

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 21<sup>st</sup> day of August, 2007 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Krista Dunn,	Council Chair
Pat Griffiths,	Council Member
Robbie Robertson,	Council Member
Jim Brass,	Council Member
Jeff Dredge,	Council Member - Conducted

Others who attended:

Daniel Snarr,	Mayor
Doug Hill,	Public Services Director
Jan Wells,	Chief of Staff
Frank Nakamura,	City Attorney
Shannon Huff Jacobs,	Council Director
Carol Heales,	City Recorder
Gil Rodriguez,	Fire Chief
Dennis Hamblin,	Community Development Director
Mary Ann Kirk,	Cultural Arts Director
Citizens	

## **A. OPENING CEREMONIES**

1. Pledge of Allegiance - Robbie Robertson
2. Approval of Minutes of July 17, 2007

Ms. Dunn made the motion to approve the minutes with corrections

Mr. Robertson 2<sup>nd</sup> the motion.

Voice vote taken, all ayes.

Approval of Minutes of May 29, 2007

Mr. Robertson made the motion to approve the minutes.

Mr. Brass 2<sup>nd</sup> the motion.

Voice vote taken, all ayes.

Mr. Dredge recognized Chad Wiscomb, Boy Scout Troop 93 to the meeting.

3. Special Recognition(s)

None

**B. CITIZEN COMMENTS** (Comments are limited to three minutes unless otherwise approved by the Council.)

None

**Citizen Comments Closed**

**C. CONSENT AGENDA**

None scheduled.

**D. Public Hearing(s)**

1. a. Staff and sponsor presentations, public comment and discussion prior to Council action on the following matter:

Consider an Ordinance amending Section 17.145.040 of the Murray City Municipal Code relating to the Downtown Historic Overlay District.

Staff Presentation: Doug Hill, Public Services Director

Mr. Hill explained that several years ago the City created the Downtown Historic Overlay District (DHOD). Within that district, a Core area and a Transitional area were established. The Core area was primarily those properties facing State Street and the Transition area was generally those properties behind State Street that took in some of the historic properties. At the time the ordinance was adopted, there was discussion on restricting certain types of uses in the DHOD area. It was decided at that time not to impose restrictions until it was determined how the DHOD area would work. The time came when there were concerns on certain types of potential uses in this area that perhaps would not be compatible with the DHOD. Some of those uses that may be a concern are: Motor Vehicle Sales, Service Stations, Automotive & Marine Craft Parts, Farm & Garden Supply, Storage Units, Equipment Rental Shops, Automobile Truck and Trailer Services, Repair Services, Drive-In Movies, Go-Cart Tracks, and Automobile Racing.

Mr. Hamblin's worked on this, and looked at the uses of the City, and decided that the above mentioned uses should be restricted from the DHOD area. Not necessarily because these uses are bad, but the goal for the DHOD is to create a vibrant community that promotes living, work areas, and services that will benefit those people living and working in that area. They did not want large parking areas or types of services that were not compatible with people living in the downtown area.

Mr. Hill proposed restricting these uses in the DHOD area in the original ordinance that was sent to the Planning Commission last month,. The Planning Commission agreed and voted 6-0 in favor of the ordinance.

Between the time that this ordinance was presented to the Planning Commission and today, they realized that they had created some potential problems with some existing businesses in the area who had been there for many years, and who wanted to continue and expand their businesses.

They had met with Mary Ann Kirk and discussed how they could still restrict uses and meet the planned goals, but at the same time, allow businesses in the DHOD area that are currently there to expand and exist. What they settled on was that the most important area would be the Core area along State Street, and the Transition areas would be a good area for these businesses to expand.

So, they have amended their ordinance that was presented to the Planning Commission, and have given copies to the Council. What they are recommending now is that they restrict the uses in the Core areas, but no restricted uses within the Transitional area of the DHOD. They felt that this was a good compromise, allowing the existing businesses to expand their areas, yet preserve the core area along State Street.

Mr. Hill noted that there was a memo forwarded to the Council from the History Board and Design Review Committee, and they had expressed some concerns regarding unintended consequences in restricting uses for example, an existing car dealership inside a building in the downtown area, such as the existing BMW dealership. So, they were not sure about restricting car dealerships in the area. What they are trying to get away from is the large, open lot car dealerships in this area. The memo points out these concerns.

