



## MURRAY CITY MUNICIPAL COUNCIL WORKSHOP

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The Murray City Municipal Council met for a workshop on Friday, April 19, 2019, in the conference room of the Holiday Inn Express, 5429 South Commerce Drive, Murray, Utah.

### **Council Members in Attendance:**

Dave Nicponski, Chair	District #1
Dale Cox	District #2
Jim Brass	District #3
Diane Turner	District #4
Brett Hales	District #5

### **Others in Attendance:**

Blair Camp	Mayor	Jan Lopez	Council Executive Director
Doug Hill	Chief Administrative Officer	Lori Edmunds	Cultural Arts
Jennifer Heaps	Comm. and PR Director	Kim Sorensen	Parks and Rec Director
Melinda Greenwood	Community & Economic Dev Director	Zac Smallwood	Community & Economic Dev
Susan Nixon	Community & Economic Dev	Jim McNulty	Community & Economic Dev
Pattie Johnson	Council Office Administrator	Janice Strobell	Citizen
Mark Boren	Community & Economic Dev	Brent Barnett	Citizen
G.L. Critchfield	City Attorney		

- 1. CALL TO ORDER** - Council Chair Nicponski called the Council Workshop to order at 10:00 a.m. and welcomed those in attendance. He asked each person present to introduce themselves.
- 2. MURRAY CITY CENTER DISTRICT (MCCD) ORDINANCE DISCUSSION** – Melinda Greenwood

Ms. Greenwood thanked council members and the mayor for their responses on the survey that was distributed the previous day. She noted several things on the agenda for discussion, including survey responses, and exploration of points that are impediments to development in the downtown area. She had invited the parks and recreation staff to the meeting because they are involved in making recommendations on the buildings.

Ms. Greenwood initiated an entertaining activity to begin the meeting. Everyone participated. She pointed out that each person has different thoughts, opinions and viewpoints, which are all positions to be respected. Consensus and collaboration are important.

### **SURVEY QUESTIONS AND RESPONSES**

The survey was sent to elected officials only. The rationale was to utilize the General Plan to pull questions relevant to development in the MCCD (Murray City Center District) Zone to summarize the goals and objectives important to that with historic preservation. It was layered from general to specific.

The first group of questions asked for a ranking from *#1 most important* to *#5 least important*.

1. One initiative identified in the General Plan is geared towards creating a core district for cultural and social events in the downtown area. How important is this to you?

Responses: Three #1 (most important); one #2; one #3. Therefore, everyone acknowledged some importance to social events in the downtown area.

2. The General Plan identifies the need for walkable and livable communities in the downtown area. How important is this to you?

Responses: Five #1 (most important). Full consensus.

3. The General Plan identifies the need in the MCCD for higher transit supportive densities, commercial areas, employment center, and public services. How important is this to you?

Responses: One #2; three #3; one #4. It was noted that this grouped several different things, therefore it was difficult to answer. Public services include the fire station and city hall, which have already been determined to go in this area. Employment centers include office buildings and retail. It would be further discussed in the future.

4. The Economic Development chapter of the General Plan establishes an objective to revitalize downtown east and west of State Street to support City cultural, civic, and medical center uses. How important is this to you?

Responses: Three #1; two #2. Collectively these items all appear to be important.

5. The MCCD ordinance includes the following objectives: How important is this to you?

- Creating a place to live, work and play. (*Most important.*)
- Allowing for destination-oriented entertainment. (*Tied for second.*)
- Creating a true downtown/civic center. (*Tied for second.*)
- Providing access and connections to TRAX and Front Runner. (*Tied for second.*)
- Providing a mix of quality housing. (*Third place.*)
- Allowing for commercial uses. (*Fourth place.*)
- Providing a connection with the hospital and transportation. (*Fifth place.*)
- Maintaining the historic fabric of the downtown area. (*Last.*)

6. The MCCD ordinance includes providing attractive and compatible architecture and streetscape by:
  - Focusing on the pedestrian experience. (*Most important.*)
  - Providing buffers adjacent to parking. (*Second place.*)
  - Providing buffers adjacent to streets. (*Third place.*)
  - Enhancing green space and trail connections. (*Last.*)

Collectively these were all seen as important. It is good to know that past vision development is still what city officials want to see in the downtown.

