



## Murray City Municipal Council City Council Workshop

### Meeting Minutes

**Friday, February 18, 2022**

**Murray City Center – Council Chambers**  
5025 South State Street, Murray, Utah 84107

**Attendance:** Council Members and others:

Kat Martinez – Chair	District #1
Diane Turner – Vice Chair	District #4
Garry Hrechkosy	District #5
Pam Cotter	District #2
Rosalba Dominguez	District #3

Brett Hales	Mayor	Jennifer Kennedy	City Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
Tammy Kikuchi	Chief Communications Officer	Crystal Brown	Council Office
G.L. Critchfield	City Attorney	Jaren Hall	CED Division Supervisor
Danny Astill	Public Works Director	Brooke Smith	City Recorder
Brenda Moore	Finance Director		

**Welcome** - Ms. Martinez began the workshop at 9:00 a.m.

**Introduction and Overview** – Ms. Martinez said the meeting was intended for training and review, and a dig into the City's MU (Mixed-Use) ordinances to express and consolidate ideas to gain a more clear direction and form improved action items.

**Overview and Training on Robert's Rules** – Mr. Critchfield provided the historical background of parliamentary procedures and a training on Robert's Rules for meeting procedures.

**Review of City Terms and Definitions** – Ms. Martinez said best practice is to not overly use acronyms; however, she thought it was important to review acronyms the City uses frequently during meetings, in correspondence and in general City staff communication. Ms. Kennedy reviewed a list of terms, acronyms and definitions of acronyms organized by City department use. Terms related to zoning and City Code were also noted. A copy of the City's most recent zoning map and the future land use map were analyzed. Mr. Hrechkosy asked why the future land use map was so utilized if the City must adhere only to the current zone map. To discuss the matter Ms. Martinez transitioned to the next discussion item.

**Review and Discussion of MU Ordinances** – Mr. Hall explained that the future land use map is to reflect potential land uses of specific categories and confirmed that many areas on it are labeled differently from existing zoning designations seen on the current zone map. He said the function of the future land use map is to give the City a reason for supporting and granting future zone changes. When the future land use map specifies futuristically what a parcel may be used for, then the zone map can be amended accordingly if the Council approves that rezone.

Property owners can request a zone change according to the future land use map for a project size or use not currently allowed. Zone changes can also be denied if the allowance is not specified on the future land use map. Mr. Critchfield confirmed if an entire designation on the zone map was changed without regard to individual parcels, many existing structures and property owners would be placed in a non-conforming position according to the General Plan. Zone changes can be made for individual parcels within specific land use categories if allowed according to the future land use map.

Mr. Hrechkosy noted that the future land use map provides a vision for property owners, Mr. Hall agreed.

Ms. Martinez reviewed a past public hearing that was held during the July 20, 2021 council meeting. This was when the Council approved an ordinance on text amendments for the MCCD, TOD, MU, and the City's two new CMU and VMU zones. Council Members reviewed the Land Use ordinance text amendments for MU zoning to reflect on what was implemented, as they would set new goals, analyze code, adjust, add to, and take from the current zoning requirements. A tally of priorities would form a cohesive starting place to make changes that all Council Members could feel good about moving forward. Council Members agreed the situation felt stuck for some time about what should be allowed in MU and what should not. Ms. Martinez stated maps could be amended, and City Code was never set in stone; if afterthoughts came later the conversation could be ongoing.

Ms. Dominguez said proposed legislation could require cities to develop MU projects that are more restrictive so ideas may need to be reevaluate again later. Ms. Martinez noted the main focus of the workshop was to discuss requirements for MCMU and newer CMU (Centers Mixed-Use) and VMU (Village Mixed-Use) zones.

Mr. Hall provided a review of MU zones in general and discussed a timeline of how and why zoning occurred historically. He explained how moving forward the suburban development pattern created neighborhoods people enjoy – but this was not the only way to enjoy a neighborhood. He said the MU concept has been pushed as a planning tool for the last 20 years that recognizes people who want to walk more and live closer to services. MU developments are a good way to keep downtowns vibrant and redevelop old styles of living.

He reviewed that Murray originally had three MU zones focused near transit stations where MU developments were believed to be most needed:

1. MCCD (Murray City Center District)
2. TOD (Transit Orient Development)
3. MU (Mixed-Use)

Last year mixed use zoning was reevaluated, and a few revisions were made where the original MU zone became the MCMU zone, divided into MCMU East and MCMU West zones; and two additional MU zones were adopted. The City now has a total of five MU zones – two will remain the same and the others are fundamentally different:

1. MCCD - Remains the same.
2. TOD - Near Fireclay remains the same.
3. MCMU (Murray Central Mixed-Use) - (Formerly called the MU zone.) Tied to the Murray Central Station where there is an interchange of light rail transport, and is divided into:
  - a. MCMU West

- b. MCMU East
- 4. CMU (Centers Mixed-Use) – Newly adopted.
- 5. VMU (Village Mixed-Use) – Newly adopted.

