



MURRAY  
CITY COUNCIL

## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

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The Murray City Municipal Council met as a Committee of the Whole on Tuesday, October 4, 2016, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### Council Members in Attendance:

Blair Camp, Chair	District #2
Diane Turner, Vice-Chair	District #4
Jim Brass	District #3
Brett Hales	District #5

### Excused:

Dave Nicponski	District #1
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### Others in Attendance:

Ted Eyre	Mayor	Jan Lopez	Council Administrator
Janet Towers	Chief Admin. Officer	Jennifer Kennedy	City Recorder
Pattie Johnson	Council Office	Jon Bowen	Resident
Trong Le	IT Department	Frank Nakamura	City Attorney
Justin Zollinger	Finance Director	Josh Elliott	Resident
Tim Tingey	ADS Director	Ryan Griffiths	Beecher Walker Architects
Craig Burnett	Police Chief	Jake Young	Civil Solutions Group
Adam Benton	Steller Senior Living	Robert Smith	Resident
Paul Lloyd	Resident		

Chairman Camp called the Committee of the Whole meeting to order at 5:00 p.m. and welcomed those in attendance.

### **1. Approval of Minutes**

There were no minutes for approval.

## **2. Business Items**

### **2.1 Idling of Vehicles – Blair Camp**

The topic was discussed at a recent workshop where various details were studied. The new ordinance was further reviewed by the council.

Mr. Camp recapped the intent of the ordinance was significant by not enforcing it during extremely hot (90°) and very cold weather (32°). It was initially sought for educating the public about poor air quality in our valley. Ms. Turner agreed and hoped it would be utilized overall for sharing information.

Mr. Nakamura noted the police department would be obligated to enforce the ordinance after three warnings. Chief Burnett stated the question remained exactly how monitoring and tracking would be conducted and what kind of system would be utilized to determine how long a car had been idling, or, if drivers had previous warnings. The department would continue to analyze the possibilities for developing a good system.

Mr. Brass agreed educating people about solutions to poor air quality in the valley had to start somewhere and he supported the idea of government doing a little bit in addressing the concerns. Studies have shown harmful particles found in the brain, related to a variety of illnesses, often derive from larger pollutants starting with car pollution. Educating and getting people to think differently about idling was important to him.

Mr. Hales backs the ordinance and agreed, if the city is for the ordinance, then the cost of staffing and supporting a tracking system goes with it, however, using it for education was most vital.

Mr. Camp confirmed awareness was certainly a major factor within the ordinance, the goal was not a heavy handed punishment. Chief Burnett said educating the public would be the main focus.

The ordinance would come to the next council meeting for a final vote.

### **2.2 Requirements of the Residential Neighborhood Business Zone (RNB) – Brett Hales and Robert Smith.**

Mr. Hales welcomed Robert Smith, a Murray land owner, who had been a resident for 30 years before he moved away.

Mr. Smith thanked the council for the opportunity to share his idea for utilizing his land in a manner he believed would benefit Murray. He explained when his elderly grandparents were in need of assisted living, his mother discovered there was not a facility in Murray to provide the standard of living and care she wanted for them. When they settled for a facility in Sandy, which was a step down from their quality of living, the family realized a great need for the elderly in Murray. It was his hope to use the property, acquired 20 years ago, located on Winchester Street, east of State Street, to construct a new assisted living center. Mr. Smith determined after researching various care centers and investigating construction options for senior facilities, the concept was a compassionate alternative to moving the elderly back in with family members. In terms of

economics, and structure, he felt the operations and functions would have significant benefits to the city.

Mr. Benson, owner of Steller Senior Living, said his Utah based company owns and operates assisted living communities in the western United States and employs 600 people. In general, some interesting benefits of a center include three main factors pushing growth and success of assisted living centers:

- A large demographic wave with baby boomers and aging parents.
- People are living longer. (Approximately 2.6 years longer than the previous decade)
- Large acceptance of and need for assisted living communities.

Mr. Benson said Murray was known as the *“City of Healing”* with a huge health concentration. Murray’s population was close to 50,000 residents in 2013, and 13.5% were over age 65; of that group, typically 15% would need some kind of assistance with activities of daily living. The elderly will typically move out of their own communities if assisted living is not conveniently located in their vicinity, however, finding a place that is near family remains most important. His facilities are people focused and would offer opportunities for not just elderly and their families, but also for employees, the community and the surrounding economy.

Mr. Young, with Civil Solutions Group, Inc. shared a map of assisted living centers outside of Murray and described what type of facilities they were. By not having one in Murray, he felt it was a missed opportunity.