7. Are you willing to eliminate the portion of the MCCD zone that requires historic buildings to be preserved?

Responses: Yes – 5 people  
No – 1 person

Mr. Brass mentioned that this should be further discussed, because there are some historic buildings that are not significant but others that are significant and should be designated in code. Ms. Turner also felt that these buildings should be reviewed.

8. Who should be responsible for preserving additional historic buildings?

Responses: Murray City  
Non-profit organizations – Yes, two responses.  
Private property owners – Yes, four responses.  
Other

Ms. Greenwood noted that the city had already done a lot to preserve significant buildings. Mr. Hales related an example where residents wanted the city to take care of private property issues, however, when reminded that the city's expenditures are actually the citizens money and taxes may need to be increased, then they promptly changed their position and wanted another resolution. Ms. Greenwood expressed that the elected officials have the responsibility to ensure that citizen money is spent responsibly, and it is expensive to renovate buildings. The historic preservation ordinance requires certain steps that must be adhered to for renovation or destruction of historic properties.

Mr. Brass explained that the city had committed nearly \$8 million to the Murray Theater and had purchased the Murray Mansion with renovation needed. The General Fund budget is approximately \$43 million, therefore just the Murray Theater remodel is 20% of the budget. It is a large amount – even over several years – it is money that competes with road repairs and other service requirements. The city has contributed to the Desert Star and Day Murray Music for historic preservation, so there is a long record of commitment to historic projects.

Mr. Cox mentioned that non-profit organizations are also private property owners.

9. The MCCD ordinance requires standards for building sustainability. How important is this to you, on a scale of #1 (most important) to #5 (least important).

Responses: Five people answered #1 or #2  
One person answered #4

10. Should the City remove historic preservation legislation and let the market determine how historic properties are impacted?

Responses: Yes – 5 people  
No – 1 person

This shows an openness to allowing the market to dictate preservation.

11. How well do you believe the MCCD's historic preservation regulations provide adequate protection for designated historic properties?

Responses: Too Much #1 – 2 people  
#2 – 1 person  
#3 – 2 people  
#4 – 1 person  
Not enough #5 – none

This is pretty spread among respondents. #1 is most strict and last is least strict.

12. How concerned are you with the condition of historic properties in the MCCD?

Responses: Very Concerned #1 – 1 person  
#2 – 2 people  
#3 – 2 people  
#4 – 1 person  
No concern #5 – 1 person

13. Do you think the MCCD ordinance has contributed to property owners not being able to sell or maintain their property?

Responses: Yes – 6 people

Based on the results of the recent land use appeal on the Murray First Ward House, one can realize the difficulty in making changes to historic property in the MCCD. The previous Downtown Historic Overlay District (DHOD) was even more restrictive and the MCCD was created to allow more development on historic properties. However, it seems evident that staff needs to spend more time developing criteria to allow property owners to make changes to historic properties.

Mr. Brass mentioned the ordinance requirement to have ground floor commercial and that there needs to be more flexibility for development to occur. Also, a concern is the bump out for parking and the need to make sure there is visibility for drivers.

14. What concerns you the most out of the listed issues in the MCCD? Rank from most important to least important.

- Aesthetics – Most important
- Commercial Opportunities - Second
- Open Space - Third
- Walkability - Fourth
- Building Height - Fifth
- Parking – Sixth
- Density - Seventh
- Preservation of historic buildings - Eighth

15. The MCCD ordinance is intended to be restrictive when development includes the remodeling or demolition of existing historic structures. How restrictive should the ordinance be?

Responses:      Most restrictive – none  
                    #2 – none  
                    #3 – 2 people  
                    #4 – 3 people  
                    Least restrictive – 1 person

This clearly shows a desire to relax restrictiveness.

16. Do you think the ordinance should include a “restrictive process” for projects that propose demolition of historic structures?

Responses:      Yes – 4 people  
                    No – 2 people

These two questions show that the current ordinance should be relaxed in its restrictiveness, however, maintain some requirements for demolition of historic structures.

17. Do you think the ordinance should include an “easier process” for projects which do not include the demolition of historic structures?

All responses were yes.

18. Should we require upfront financial deposits from developers or property owners who wish to remove historic buildings?

