



MURRAY CITY MUNICIPAL COUNCIL COUNCIL INITIATIVE WORKSHOP

A Murray City Council Initiative Workshop was held on Tuesday, August 7, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

Jim Brass	Council Chairman
Jared Shaver	Council Vice Chairman
Dave Nicponski	Council Member
Darren V. Stam	Council Member
Brett A. Hales	Council Member

Others in Attendance:

Frank Nakamura	City Attorney
Janet M. Lopez	Council Office Administrator
Jan Wells	Mayor's Chief of Staff
Doug Hill	Public Services
Chad Wilkinson	Comm & Econ Development
Tim Tingey	Adm & Development Services
Jennifer Brass	Citizen
Zachery Fountain	Mayor's Office
Jennifer Kennedy	City Recorder
Randy Nielsen	Citizen
Andrew Nielsen	Citizen
Jimmy Nielsen	Citizen
Amy Nielsen	Citizen

Mr. Brass called the meeting to order at 4:30 p.m. and welcomed those in attendance.

Business Item #1: Public and Private Street Options on Large Lot In-Fill **Jim Brass**

By way of history, Mr. Brass explained that the issue came up with owners of large pieces of property with difficult access. Several years ago private streets were eliminated from the Murray land use code because numerous planned unit developments (PUD) came to the City, many years after establishment, asking that the maintenance for plowing, garbage and other services be taken over by the City. The streets were not designed for that. In doing that, agricultural zones that are now going to residential zone (R1) were not taken into consideration. It would be something the Council likely would deal with another 15 to 20 times. During the last meeting of the Council the Planning Commission's ruling of no private streets was upheld, which he noted was a good decision. At that time it was also mentioned that a public option would be discussed to solve the problem of access where there may not be enough space for a traditional city street. He had asked for that process begin.

Mr. Shaver commented that issues have been dealt with in multiple ways and different areas had been considered. Currently, we have seen several property owners with interest in development and it seems there are two sides to the matter. He would like to see the existing code reworked through planning and zoning in order to create opportunities for some properties to be developed. He expressed interest in studying this in greater detail. He suggested looking at other cities, studying the language in their zoning options for this type of property. He does not want to follow suit because Murray does have a tendency to want to create its own language to do things that fit our community; however, he is in favor of having a dialogue about it. How Council Members feel about it, how to move forward and if the Council wanted to make changes or not then he felt this was a great way to do that.

Mr. Brass reviewed the purpose of the Council Initiative Workshop was to determine if there were enough Council Members with interest to go forward.

Mr. Stam mentioned that he felt there were enough options that the Council should at least go forward to investigate what those options would be, for example, currently a public street must be a certain width. The width allows for parking and if there were no parking could the width be narrower? When you get to the front of a house where you need more space, then the width could be expanded a little. He feels there are several options.

Mr. Brass pointed out that this is for small in-fill only. It is not the intent to go back to the issue with the PUD off of Lincoln Street that started these complaints. The developer crammed in as many houses as possible in that area and it is very crowded. Although, one family started this, an ordinance cannot be created for an individual, something must be found that works for the entire City. Long after this Council is gone, Murray citizens must live with the decisions.

Mr. Shaver asked about the large or small in-fill, as it is a relative term, and wondered if an ordinance could state the lot size or be based on the plat. Mr. Tingey responded that currently the City has the single family in-fill ordinance that was adopted several years before. It allows for reduction in setbacks and applies to property that is two acres or smaller in size. It also allows for elimination, potentially, of the sidewalk and planter strip, having a curb to curb public drive that is a reduction in standards, not typical of subdivisions. This is in place now for up to two acre lots.

Mr. Shaver clarified that his does not apply to multi-family construction such as condominiums or duplexes, only single family in-fill with small acreage.

It utilizes a public street with a more narrow right of way. The road itself is not narrower.

Mr. Brass related that when you get enough complaints the time comes when the City must deal with it. He feels that with the number of agricultural (A-1) properties in Murray the saturation point will be reached. He would like to take action on it now and take a look at what size road the City can get by with. Are there sound safety reasons for stopping at a particular width? Is it just a lack of desire to cope with a narrower road, he asked? Ultimately, that is what must be done in crafting this ordinance and prevent an area from becoming crowded with homes that could become a problem later.

Mr. Stam posed the question if curb and gutter were both necessary or could just the gutter be allowed to provide extra width if it were needed for safety. A car could actually drive on the grass in that area.

Mr. Brass said that he had had that conversation with Mr. Hill in the past relating to Glen Street, which is actually just a lane off of Atwood with no curb and gutter. It is a very narrow lane and needed to be re paved. They worked out the problem; however, with no hard edge the pavement breaks down as the cars move back and forth. This is seen on the east side and for storm water he was not sure how it would work.