Mr. Benson reported the average size of a facility was 130 units, however, more modern assisted living centers were typically larger in size, costing between \$25 million and \$30 million, which he felt was a substantial investment. The facility of a Stellar Senior Living center would employ 100 or more people, full and part time, also providing secondary jobs with economic benefits, such as, food delivery, grounds keeping, and home health providers. In general, estimated operating costs are \$4 million. With a large gap in terms of supply, he was proposing the 100,000+ square foot, assisted living facility to the area.

Mr. Young reviewed land use studies and explained the popular pattern where facilities generally do well. Using a map he depicted several facilities in the valley, which were all surrounded by multi-use, commercial, and residential zones and located on a busy road or corner. The common theme would always perceive how a facility would act as a buffer between commercial and residential areas.

Mr. Griffiths with BWA Architects, stated his entire career was constructing assisted living centers in Utah, Arizona, Nevada, Colorado and Missouri. He confirmed the common location recipe, by way of a busy street or corner, near a residential zone, providing a natural home life setting, where the elderly still feel part of a community and not tucked away in an industrial or commercial zone.

How the decision would affect neighbors was a concern of Mr. Smith’s and he believed this type of facility would offer a quiet solution, as opposed to a high impact facility or busy commercial building for his lot. He conducted a door to door survey in the area to gain input and found that many favored the idea with only a small few not in favor.

Traffic studies were conducted, comparing two and three-story office buildings to the assisted living center determining office buildings generate seven and half times more traffic. It would be expected facility residents would not be coming and going as often, compared to a commercial or office type building. More traffic was also found when compared to residential town homes.

Mr. Nakamura noted the Committee of the Whole was not the place for reviewing some of the detailed project material, which should be reviewed by the planning and zoning commission. Moving the conversation forward, he requested it be geared towards the text amendment process. The focus would remain on proposing why zoning changes might be necessary in terms of scale concerns.

Mr. Smith agreed and stated the goal was to achieve and utilize a text amendment. Mr. Young explained the study Mr. Smith conducted was also completed to compare office space parking within the current RNB, to assisted living center requirements. Results indicated office space would require more parking.

Mr. Griffiths believed the architecture and structure of the proposed facility reflected a sensitivity to the residential use near it and the goal was to create a homey appearance. He felt by adding effects, such as, front porches and vegetation, it would lend itself perfectly to what the RNB required and create the perfect buffer.

Mr. Young read the current Murray RNB Zone code requirements out loud, which called for a variety of mixed use, low scale, low intensity, residential, commercial, business office, with a neighborhood fit, minimized curb cut and distinct residential character, to name a few. He read a few of the approved uses in the RNB including residential facilities for the elderly and those with disabilities, optical, physicians, dental, medical, health food and schools. It was his strong belief the assisted living center would work well in the RNB Zone.

It was strongly noted, in relationship to scale requirements and current code, the council, would determine if the facility was a good fit for the area, and whether the RNB would allow for the structure.

Mr. Young suggested, if the city wanted to add assisted living use to the RNB Zone, there were positive conditions to consider, for instance, 30% underground parking, architecture massing, which would break up every 50 feet of roofing with peaks to give a residential feel in appearance, and included stucco. Landscaping for the facility may require 25% of the site, where current code requires 15%. Additional tree and shrub plantings could increase to provide the buffer where the minimum requirement was currently a 15 foot perimeter.

Mr. Camp reiterated the process and method of how a text amendment would first be referred to the planning and zoning commission and felt the information was helpful. However, the details would need to be reviewed again after it had been vetted by planning and zoning. Mr. Smith was asked if he had requested a text amendment.

Mr. Smith confirmed the request and said he presented the idea to Murray a year ago. He learned a great deal from city officials in relationship to text amendment for Land Use Code 6516. It was his

desire, along with Mr. Young, Mr. Griffiths and Mr. Benson that this be considered conditional use in the RNB Zone.

Mr. Tingey explained the Land Use Code 6516 is basically a category lumping a variety of different uses into one, which included assisted living centers in five zones, and four of those also allow for residential use. There are differences between skilled nursing and assisted living and the intensity of uses. The city is in the process of better defining those categories, and what zones they fit into. The text amendment has already gone to the planning commission. This is coming to the council for review and consideration by them.

After previously meeting with Mr. Smith, Mr. Young, Mr. Griffiths and Mr. Benson, and despite all common requirements mentioned, Mr. Tingey explained the two biggest issues as scale and intensity of use. He did not agree the assisted living center described, due to height, was considered a low scale facility; in terms of current code the project would meet the lowest height requirement.

Originally, the RNB zone was designed to generate work and projects for low scale and low intensity only. This meant an 80,000 to 100,000 square foot facility, such as the proposed Stellar Senior Living facility would not be acceptable. Mr. Tingey was also concerned about the accuracy of parking stalls the facility would require.