Mr. Hill reiterated that the ordinance before the Council is felt to be a good ordinance, although it cannot take into account every possible event that may arise. It may need to be amended from time to time, but there really wasn't any way to completely open the ordinance. In light of the memo, they recommend starting with this ordinance as presented, and if they are approached by specific businesses in the future, they may need to come in and modify this ordinance at

that time.

Ms. Griffiths stated that the History Advisory Board had also suggested prohibiting car washes, and wanted to know what was being done with that.

Mr. Hill responded that carwashes are covered under section 64.10 *Automobile Repair and Related Services*, and so it is a restricted use under this section in the Core area.

Mr. Nakamura added that from the ordinance that the Planning Commission reviewed, language was deleted not associated with an on-site dealership. That was originally inserted to deal with this specific problem, but was too vague and general. Now that it will only apply to the use in the Core area, there is no longer a need for that language.

### **Public Hearing Opened for Comment**

John Jeppson, Attorney for BMW of Murray

Mr. Jeppson stated that BMW had some concerns with the ordinance as it deals with their potential growth to the south. This would put the company into the Core area. They have recently purchased property immediately south of their current location, that fronts State Street. This company has been there for over 30 years, and understands the significance of balancing the historical interests with the business interests; but as it is balanced, they would like to make sure they can maintain their ability to grow their business & maintain the opportunity to provide employment, to increase tax base & the needs of their customers and their manufacturer. For that reason, they are concerned with the limitations of this ordinance, and would like to include language that allows an existing business such as this to be able to expand.

Mr. Jeppson had some suggested language, based on the old version of the ordinance, and requested the opportunity to review the new version of the ordinance to suggest some language, prior to its adoption by the Council.

Mary Ann Kirk, Cultural Arts Program Manager

Ms. Kirk stated that the Core starts along State Street at the BMW dealership, including BMW, going south to the creek. The transition area is at the back side of the State Street frontage, making Brown Street part of the transition area. Some of the issues that Mr. Jeppson was discussing will be addressed in their proposal, allowing them to expand on Brown Street. Along State Street, they could still expand, they would only have to follow design guidelines.

Mr. Nakamura interjected that this proposal would actually prohibit the use.

Mr. Dredge asked if this was not the intent when they made the modifications to the proposal.

Ms. Kirk stated that from the perspective from the Historic Preservation Board and the Design Review, use is not an issue to them, as long as the guidelines are followed. But, what was happening, was that the guidelines were not set standards so they would get into a design review issue and the rules would be bent to take care of the uses. If you have only guidelines, then there is nothing firm and set, and this had become a difficult issue. Initially, they had said that if there were no restrictive uses, there would be snowball effects on these uses. The previous design guidelines and the intended use for the areas did not always match.

Mr. Nakamura clarified that the term expansion presents a problem with an on-site dealership, and exactly to what extent the encroachment would go, is a definitional problem. We need to have defined areas where the Core and Transitional areas are. To define 'expansion' will be a problem if you are going to prohibit the use.

Ms. Dunn asked what the exact south is, where the Core area starts.

Mr. Nakamura stated it was Regal Street, 4735 South.

## **Public Hearing Closed**

Council consideration of the above matter to follow Public Hearing.

Mr. Dredge stated that the intent was not to have wall-to-wall car lots in the car area, yet we do not want to penalize a long term, good neighbor business. The problem is balancing this; and this ordinance is an all or nothing.

Mr. Nakamura stated that some of these modifications were intended to address some of the expansion, and initially these discussions were initiated. They had thought that with the Transition and Core areas, that they were accommodating this particular dealership.

Ms. Dunn asked if the expansion that was planned by BMW was going to be along Brown Street or State Street corridor.

Mr. Jeppson answered that it is along both streets.

Mayor Snarr stated that BMW had acquired both the Gold'n Pawn and Murray Glass buildings and had already been approved for that. They are looking towards the future, and to opportunity that may arise to acquire additional properties along State Street.