Responses:      Yes – 3 people  
                    No – 2 people

Currently the requirement is for 125% of project cost as a deposit prior to a project beginning. This may be a little too high, however, having some financial commitment will prevent developers from walking away from a project.

19. Should a property owner in the MCCD zone have to pay an application fee or go through a public process to get a building permit to do any of the following:

- Add signage: Yes – 4 No – 2
- Change the use of the building: Yes – 4 No – 2
- Demolish: Yes – 5 No – 1
- Improve or change façade: Yes – 5 No – 1
- Lighting changes: Yes – 2 No – 4
- Paint the exterior: Yes – 2 No – 4
- Remodel the interior: Yes – 2 No – 4
- Replace windows: Yes – 2 No – 4
- Replace flooring: No – 6

Most agreed that these items should not require too extensive a process. Ms. Greenwood mentioned that the options may include some requests go to the MCCD, History Advisory Board or Planning Commission or some may be an administrative review. How layered it should be can be discussed further. It could just go directly to the City Council for one review only.

20. The MCCD ordinance identifies addresses that have been deemed historically significant. Should this list be re-evaluated?

All responses were yes.

21. Are there any historic properties you think the city needs to purchase and preserve?

All responses were no.

The city needs to focus on the properties already owned and renovate them. Mr. Brass noted that it is largely funding related.

A discussion occurred related to the contradictory answers on questions involving historic preservation. We would not want to make a decision based solely on the answers here. More study is needed on the topic.

22. According to the MCCD ordinance, structures which are 50 years or older can be eligible for historic designation. Therefore, buildings built in the 1960s (considered recent past) are eligible for historic designation. Should the city regulate structures of the recent past?

All responses were no.

23. Rank the following priorities by level of importance to you. Number 1 is most important.

None of these buildings were marked as important to preserve. (*Most important*)  
Preserving the Mercantile Building (*Second*)  
Preserving the Harker Building (*Third*)  
Preserving the Murray First Ward (*Fourth*)  
Preserving the Wright Costume, Murray Arts, Center and Klai Martial Arts (*Least important*)

24. The MCCD ordinance outlines addresses that have been identified as historically significant.  
Should the city continue to legislate and list structures/addresses in the MCCD zone?

Responses: Yes – 1 No – 4

25. Should the property owner have a say in the decision of listing the site on either the local, national or codified list? (It was mentioned that in the past the owner has provided input.)

Responses: Yes – 5 No – 1

26. In the past, the city has spent substantial money on historic preservation efforts (Murray Theatre, Townsend House, the Murray Chapel, Murray Mansion). Should the City spend money and effort on preserving additional historical buildings?

All responses were no.

27. The General Plan recommends a Small Area Plan for the downtown Murray City Center. How important is this to you?

Responses: Very important – 2

#2 – 2

#3 – 1

Not important

The city has just undergone a small area plan for the Murray Central Station and Ms. Greenwood wondered the thoughts of the council and mayor. Mr. Brass said the MCCD ordinance is a small area plan, although, not much has happened in the way of development. It does need to be reviewed.

28. How intensive should a process of evaluating historical buildings to be included in the ordinance be?

Should the city involve:

The State Historic Preservation Office; Yes - 3 No - 3

Preservation Utah; No - 5

Preserve Murray; Yes – 1 No - 4

Exterior building evaluation; Yes – 3 No - 2

Interior building evaluation? Yes – 1 No - 4

Should the city pay for such evaluation and involvement? All responses were no.

29. Should we seek input from all the property owners of the buildings listed in the MCCD zone?

Responses: Yes – 4 No – 1

30. Should the input of property owners drive the process or outcome of the ordinance revision?

Responses: Yes – 3 No – 2

### **MCCD PROPERTY LIST**

The properties listed in the MCCD Zone Title 17.170.010 were addressed. Ms. Greenwood thanked Ms. Edmunds and Ms. Nixon for preparing the list and taking pictures. Some clarification was discussed where addresses were incorrectly listed. Everything on the list is protected in code, except for the fire station building, due to the incorrect address. (See Attachment #1)

Ms. Turner mentioned the Warenski Home as an interesting property. Others she questioned their inclusion in the code due to their lack of upkeep and/or integrity of the building, such as, the changes to the Murray Fire Station, which nullifies historic relevance. She did like the Larson Block. The Sheranian Clinic Hospital was mentioned as an interesting building. Other council members felt several properties could come off the ordinance. Mr. Nicponski thought it was clear with the survey. Mr. Hales agreed that many could be eliminated from the ordinance.