Mr. Hall discussed the surrounding area of the Fashion Place West TRAX station that is proposed on the future land use map to become a MU zone; currently the area is not zoned that way. This means that MU developments should be considered there one day and would be supported by the City if a property owner made that request to rezone property for accommodating a mixed-use project.

Ms. Cotter led a conversation about commercial space vacancies that already occur in some of Murray's new existing MU complexes. Mr. Hall said vacancy in retail space is nothing shocking, it takes time to fill those spaces and there is always a percentage of vacancy in any retail space. Ms. Cotter asked if it is a good idea to add more commercial space when existing space is not being used. Mr. Hall said in the future, MU commercial businesses have a better chance of getting used in MU developments spaces than giant big box stores do.

Ms. Dominguez noted that legislatively MU developments are encouraged and mostly required near transit areas and agreed MU projects make more sense in areas where businesses and retail is easy to walk to from MU housing. She noted many of Murray's vacancies are located further away from transit areas. Mr. Hall said one reason MU commercial space is vacant in existing projects is that building owners are holding out for higher quality rate commercial renters to get the most value from those spaces. He said the new CMU and VMU zones are a lighter version of the traditional MU zone where the focus is horizontal and not a vertical structure with residential above commercial space. Retail would be more spread out or located on the frontage road which makes more sense in suburban-like areas.

Mr. Hrechkosy pointed out the Gateway in Salt Lake City as a MU location that has undergone many transformations over the years. Mr. Hall agreed City Creek Mall and Station Park in Farmington are also forms of MU.

Ms. Dominguez discussed a specific bill that proposes to restrict cities from giving incentives to help small businesses locate to MU developments. Mr. Hall agreed developers are challenged in filling commercial spaces and predicting how retail might change as they try to resolve how to provide the commercial component. He explained why some cities do have success with big box stores and the process of how cities compete in bidding wars for tax incentives to get large retail chains, like Scheels, to locate to their city.

Mr. Hill commented about the proposed bill and explained that Murray's RDA (Redevelopment Agency) is designed to provide incentives for developers and although the City has never done that for retail developments, certain retail incentives would not be allowed if the bill passed. He explained the bill would make it more difficult for RDAs to give incentives to developers to bring in businesses like larger grocery stores, restaurants, and shops by giving tax incentives. The bill was written in an intentional way to exempt MU projects that have a certain amount of residential space. For example, if a new project in Murray's downtown RDA included enough housing, then retail incentives could be given. But because the legislature wants to see more housing provided, and will require cities to build more housing, the bill does not support RDA projects with strictly retail space.

Ms. Turner led a brief discussion about Holladay City's recent redevelopment of mostly retail space that is separate from housing. Various housing options were still located in the downtown, but they were located behind the retail buildings.

Mr. Hrechkosy asked how the RDA operates and if this was a city's way of telling developers they could pay less in property taxes if they developed a project in an RDA area. Mr. Hall said Murray's RDA does not incentivize that way but helps to complete projects where environmental cleanup is required- like for the Ore Sampling Mill/Smelter Site.

Mr. Hill clarified Murray's RDA is a reimbursement for developers who construct projects in an RDA. Only through a development agreement are eligible portions of a project reimbursed with tax funding the City has collected from RDA areas for many, many years. For example, Fireclay was developed ten years ago, and developers are still being reimbursed every year with portions of the property tax increment collected by the City over time.

Ms. Dominguez asked what are the steps developers take in applying for MU developments. Mr. Hall said before staff would consider supporting a new MU development or redevelopment a property must be rezoned first. That request goes before the planning commission who either recommends approval, or not, to the City Council. After that parameters of the purpose statement must be met, and then adherence to five out of the nine standard principals that are required in the related MU City Code for MSP (master site plan) approval.

When the planning commission has approved site plan requirements for the MCMU, CMU and VMU zones it means the property was already thoroughly vetted by city engineering, sewer, and water division staff. The site plan approval process is required for all horizontal MU developments and MU developments located on a parcel or combination of parcels greater than three (3) acres. A parcel smaller than three acres does not require this process.

