



## MURRAY MUNICIPAL COUNCIL

### MCCD Zone Workshop

#### Meeting Minutes

**Wednesday August 10, 2022**

**Murray City Center**

5025 South State Street, Council Chambers, Murray, Utah 84107

**Attendance:** Council Members and others:

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

Brett Hales	Mayor	Jennifer Kennedy	City Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
G.L. Critchfield	City Attorney	Briant Farnsworth	City Attorney
Jared Hall	CED Director	Tammy Kikuchi	Mayor's Office
Kathy Miller	Mayor's Office	Lori Edmunds	Cultural Arts
Rachel Morot	Historic Murray 1 <sup>st</sup> Foundation	Michael Todd	Desert Star Theater

**Conducting:** Ms. Martinez called the meeting to order at 9:00 a.m.

**Agenda Items:**

- **Introduction and Overview:** Ms. Martinez said the reason for the workshop was to discuss how Council Members would like to change City Code for the MCCD zone. The goal would be to reconcile current MCCD language with what was learned from a recent public survey. Desired changes would be given to Mr. Hall for concrete direction in updating the current MCCD code. She noted changes to Code could include things such as height, density, materials, cultural appearance, zero scaping, sidewalks, public spaces, historic preservation, and parking requirements.
- **Discussion on changes to the MCCD Zone:** Ms. Martinez pointed out that height and density were significant high points of interest in the survey results. Currently in the MCCD west of State Street the maximum height allowance is 10 stories, and the minimum is four stories. Ms. Cotter said the survey results indicated that citizens do not favor more apartment, townhome, or condominium construction; they want to see more commercial developments or kid-friendly businesses on Block One. She thought the MCCD zone should be changed to commercial use only.

Ms. Martinez asked the Council what they would like the building height to be in the MCCD. Ms. Cotter said a three-story limit with the inclusion of underground parking. Mr. Hrechkosy said developments at Block One should not be more than three-stories. Ms. Dominguez noted that east

of State Street the height restriction was capped at 35 feet. There was brief discussion about why the City implemented five different mixed-use zones in the last 10-15 years. Mr. Hall said that all of them were designed to accomplish different things in different areas of the City. The MCCD was originally written to encourage development in downtown Murray when Block One was tied to a specific mixed-use project that the City intended to be completed all at once by one developer. This was why the MCCD initially allowed unlimited height and density but was reduced to 10 stories.

Ms. Martinez explained changing the MCCD Code would give developers specific guidelines for what they could build in the entire MCCD zone, not just Block One. Mr. Hrechkosy felt the biggest challenge in the process was the desire to locate small boutiques and mom & pop stores to Block One; and finding support and people who want to invest in operating a small business. He said the lack of commercial tenants in Fireclay was shocking and noted many commercial vacancies along State Street. He asked if applying a different mixed-use category to Block One would ensure less density and lower the height allowance.

Mr. Hill clarified the purpose of the recent survey was to focus primarily on Block One that is located at 4800 South and State Street, but the entire MCCD zone expands further southeast on State Street to the existing city hall property. The current city hall property and Block One are not compatible in land-use because the difference is not only market value, but the desire for Block One to maintain a historic feel. Regardless of whether the zone was changed to commercial, office or residential, limiting the entire MCCD zone to three-stories would drastically impact the marketability of the city hall property. He felt it was not feasible to sell six-acres of city hall property with limited height because most developers would want to construct six-story buildings to maximize profitability without constructing high rises.

Ms. Dominguez led a conversation that resulted in reexamining the administrative function versus the legislative function. Mr. Critchfield reviewed that the administration, which is the Mayor's office and City staff is the entity that reviews master site plans and creates site plan agreements, not the City Council. The legislative role, which is the City Council, approves zone changes and implements City Code.

Legislatively, the Council would only consider whether a property should be rezoned by the process of approving or disapproving City ordinances. A master site plan cannot come before Council Members for changing details they do not like about a project. However, the Council can change City Code which site plan agreements must adhere to. It was suggested that perhaps City Code could specify a height limit of three-stories for Block One and a different height allowance for the rest of the MCCD zone.

