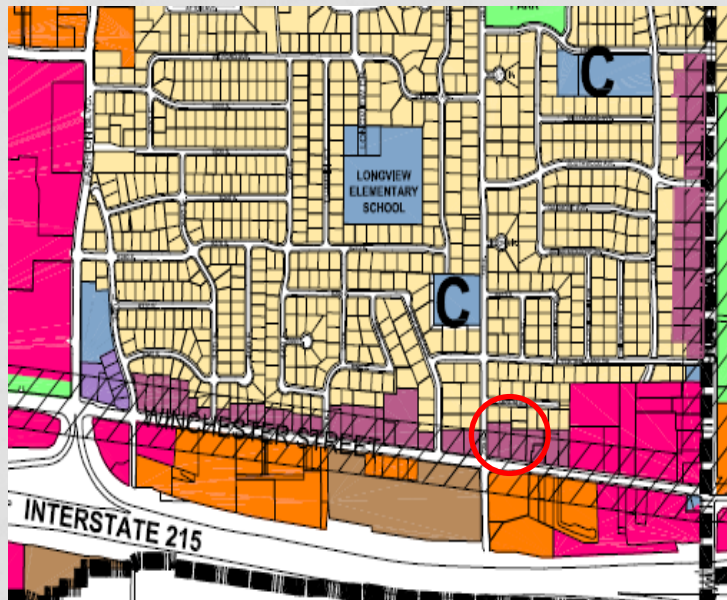
C-D-C

R-M-15

700 E

G-O

Murray City General Plan Future Land Use



- RESIDENTIAL SINGLE FAMILY LOW DENSITY
- RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY
- RESIDENTIAL MULTI-FAMILY LOW DENSITY
- RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY
- RESIDENTIAL MULTI-FAMILY HIGH DENSITY
- MIXED USE
- RESIDENTIAL BUSINESS
- COMMERCIAL RETAIL
- OFFICE
- INDUSTRIAL
- PUBLIC-QUASI-PUBLIC (CHURCHES, SCHOOLS, GOVT.)
- MEDICAL
- PARKS AND OPEN SPACE
- CEMETERY
- TRANSPORTATION / UTILITY
- WATER PATH
- CHURCH
- SPECIAL PARKWAY DEVELOPMENT AREA (WINCHESTER/900 EAST)
- OPEN SPACE TRAIL CORRIDOR















R-1-8 ZONING DISTRICT STANDARDS

- Allows single family dwellings;
- 8,000 square foot lot size;
- 35 foot maximum height for structures;
- Charter Schools are allowed;
- Elementary, Junior High and Senior High Schools are allowed with a Conditional Use Permit.

PURPOSE

The purpose of the neighborhood business zone is to:

- Provide...appropriate transition between high traffic arterial streets to adjacent residential neighborhoods. The zone should share design characteristics with nearby residential uses, provide a good neighborhood “fit” and exude a distinct residential character.
- It is also intended to encourage the assemblage of properties in a unified plan with a coordinated harmonious development which will promote outstanding design **without unsightly and unsafe strip commercial development.**

R-N-B ZONING DISTRICT DEVELOPMENT STANDARDS

FRONT YARD REGULATIONS:

Twenty feet (20') from the property line or street right of way.

REAR YARD REGULATIONS:

Twenty feet (20') from the property line.

SIDE YARD REGULATIONS:

The minimum side yard shall be eight feet (8'). On corner lots, the side yard which faces the street shall not be less than twenty feet (20').

HEIGHT REGULATIONS:

- Height limited to twenty feet (20') for commercial buildings;
- Up to thirty feet (30') may be allowed with Planning Commission approval.

FENCING REGULATIONS:

Where a site abuts a property that the general plan projects as a residential land use, a six foot (6') high solid masonry wall shall be located on the property line.

LANDSCAPING:

- Ten feet (10') of landscaping shall be required along all frontage areas not occupied by drive accesses;
- Landscaping adjacent to a residential zoning boundary line will require a minimum landscaping buffer of ten feet (10');
- Fifteen percent (15%) of the total site shall be landscaped.

CONCLUSIONS

- The requested change has been carefully considered based on characteristics of the site and surrounding area and policies of the General Plan;
- The General Plan recommends a transition from Residential Single Family Low Density to Residential Business. The proposed zone change from R-1-8 to R-N-B is consistent with that recommendation;
- The uses allowed in the R-N-B zoning district include residential uses and lower intensity commercial uses in order to provide a transition between arterial streets and residential neighborhoods;
- The R-N-B zone development standards include restrictions and design standards aimed toward providing buffering and mitigation of impacts to adjacent residential properties;
- Transportation issues for the R-N-B zoning district have been taken into consideration through the development of the General Plan and the R-N-B zoning district.