In some instances, the MSP will require that the planning commission address additional elements that require meeting more rules and thresholds related to the building, central features, and outdoor spaces which will be presented for review by the City Council. Prior to the MSP application a traffic study, parking analysis, public utilities and housing review must be completed for some projects. This determines if a project is doable; if not, upgrades and other reviews would be required. For some MU projects, after the site plan approval the planning commission will transfer the MSP into a MSPA (Master Site Plan Agreement) which is a required development agreement. This will not happen with all site plan applications. The MSPA is presented to the City Council who would not be reviewing a project as it is proposed – the City Council would only look the MSPA to confirm that the required agreement was completed as part of the entire process

Ms. Cotter led a discussion about the possibility of developers changing a plan during construction after a rezone and site approval by the planning commission. She wondered if the City could require developers to commit to what a project would look like as part of the agreement process for the CMU and VMU zones. She felt this would ensure that projects do not change. Mr. Hall said if standard rebuilding principals are not met and plans begin to change, additional permits would be denied that would lead to a modification of the development agreement. Ms. Turner agreed concept drawings do not always match with what is constructed. Mr. Hall agreed some building details could appear different, but developers would design

and construct a project according to what City Code allows them to build.

Ms. Martinez pointed out confusion with requiring the rezone before the site plan process. Mr. Hall said according to Murray City MU Code a rezone is required first. The reversed process is called *zoning by agreement* which is committing to and approving a development agreement first, then a property gets rezoned. This is only possible by implementing new laws for MU zones.

Mr. Critchfield agreed contract zoning was new in Utah and he did not favor it because it puts the City in a position to negotiate, in a public meeting, things that should not be negotiated that way. If implemented, the City Council could see numerous agreements come forward that would overwhelm the Council with unnecessary work. The current policy is for the Council to pass an ordinance that they are comfortable with for rezoning a parcel. This initial decision alone should give Council Members a vision of anything that could be constructed on a property within the parameters of the City Code. It was noted that developers provide drawings that are only conceptual—so any drastic change that would cause citizen outrage would come back to the City Council for further transparency review.

Mr. Hrechkosy confirmed the inherent approval of a site plan would come later in the process. Property owners would redevelop private property according to a rezone, and according to what is allowed in City Code, and requirements of the MSPA. The MSPA would eventually come before the City Council as the project progresses only for a review to acknowledge that it was completed.

Ms. Martinez transitioned to an activity for brainstorming and tracking what various requirements might be cut, added, changed, or removed entirely from the current ordinance to ensure MU Codes contain what Council Members felt good about. She said approving a rezone when the Council finds it appropriate, would take a project out of their hands and place developers inside an umbrella of specific requirements. Council Members devised a rough list by carefully analyzing the core set of MU requirements. There was consensus about what must be required, what should be made optional and what could be considered elective requirements. They discussed redefining a new vision, creating atmosphere, addressing values, and creating culture within the City Code.

Mr. Hrechkosy noted some Code requirements were too vague that might produce personal interpretation. He thought clearly defined requirements would dissolve any futuristic questions about the law for homeowners, citizens, and developers. Ms. Martinez agreed by creating clarity about priorities and defining what should occur in MU developments, the City Council could make better decisions when rezone requests are presented.

Mr. Hall discussed existing vacancies in Murray to point out buffering options and the repurposing and reuse of some buildings. He agreed a guided list would provide a core set of requirements that would not be misunderstood. Ms. Dominguez thought buffering and improving transition areas between a project site and adjacent residential uses was important. Mr. Hrechkosy suggested new language to specify that buffering is a must when projects are adjacent to residential areas. Council members agreed.

Ms. Turner led a conversation about requiring environmentally sustainable building practices for new buildings. Mr. Critchfield confirmed that doing so would create legal challenges in the State of Utah. He clarified that originally the City agreed to be environmentally sustainable in its own practices and would only encourage private developers to do the same. Ms. Turner said it was an important issue and

recognition should be given to those for doing so.

Mr. Hall said required findings in established zones were provided as guideposts to help Council Members decide when or when not to approve a zone change. Council members continued with a thorough investigative review of the MU Code for MCMU, CMU and VMU zones to determine that developers must adhere to five requirements, four optional items and various incentives.

Requirements included housing varieties, increased walkability, high quality development with commercial components, promote lifecycle housing and appropriate buffering. Optional requirements include a sense of place, reuse of buildings, buffers to residential, and environmentally sustainable incentives. Incentives were suggested for increasing green space, offering affordable housing units, providing mixed housing types, including percentage limit for hotels; and reconsideration of parking for density, requirements for adding more density, and height limit research for new building construction.

There was consensus that listening to constituents provided value in creating the new terms. Ms. Martinez felt a great deal was accomplished in collaboration. There was a brief discussion related to how original MU Code was determined in the past. Mr. Hall acknowledged that time was limited, and much was achieved by working with City public works staff, engineers, and planners. His main goal was always that MU not become something that Murray was afraid of, which led them to create the VMU and the CMU zones for other parts of the City. Mr. Hall would return to the City Council with proposed adjustments.

Ms. Martinez said conversations would continue and the workshop was ended at 12:00 p.m.

**Pattie Johnson  
Council Office Administrator III**