### **MCCD BOUNDARIES**

Ms. Greenwood brought up the boundaries of the MCCD zone and asked for clarification on the accuracy. She asked if any changes needed to be made. This is only the 97 acres of the MCCD, not the RDA Central Business District. No comments.

Mr. Critchfield asked if the staff would work on changes to the ordinance and explained that some criteria needed to be established prior to changes and going to the Planning Commission. Ms. Greenwood said that staff would be working on ground floor commercial in all zones, height and density. She acknowledged that Mr. Critchfield was right about criteria to consider on properties listed for historic preservation; she added that the History Advisory Board would make some recommendations in that area. It does need to be justifiable, although historic value is subjective and difficult to justify. Age is an obvious criterion and the integrity of the building. Some buildings have more intricate detail on the façade. Ms. Nixon explained that 15 years ago an assessment was actually done with historians and Mary Ann Kirk who walked through buildings before they were added into the code. A legitimate process needs to be followed to make changes, including input from the property owner.

Ms. Turner commented that her grandparents' home is about 100 years old at 5900 South and 700 East. She said it has historical significance to her family only, not to anyone else, but it is not important to the rest of the community.

Mr. Brass and Ms. Greenwood mentioned two unintended consequences of the ordinance designation on property owners. It has impeded development and it has contributed to the dilapidation of some

properties. It is very restrictive and has created these problems. On the contrary, we want development and we want the properties to be improved.

### **DENSITY**

The developer interested in the downtown area indicated they are struggling with the density and financial viability. As seen in the survey, aesthetics is an important criterion of development. Is there a balance between the two? Mr. Brass explained that if the project goes higher it opens space for parking and green space. It is an interesting argument. He feels the ordinance should dictate a certain amount of open space for the community. Mr. McNulty asked if height was a problem as a way to increase density. Mr. Brass does not feel it is appealing because sun light between buildings is an important factor and you lose that with height. Building orientation and open space in between helps. You want something to draw people in. With properties opening on the side streets, it brings people in. The code allows 10 stories or 135 feet.

Mr. Hill said the code allows 80 units per acre. The developer is talking about 200 people per acre. Owner occupied is what they are saying, but people have to understand that could change. It does not change the look on the exterior, but it changes what is inside. The developer asked if the city really cares if there are 675 square foot units. He asked the council and mayor; do you care about the inside? If you get too much density, then the infrastructure may not be able to handle it. Our water and sewer department has designed for every inch of the MCCD to be 80 units per acre. It will be figured on an average. If the average is 80 units per acre, then we can handle that.

Mr. Brass mentioned that the increased number people need to be able to move through the area. This needs to be discussed for the Block 1 area. He has asked the developer for more detail. If an attractive project can give the city everything else that is wanted, then the ordinance can be crafted around it. A development agreement would bind the developer into what is agreed upon. Ms. Turner cautioned that the city still needs to be able to provide services. He agreed. In reality, being close to transit does not decrease the need for parking - we know this by experience at Murray North. Again, we need to look at how many people and how to move them through the area.

Ms. Greenwood asked for final comments from other elected officials.

### **SMALL AREA PLAN EXAMPLES**

Zack Smallwood appreciated all the comments during the meeting. He noted that the survey was a way to look at all the issues and determine goals the elected officials have for the MCCD. He explained that in the past the city had a developer who created a master plan vision for the MCCD. He distributed several comparison city small-area-plans for downtown development. A small-area-plan would incorporate what the city wants to see in development and narrow the focus. Some cities have funded the studies themselves and used a consultant to draft an ordinance as a way to stimulate development. These studies provide more information and he would recommend this sort of master plan for downtown. Council members thanked Mr. Smallwood for his research and examples.

Ms. Greenwood said her staff would evaluate the feedback received and outline a plan for timing. It is a lengthy process and she vowed to work diligently to put together something for moving forward in the MCCD to bring back to the council.

**3. ADJOURNMENT:**

Mr. Nicponski thanked the community and economic development department and adjourned the meeting at 11:57 a.m.

Janet M. Lopez  
Council Executive Director