Mr. Hrechkosy suggested a maximum height for properties east of State Street to Center Street, west of State Street to Hanauer Street and between 4800 South and Vine Street be limited to only three-stories. All properties west of Hanauer Street, east of State Street on Vine to Jones Court and south to the city hall property should be restricted to ten-stories. Mr. Hall felt reducing the height to three-stories at Block One would lessen the number and choices of developers interested in developing at Block One. Mr. Hrechkosy stressed that the City Council has a responsibility to respect what was a very clear directive from citizens who live in the area and participated in the Block One survey, regarding less height and density.

Ms. Cotter thought planning at Block One could involve turning developers away who would not favor a three-story height limit. She felt if a developer wants to be part of Murray there will be compliance to the restriction. Mr. Hall agreed but that would result in the City providing financial incentives for smaller developments.

Mr. Hrechkosy noted Block One was an RDA (Redevelopment Agency) Area, and funds generated from the sale of the current city hall property would stay within the RDA, and those funds could be used for incentives elsewhere like Block One. Mr. Hill confirmed. Mr. Hall said government assistance could also be used to fund brownfields environmental studies where needed in the area.

Mr. Hrechkosy believed if preserving the historic feel at Block One was truly the priority, the City would need to financially incentivize new businesses to locate there and to keep rents low to attract mom and pop restaurants. That means being less restrictive in height at the current city hall property where the highest market value could be generated. Mr. Hill reported that the current city hall RDA would expire in 2031 when providing financial incentives would have to end. A discussion occurred about whether ten-story buildings were too tall in the MCCD, considering there is a 14-story hospital across the street from the current city hall facility.

Ms. Turner said ten-stories was too high. Ms. Cotter agreed. Ms. Dominguez thought sufficient parking levels could be well constructed within the three-story structure. Ms. Martinez agreed and suggested there be a maximum of six-stories, instead of ten in the MCCD zone – except at Block One. There was consensus that six-stories be the height limit outside of Block One.

Ms. Martinez reviewed survey information regarding what optional building materials should be required in the MCCD. Ms. Turner thought a historical piece was missing from the current MCCD Code and requested language be added to say that *building materials should reflect the history and culture of Murray*. Ms. Cotter agreed the historical feel should be seen on all of Murray's State Street. Ms. Turner said the additional language would provide design criteria that developers must follow. Mr. Hall agreed.

Mr. Hill explained the new ordinance would have to be very specific by stating what exact materials are required. This would clearly define Murray culture, otherwise developers would argue what they believe that culture should look like. Mr. Hall would return to the City Council after creating new Code language to reflect clear patterns and options for building materials that the City would require in the MCCD zone.

Ms. Martinez proposed adjusting zero scaping, public spaces and noted sidewalk widths of twelve feet. Ms. Turner requested turf space on frontage areas be reduced from 50% to zero percent. Mr. Hrechkosy felt that would mean all public spaces in the MCCD would become artificial turf or cement. Ms. Martinez expressed concern about cooling down public space areas for those dense projects and thought providing grassy areas for citizens was important. Ms. Dominguez agreed. Ms. Cotter said too much cement is bad according to new studies by environmentalist. After much discussion Council members agreed that vegetation was important, turf space should be reduced from 50% to 25% and public spaces should be increased from 15% to 20%.

Other historic preservation objectives were discussed. Mr. Hrechkosy confirmed that any property owner of a building listed on the Murray Historic Site Register could simply be removed from the list by contacting the Murray Community and Economic Development department or the Mayor's office. Mr. Hall agreed, once removed property owners are held to fewer restrictions. If owners are willing to keep even just the historic façade of their building, development fees such as building permits are waived.

There was consensus that historic building owners should have more flexibility and fewer restrictions. To save old buildings, Council Members discussed possibly having a building preservation fund or other funding mechanism in place to provide financial assistance because complete and extensive restoration projects are costly. This would apply throughout the City and not just in the MCCD. There was a discussion about whether utilizing a sub-committee or hiring a consultant to assist with identifying historic buildings would be helpful. Ms. Dominguez asked Mr. Hall to review the step-by-step process that a developer must go through to see a project through from start to finish, which he did.

