



**MURRAY CITY MUNICIPAL COUNCIL
COUNCIL INITIATIVE WORKSHOP**

A Murray City Council Initiative Workshop was held on Wednesday, June 19, 2013 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

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

Others in Attendance:

Frank Nakamura	City Attorney	Janet M. Lopez	Council Staff
Jan Wells	Mayor's office	Tim Tingey	ADS
Justin Zollinger	Finance	Kellie Challburg	Council Office
Sage Fitch	Resident	Diane Turner	Resident
Russ Kakala	Public Works	Larry Walters	Centurylink
Georganne Weidenbach	Centurylink		

Mr. Hales called the Council Initiative Workshop to order at 5:02 p.m. and welcomed those in attendance.

Discussion Item 1.1

**Murray City Center District (MCCD) Zoning
Amendment- Jim Brass**

Mr. Brass stated that he brought attention to this topic a little while ago after the subject came up with the Oasis Apartments. Mr. Brass noted that Center Street is in his district and has always felt like Center Street should be looked at, because it is such a unique area. Many of the homes have historic value; and many neighbors are restoring their homes. He has spoken with the majority of the home owners on the west side of Center Street. They are supportive of a height limitation; but not supportive of changing the existing zoning away from commercial. Two of those residents were running businesses out of their homes and that change would negatively impact them. He has had similar concerns on Glen Street. Many residents are concerned with those neighborhoods in relation to their own neighborhood.

Neighborhoods with smaller homes are feeling a bit vulnerable. He stated that it isn't the City's intent to have any designs on Center Street or Glen Street. He believes this should only affect that specific area of Center Street within the MCCD, because of the unique nature.

Mr. Shaver asked if all of Center Street from north to south was facing restrictions or just the location of the Oasis Apartments heading north. Mr. Shaver clarified that the height restriction would be from that point and on to the north. Mr. Brass said the other end of it has been zoned commercial and R-M-10 so that it allows for both. His feeling is that the area of concern begins with the Oasis Apartments and heading north. Mr. Brass said the area currently has a height restriction of 50 feet, and the proposed restriction would be 35 feet. Mr. Brass said it is a CIW topic so the decision is whether or not to move forward. He stated that Mr. Tingey has some information also.

Mr. Tingey wanted to give a quick background on the area. He showed the MCCD boundary from Center Street running up Vine Street to 4800 South. The zoning is R-M-10 and R-1-8. The interesting thing about the west side of Center Street is that it was commercial for over 55 years. Mr. Shaver noted that the idea was that State Street would eventually encroach on the east until it reached Center Street. Mr. Tingey said that Center Street is one block off of State Street and has been commercial for 57 years.

Prior to the MCCD, there was a requirement under the downtown historic overlay district of three stories. That was not a limitation on height, and three stories could potentially be up to 45 feet, if it included a roof. This area currently has home owners and property owners that control their future. It can remain zoned for residential uses for a long time. Since the MCCD was adopted, and additional density was allowed, it has prompted some development. Mr. Tingey said that a typical downtown area should be vibrant. The focus of the MCCD was to create an economic, social, cultural and vibrant area that enhances surrounding neighborhoods. If there are nice retail or cultural opportunities, that opportunity for investment is important. Density is an important part of that. Originally, the MCCD did not have a height restriction. That has been reevaluated and worked on with the consultants because Council Members did have a concern because of Center Street and the adjacent neighborhood. That prompted the 50 foot height to still allow for some density to prompt investment, in this area where properties don't have a lot of depth. Currently, a 50 foot restriction is 15 feet higher than what is allowed in a residential R-1-8, single family residential area. A typical R-1-8 residential area anywhere in the community has a height restriction of 35 feet.

Mr. Nicponski asked for the location on the map of the apartment building. Mr. Tingey pointed it out and showed the single story structures across the street, although that could change. Currently there is a structure adjacent to this area that is 50 feet; the bell tower on Mount Vernon. The idea was that since it was a commercial area, it could allow for a little higher height than a single family residential. Currently, there hasn't been a project that was fully constructed in this area. With the vision of the MCCD in this district, as well as the potential for future development, Mr. Tingey feels like 50 feet is reasonable. Throughout the country, there are residential areas adjacent to vibrant downtown areas that have more height.