Dave Clark, President BMW of Murray

Mr. Clark stated that where their concern is, is the State Street corridor. If you go south of the Gold'n Pawn, there are still three to four buildings, open parking, etc. Whether or not the opportunity will arise for them to purchase those properties is unknown, but they need to be in the position to know if they can purchase the properties with the ability to enhance what they are doing now. Their concern is that they have no possibility of expanding when the manufacturers are becoming much more demanding on the dealerships for working areas such as service bays.

They have attempted to keep areas such as the old fire station as historic as possible, in speaking with the preservation committee, they have been told that they would like to see Murray Glass etc, where they are putting in bays, come all the way out to State Street; they are looking to put a show room in that area.

Doug Hill, Public Services Director

Mr. Hill stated that they are trying to solve the same problems, and are not trying to introduce an ordinance that creates problems for any existing business in the downtown area. The objection is not the facility, but having outside car sales in that area. Perhaps they need some time to work with the Attorney's office and with BMW to work out the language that would be acceptable to all parties. Perhaps they need to reword to state *outside motor vehicle sales* and not inside sales. If BMW wants to purchase these buildings and it does not create an open outside lot, they may all be comfortable with the ordinance.

Ms. Kirk stated that if you read the Design Review Committee's recommendations, that is exactly what they said. They also said the same thing on historic gas stations; if it was historic scale, they would be acceptable.

Mr. Brass added that the problem in the past has been that all of the indoor car showrooms that were approved by the Planning Commission, ended up with an outdoor lot. Not BMW, but all of the other smaller lots have become a problem. He did add that if the ordinance was crafted to state indoor only, he would be comfortable with it.

Mr. Dredge asked that with the BMW bays that were mentioned, it poses another

issue as automotive repair is prohibited in this area.

Mr. Clark stated that when they had received the approvals for the two buildings, that is what they are doing, putting in service bays. What the future would hold on future properties is unknown. Their long term plans, in the north area of BMW, have an open area where they will have cars on the lot. One day they plan on tearing down the glass company, and expanding that direction and back to put in service bays.

Mr. Brass stated that according to this ordinance, once you leave State Street, you are in the Transition area where there would not be a problem.

Mr. Clark stated that if they can work under those conditions, they would not have a problem with it. They would like to keep the area north of their current location as parking in the front, the way it is now. The current ordinance requires a certain amount of customer parking, which they will need. It would be impossible to limit everything, unless you want parking along State Street, you need to leave some areas open for potential new businesses and their parking to meet the existing ordinances.

Mr. Brass explained that when buildings are redone, it is possible to orient the parking lot areas to the rear of the business, with access from State Street.

Ms. Griffiths stated that the notes from the Design Review Committee state that the key is the large parking lots which is not compatible with the Downtown Historic District. They do not want large car displays with the floodlights that are typical of a modern day auto row. That is their big objection. There are several historic car showrooms in Murray, and do want to keep those, but not the large open lots.

Mayor Snarr stated that this ordinance addresses BMW's immediate concerns of acquiring additional property outside the Core area on the west side of Brown Street, but in the long run, he feels that we will need to modify this ordinance.

Ms. Griffiths noted that for the new buildings, it would be a legal non-conforming use and would not impede their current plans.

Mr. Brass asked how to meet the immediate need and balance with this ordinance. He stated that he would be comfortable in postponing this without date, so that they could work out the details.

Mr. Nakamura stated that they had passed a temporary regulation with a six month limit on it, and this issue would need to be acted upon now. It may require some discussion with the Historic Board in the future, but it is up against the

deadline on the temporary regulation.

Mr. Brass reiterated that they do not want to make it difficult for BMW to do business, either now or in the future, but they also want to insure that there are not any problems with other companies either.

Ms. Dunn stated that perhaps they should pass the ordinance through tonight, and assign a review committee to review this and come back at a future date for recommendations and modifications to work with BMW, in a timely fashion.

Ms. Griffiths felt comfortable with moving ahead, and coming back to make amendments to the ordinance at a later date.

Mr Brass made a motion to adopt the Ordinance with the understanding that it will be reviewed for later amendments, within 60 days.

Ms. Dunn 2nd the motion.