Council Members agreed to keep the MCCD Review Committee process in place. There was a review that the City Council's responsibility would be to write Code to reflect the value of the City's residents. Ms. Martinez stressed that the Council should not be looking at projects after the planning commission has approved them, because that is an administrative function. There was consensus that clarifying language should be added to the existing MCCD zone code that specifies who "the City" is that approves a project. Mr. Hall confirmed that once a master site plan agreement has been reached and agreed upon, it is the administration that signs off on the master site plan agreement, already approved by the planning commission - not the City Council.

Ms. Turner asked if the City could require a food store to be located at Block One. Mr. Hall said yes, but only with a deed restriction when the Block One property is sold. He explained that because Murray owns Block One, language within the deed could require that a grocery store must be included any new development. This would be how the City can control the property, but this was not possible with just a zone change in the MCCD zone code.

It was noted that currently the MCCD zone allows density up to 100 units per acre west of State Street and 80 units per acre east of State Street. Mr. Hill commented that density would not be an issue if height limits are restricted, most studio apartments are 500 square feet which is adequate living space for a single person; so density is already controlled by limiting the height of buildings, implementing setbacks, and the open space requirement.

Ms. Turner asked if the MCCD zone Code could be changed to ensure that low- and moderate-income housing cannot be purchased outright by investors, then immediately changed to more costly rentals. Mr. Hall replied yes, but that type of restriction would only last for a certain number of years; it would help make affordable housing more doable in these types of mixed-use projects but not forever.

Parking requirements were evaluated. Ms. Turner preferred citizens should not pay for parking in the MCCD zone. She requested that the language be removed that states *fees may be charged for the use of required off-street parking spaces*. Ms. Dominguez said building owners could still implement parking fees on their private property. Mr. Hall agreed. Ms. Dominguez asked about permits for

parking in residential areas near city businesses. Mr. Hall supported the concept but due to the enforcement aspect he said that would require research of the police department regarding capacity to patrol residential streets. Ms. Martinez suggested a deeper study of that issue during a Committee of the Whole work session. Ms. Dominguez asked what was being done to protect residential streets with 700 units being developed on Vine Street, where limited parking is planned. Mr. Hall said nothing was being done to prevent residential street parking beyond what was required for that project. She thought with additional dense developments underway in other areas Murray, permits, signs and added enforcement would be necessary in the future.

Ms. Turner proposed the following parking requirement changes in the MCCD:

- Three-bedroom units – Should be two spaces, instead of two and half parking spaces.
- Two-bedroom units – Should be two parking spaces instead of one and a half parking spaces.
- Studio and One-bedroom units – Should be one and one-half spaces, instead of one and a quarter spaces.

Ms. Dominguez and Mr. Hrechkosy agreed. Ms. Martinez agreed the 3-bedroom unit should then be lowered because most likely a family with children would be dwelling in larger apartment units with less vehicles. Ms. Cotter thought the current code should remain unchanged. Mr. Hall said parking was a significant expense and eventually parking stalls would not be needed as people will have more places to walk to in the City.

Ms. Turner argued that concept was 10 years away. Ms. Dominguez felt walkability would improve over time and over parking a project could be transitioned. Mr. Hall said parking is very costly regardless. There was a conversation about reserved parking and fees associated with mixed-use and residents not willing to pay parking fees. Ms. Dominguez felt no matter what parking requirements are, parking would spill over into other areas and be problematic. Ms. Martinez was against anything that increases the cost of rent; she would rather have hassles of parking than higher rent costs for people.

Mr. Critchfield commented that much could be learned about parking requirements by looking at the parking problems in Fireclay. Council Members agreed getting it right was imperative. Mr. Hall noted the parking change requests, would run a parking scenario test for those numbers, speak to developers about construction cost impact and report back to the Council. There was a consensus to wait for that information before changing the MCCD zone code regarding parking requirements.

**Adjournment:** 10:58 a.m.

**Pattie Johnson**  
**Council Office Administrator III**