Mr. Shaver asked about Desert Star Theater. He asked about the cars exiting from the parking

lots out to 4800 South, and then on to Division, and possibly headed straight to Center Street while trying to find State Street.

Mr. Stam asked how a height restriction could be changed for an area, without creating a new zone. Mr. Brass stated that the DHOD in that area had a note on the west side of the Center that spoke to that specific height restriction.

Mr. Nicponski clarified that that apartment complex was called the Oasis Apartments. Mr. Brass said that the apartments are a done deal, and this doesn't affect that at all. This would affect any future development going north on Center Street. Mr. Shaver asked about 4800 South and Center Street, and a business that is a dog neutering business. That business is right on the corner and is not in a home. He said that R-1-8 gives a definition of 35 feet, but there are homes in the City with three stories and that is covered within the 35 foot limit.

Mr. Tingey said the issue is looking at future redevelopment areas, and if these property owners decide to change the height. The current residents could live there forever and the City isn't pursuing these areas. If the area is redeveloped at any time, without some height allowance, there isn't a lot of depth in this area and it would be difficult to develop something without room for density. That might be considered an advantage for a property owner to have additional height opportunities.

Mr. Shaver asked about other requirements such as the setback from the street. Mr. Tingey said in this area the structures are to be closer to the street and have parking in the rear or underneath. There is some setback allowance, but anything that is developed along Center Street would be required to have additional property space to allow for more width for parking and other things. Mr. Brass noted that he understands all this, but still maintains that Center Street is a different street. It is a neighborhood, and is a big block off of State Street.

The other thing that was heard with the Fireclay Development, was that rooftops were needed if commercial was wanted. It strikes him as odd to remove commercial rooftops to future potential customers. He would rather incorporate these neighborhoods into the downtown plan. The desire to redevelop downtown is to give the citizens a reason to go downtown. This area is in his district and everybody he talks to would like a reason to go downtown. If he was hearing that the people on Center Street don't want any changes, he would go with that, because it is their property, but they are saying they are concerned about it. The gentleman that owns the oldest home on the street said he wants to live there, even though he is right next to the Oasis Apartments. Mr. Brass feels strongly that by limiting the height to 35 feet, it would meet the needs of the people he has talked to, and doesn't feel like it would hurt the downtown area.

Mr. Stam clarified that Mr. Tingey may be in favor of keeping the height limitation to 50 feet, in case these people move away and that would give the City a greater chance for redevelopment. Mr. Tingey agreed and added that the residents may live there for 100 years and that is fine. If they look at selling, it makes any investment much less viable with a 35 foot height limitation.

Mr. Nicponski asked to see the photo of the Oasis Apartments, and asked how it would appear

with a 35 foot requirement. It was decided it would be midway up the third story. Mr. Stam said it would be more difficult on a building such as this with 12 foot ceilings. Mr. Tingey said that it would need to be commercial, which would include a 12 foot ceiling requirement. Mr. Stam said that requires a 15 foot section at the bottom, so a 35 foot requirement would cut it off a little.

Mr. Brass said that a concerted effort has been made to come up with an RNB zone, so the commercial element didn't impact neighborhoods. That was on Winchester and 9th East, which was near a six lane highway. Center Street isn't Winchester or 9th East, it is different. Mr. Shaver stated the difference between now and 1950, and if a neighbor wants to change the height in the future, they could always come back to the Council and make a request. Mr. Brass agreed and added that way the property would still have value as a commercial zone in the meantime. Mr. Shaver said he would recommend moving it to 35 feet, and allow the opportunity to make the change in the future if needed. Mr. Brass said the Council simply makes a recommendation to move forward at this point. Mr. Stam would like the residents to be advised that they can bring the issue back to the Council, if needed.

Mr. Hales adjourned the meeting.

Kellie Challburg
Office Administrator II