Mr. Hill commented that you can have any kind of curb and gutter; however the City is where it is today, for the same reason there are public roads over private roads, because of citizen complaints about rolled gutters. High back gutters are what people ultimately want. If the Council decides to undo those standards and go back to something different they can do that. He would like the Council to understand that the standards in place are due to past complaints that have been dealt with for years and years.

Mr. Stam asked if the actual necessary width on a public street had been coped with. Mr. Hill confirmed that the City had lowered the required street width in his tenure because of this issue. Cul-de-sac width had been lowered and street widths overall had been studied. He offered his support to do whatever the Council decided; however, other cities had been studied and Murray is not out of line on public streets. The narrowest public street is 27 feet from back of curb to back of curb. That is three feet less than standard streets and it is only in the Fireclay area. No parking is allowed on that street.

Mr. Nicponski asked Mr. Hill to be candid and wondered if there were problems on the street now. Mr. Hill candidly said that he and his staff were not in favor of reducing the current street width if it remains a public street. He noted that they would continue to maintain anything that the Council decided upon; however, to be honest he indicated he could not come forward with a recommendation from the staff to go narrower. Mr. Nicponski asked if people park on the street in Fireclay making it an enforcement issue. Mr. Hill pointed out that it had not opened yet. Mr. Hill said they cannot snow plow or do other maintenance on a 27-foot wide street.

Mr. Stam asked about the width of Sanford from 5900 South to the north where there is no parking. Mr. Hill would have to check on that. The staff had measured some of the public roads and there are a couple like Glen Street with no curb an gutter that are very narrow. It costs the City money over time for maintenance and he would not recommend that situation in the future.

Mr. Brass stated it is one of the older streets in Murray.

Mr. Hill reiterated that he would do whatever the Council decided. He was very sympathetic to the Nielsen's problem and it would be nice to find a solution because the City does not like private roads or reducing the width of public streets.

Mr. Nicponski feels it is important for Mr. Hill to point out the down side so that the Council has a complete understanding of the issues facing the City.

Mr. Stam asked how wide a normal traffic lane is. Mr. Hill said it is normally eleven feet; although, it can go down to ten feet giving 20 feet and with curb and gutter it is 25 feet and no parking.

Mr. Hales asked if the City ever makes an exception on a piece of property, where the entire City is not affected. Mr. Hill said it is not done for ordinances. Mr. Hales asked if there is something that can be done. Mr. Brass stated that is the question, to take a hard look and determine what could be done. Mr. Stam clarified that it would not be a change just for a single location. Mr. Hales understood that concept. Variances must meet specific criteria, Mr. Shaver noted, and each one is looked at. Mr. Hill said that one cannot get a variance on an ordinance.

Mr. Brass said that the reason he is sympathetic with this, looking at the zoning map, is the property rights question versus the public good. Fair use of property is at question. A flag lot could be created with a long driveway and construction of a home; however, this is a large piece of property. In the case of the Nielsen's they want to create houses for themselves, and again, we cannot change just for the Nielsen's. At some point, it will not be just the Nielsen family there and the Council must look out for those who are not family. This same discussion took place with home owners associations and the difficulties as they age and ownership changes. It is a balancing act. He does not feel a flag lot on a large piece of property is fair use leaving open space that must be maintained but not built on. The Council needs to look beyond snow plows and narrow street width. Smaller snow plows are made. It is an expense to the City and do we want to bear the expense or deal with this over and over again, Mr. Brass inquired.

Mr. Shaver asked for an explanation of a flag lot. Mr. Wilkinson responded that it is a lot shaped like a flag with a flagpole driveway that provides access to a lot behind another lot in front. The back lot is called the flag lot. The front lot is on the street.

Mr. Brass said that a double flag lot could accomplish most of their goals and maybe that is what should be decided, approval of double flag lots. It may not solve all the Cities' issues.

Mr. Stam said that it would solve problems temporarily. However, if the lots are subdivided again, it is a private road to a flag lot that has actually become an in-fill subdivision. He asked if there can be two separate owners for both lots in a flag lot situation. Mr. Wilkinson said that in a typical flag lot two separate owners have title to their land. Murray's ordinance only allows one flag lot. It becomes a one lot subdivision.

Mr. Brass asked if anyone had any serious issues with moving forward on this. Hearing no objections, he asked for this to be addressed in a Committee of the Whole meeting to begin the process.

There being no further business, the meeting adjourned at 4:51 p.m.

Janet M. Lopez
Council Office Administrator