Call vote recorded by Ms. Heales

**AYE/NAY**

<u>  A  </u>	Mr. Robertson
<u>  A  </u>	Mr. Brass
<u>  A  </u>	Ms. Griffiths
<u>  A  </u>	Ms. Dunn
<u>  A  </u>	Mr. Dredge

Motion passed 5-0

2. Staff and sponsor presentations, public comment and discussion prior to Council action on the following matter:

Consider an Ordinance relating to Zoning; amends the General Plan from Single Family Residential Low Density to Multi-Family Residential Low Density and amends the Zoning Map from R-1-8 to R-M-10 for the properties located at approximately 108 and 110 West Lester Avenue, 6561 and 6565 South Jefferson Street, Murray, Utah. (John Holmes Master Builders)

Public Hearing was withdrawn.



3. Staff and sponsor presentations, public comment and discussion prior to Council action on the following matter:

Consider an Ordinance relating to Land Use; amends the Zoning Map for property located at approximately 950 East Vine Street, Murray, Utah, from A-1 (Agricultural District) to R-1-8 (Single-Family Low Density Residential District) (Desert Sky Development, LLC)

Staff Presentation: Dennis Hamblin, Community Development Director

Mr. Hamblin stated that this issue was reviewed by the Planning Commission, and the request conforms with the General Plan. It comes with a favorable 5-0 vote.

**Public Hearing Opened for Comment**

None given

**Public Hearing Closed**

Council consideration of the above matter to follow Public Hearing.

Ms. Griffiths made a motion to adopt the Ordinance.  
Ms. Dunn 2nd the motion.

Call vote recorded by Ms. Heales

**AYE/NAY**

  A   Mr. Robertson  
  A   Mr. Brass  
  A   Ms. Griffiths  
  A   Ms. Dunn  
  A   Mr. Dredge

Motion passed 5-0

**Unfinished Business**

None scheduled.

**New Business**

1. Consider a Resolution appointing Janet M. Lopez to the position of Administrative Secretary to the Murray City Municipal Council.

Ms. Jacobs expressed her appreciation to Ms. Lopez for her help in temporarily filling the vacant position for the past few months, and was pleased that she had applied for the position and heartily recommends the appointment,

Ms. Dunn made a motion to adopt the Resolution.  
Mr. Brass 2nd the motion.

Call vote recorded by Ms. Heales

**AYE/NAY**

  A   Mr. Brass  
  A   Mr. Robertson  
  A   Ms. Griffiths  
  A   Ms. Dunn  
  A   Mr. Dredge

Motion passed 5-0

2. Consider a Resolution approving and Interlocal Cooperation Agreement between the City and Salt Lake County, Holladay City, Sandy City, City of South Salt Lake, Salt Lake City, City of Taylorsville, West Valley City, City of South Jordan, and the City of West Jordan to be compliant with House Bill 40 (2005) with regard to annexation, incorporation, or remaining in the Unincorporated Area of the County.

Staff Presentation: Krista Dunn

This agreement was discussed in the Committee of the Whole meeting. This is our part of covering the cost of the survey, which is required by law. We do not have much control over the Salt Lake County residents, but will represent Murray the best we can and hopefully get across the education needs in the full picture of what is out there.

This committee will come up with the education plan, as well as for the survey. Any decision made by this committee must be a unanimous decision, or it will go to a second, as of yet unestablished group, who would consist of two city representatives, two township representatives, and a county representative.

They will try to make decisions that everyone will feel comfortable with.

Ms. Griffiths clarified that with this, they are formalizing a mandate.

Ms. Dunn made a motion to adopt the Resolution.

Mr. Robertson 2nd the motion.

Call vote recorded by Ms. Heales

**A YE/NAY**

<u>  A  </u>	Mr. Robertson
<u>  A  </u>	Mr. Brass
<u>  A  </u>	Ms. Griffiths
<u>  A  </u>	Ms. Dunn
<u>  A  </u>	Mr. Dredge

Motion passed 5-0

**Mayor**

Report

Mayor Snarr gave kudos to Granite Construction for completion of the paving, and the opening date for the Deseret Industries should remain as September 2, 2007. UDOT is trying to encourage Granite Construction to undertake the 5300 South State Street intersection as well.

In the next few weeks we should be starting on the landscaping project as well. He still has some concerns with mirrors being knocked off in that area, due to the width of the roads, but is encouraged by the progress of all the work being done.

Questions of the Mayor

None.

**Adjournment**