Mr. Tingey explained it would mean more than just adding a new land use category to the current text; it would mean redefining the RNB code and the purpose statement as to what the city would like to see.

Mr. Benson believed according to the current low scale requirements, the project might seem large, if measuring the scale according to square footage, however, by measuring the percentage of land use, the project would come right in the middle. In terms of parking spaces and traffic intensity, he said estimates also came in on the very low end. The facility would offer a quiet experience for its neighbors, compared to an office building, which was actually permitted. He felt there was a difference in opinion, as to what *low scale* meant, and felt the project would match the intent, since the RNB allowed for elderly housing within the 1210 code. He hoped the request of having text amendment 6516 added as a conditional or permitted use in the RNB would be allowed.

Mr. Smith reminded the group nothing was specifically designed yet and he did not want to make the project site specific. Mr. Camp inquired what the square footage requirement was for the code.

Mr. Tingey stated square footage was not mentioned in current code, however, he explained the intent defined in the code, was to aide residential homes being remodeled and converted into commercial offices as a residential buffer. However, the office component and the design considerations, as they are evaluated, have to break up building size elements in order to meet the intent of the ordinance.

Mr. Benson said the five acre lot was a unique asset that would lend itself perfectly to the actual scale of the property and felt it would be hard to replicate it in any other location within the RNB.

Mr. Brass reminded the group how the RNB was specifically crafted for a project, with the same purpose, once before, and it was not well received by neighbors; placing a project next to a

neighborhood was not popular. He said any change made to the RNB Zone, would affect every other RNB Zone in the city. He commends the assisted living center idea but expressed concerns about parking, due to experiences at similar facilities elsewhere when many visitors arise. He believed there was a need for assisted living in Murray, but questioned if it was worth altering a zone that suited a greater purpose in the city and solved many problems. He wondered what the unintended consequences would be for allowing it and how neighborhoods would be protected in other areas, where developers may want to construct a 100,000 square foot building because a new code allowed for it and how to say yes to their request and no to others.

Mr. Brass reiterated he was supportive of having an assisted living center, and mentioned the council was right in the middle of a rewrite of the general plan. Crafting an overlay or new type of zone for assisted living might be a good solution, rather than disabling a zone that the city worked hard to achieve. The process was worth discussing in his mind.

Mr. Tingey stated the new land use code text amendment relating to senior housing coming to the council addresses and expands the number of zones that would allow for more intense use and expand the classifications to eight zones. The proposal does not change the RNB Zone.

Once again Mr. Tingey said his concern was with the RNB purpose and a 100,000 square foot building with 60-80 employees would be difficult to defend as low scale.

Mr. Griffiths displayed pictures of the project and explained by adjusting the pitch roofs on the connecting middle building and creating a very low visual impact, they had been sensitive to the height requirement issues to make it feel lower scale.

Mr. Camp asked if the prior request for the text amendment was, *for conditional use* in the RNB. It was confirmed that the request was made *for permitted use*. Mr. Tingey pointed out according to state law, a conditional use permit must be granted if all the standards are met. The planning commission does not have the freedom of interpretation. Noting that the ordinance does not have square footage listed, can the planning and zoning commission make a recommendation to the council as to what would be allowed based on impact and scale, Mr. Camp asked. Mr. Tingey reiterated the intent of the current ordinance did not include a 100,000 square foot building.

Mr. Camp suggested that if all the standards were met and the building was put on a property large enough to allow for abundant green space, staying within the height requirements, the impact might not be so great.

Mr. Benson believed the new definition Mr. Tingey was suggesting would push up height requirements to four stories in order to make any project viable. This concept was not ideal for an assisted living center. A low scale of one or two stories was a better fit and would keep the cost of living at the center lower. Any assisted living project over two stories high, would require 1A construction standards, concrete and steel, instead of wood, which was what Stellar facilities are made of; this would mean a 20-30% increase to construction costs.

Ms. Turner asked if the project could be constructed on a smaller scale. Mr. Benson said on a five acre lot, it would not be viable to construct a smaller facility, due to the overage in green space;

according to the percentage of land requirements, the projected size would allow 30% to 35% landscaping which was similar to a house.

Mr. Tingey clarified the new proposed text amendment coming to the council for approval would not include the RNB, therefore, another application would need to be made by Mr. Smith for a new text amendment requesting that assisted living centers be allowed in the RNB. Mr. Tingey added, the only way to include it at this point would be to start the redefining process all over again.

**3. Announcements:** Ms. Lopez made the following announcements:

- Tuesday, October 25, 2016, Emergency preparedness training for the council.

**4. Adjournment:** 6:10 p.m.

**Pattie Johnson**  
**Council Office Administrator II**