



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday October 3, 2017 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Council Members in Attendance:

Diane Turner, Chair	District #4
Dave Nicponski, Vice-Chair	District #1
Vacant	District #2
Jim Brass	District #3
Brett Hales	District #5

Others in Attendance:

Blair Camp	Interim Mayor	Jan Lopez	Council Administrator
Doug Hill	Public Services Director	Jennifer Kennedy	City Recorder
Pattie Johnson	Council Office	Jim McNulty	Development Services Mgr.
Mike Dykman	Fire Marshall	Darrell Pehrson	Resident
Jennifer Brass	Resident	Richard Crangle	Resident
Janice Strobell	Resident		

Ms. Turner called the Committee of the Whole meeting to order at 5:45 p.m. and welcomed those in attendance.

1. Approval of Minutes

Ms. Turner asked for action on the minutes from July 18, 2017, and August 1, 2017. Mr. Brass moved approval. Mr. Hales seconded the motion. All were in favor.

2. Discussion Items

2.1 Bingham Junction Storm Water Detention Area – Doug Hill

Mr. Hill said an Interlocal Agreement between Murray City and Midvale City would be considered by the council during the council meeting that same evening.

The decision would be made about whether Murray City would send storm water into Midvale City's detention basin. The reason for the Interlocal Agreement was due to a residential development project underway by Garbett Homes.

A map depicted city boundary lines, and vacant property located on the south border of Murray City, where Garbett Homes would construct approximately 120 homes. Mr. Hill explained because water naturally flows downhill, water would cross city boundary lines. Therefore, storm water from all the roads and properties on the project would need drain into Midvale's detention basin and from there discharge into the Jordan River.

A similar agreement was made years ago between the two cities, when Midvale's storm water needed to discharge into Murray City's storm water flow. At that time, a consultant was hired to conduct a study at the detention basin to determine what percentage of water was coming from each city. In conclusion, 68% of storm water was flowing from Midvale, and 32% was from Murray. As a result, a cost sharing arrangement was implemented to pay for maintenance activities, and future improvements in the area.

Based on the same study results, the proposed Interlocal Agreement with Midvale City, for the Garbett Homes project, states that Murray can channel water into Midvale's storm water by installing a drain system, and share in maintenance costs and improvements. Mr. Hill noted because Murray City had a Storm Water Enterprise Fund, expenses for maintenance and improvement activities were already appropriately allocated.

On September 19, 2017, the Midvale City Council approved the agreement unanimously. If the Murray Council approves the agreement, drainage issues would be solved for the Garbett Homes construction project. However, should the council not approve the agreement, Garbett Homes would not be able to drain storm water into the only natural storm drain in the area.

2.2 Text Amendment to the Murray City Center District (MCCD) Ordinance – Tim Tingey

Wasatch Affordable Ventures hopes to develop a residential upper level project in Murray City and requested the text amendment. Mr. Tingey explained the MCCD was adopted in 2011, and the ordinance currently states that when developing multifamily dwellings, or apartments, or high rises, residential living is not permitted on the ground floor. Reasoning behind those guidelines was a desire to promote a mix of uses in the area. Therefore, if a developer proposes residential buildings in the MCCD, there must be a commercial component on the ground floor.

Although mixed use zones, have similar requirements, they are not the same as the MCCD requirements, because mixed use zones allow for 25% of the ground floor to be utilized as residential space.

From a historical background, Mr. Tingey noted the first two major projects in the downtown area:

- 1.) The Hilton Home 2 Suites - which was considered a commercial project since a hotel is not a high rise apartment.

2.) The Center Court Apartments - considered a mixed use facility and was the first major project approved in the area. Mr. Tingey stated, developers tried to force changes to the lower level, and stop-work orders were issued because of transitions they wanted to include to the lower level area. As a result, allowing for a lounge area, which would serve both commercial and residential areas, as well as, a leasing office on the ground floor was approved for the project.

Since that time, however, an administrative determination was made that any amenity associated with a residential project would be required on upper floors and not the main floor.

Mr. Nicponski asked if the location of a workout room was required on upper floors. Mr. Tingey replied workout rooms could be located on the lower main floor because they fall under the 25% allowance in a mixed use zone.

Mr. McNulty reported the city was working with Wasatch Affordable Ventures, and therefore, because the MCCD is just under 100 acres, the entire zone must be considered when policies and codes are amended because their request would require a change to code for the entire zone.

City code Section 17.170.080, under *Land Uses*, related to multi-family dwellings, or apartment high-rise type dwellings, were read: 'Residential is not permitted on the ground floor.' Mr. McNulty explained, this was why Wasatch Affordable Ventures approached the city with their own suggested language that stated: "...however, up to 15% of the ground floor may be used for non-residential uses, supporting or related to the residential on the upper floors. Examples of non-residential uses supporting or related to the residential and upper floors, include leasing office, club house or other similar common areas. In no event shall residences be allowed on the ground floor."

Mr. McNulty explained the language suggested by Wasatch Affordable Ventures caused concern, due to larger buildings to be constructed in the MCCD, with ground floor areas of 20,000 square feet, and where 15% is 3,000 square feet. In addition, concerns about uses were noted, for example, a club house, recreation type room, and large gathering areas. Language created by ADS was shared with the MCCD Design Review Committee that included a number of architects and planners, prior to the amendment going to the planning commission.

Mr. Tingey recalled numerous conversations regarding the use of lower levels in buildings, and the importance of maintaining a mix of uses - by not just allowing multi-family facilities to consume an entire project. The practice was found to be common, after benchmarking what other cities have done in the valley. He felt as the ordinance applied to this specific project, and from a customer standpoint, a leasing office would be more appropriate on the main level. Overall, this was why he recommended a modification of the ordinance, to allow a leasing office of minimal space on the lower level.

Mr. McNulty shared the new revised proposed language: "Residential uses are not permitted on the ground floor of multi-story residential buildings, with the exception of a leasing office or lobby allowing access to the upper floors. Such uses shall not occupy more than 15% of the ground floor,

and no more than 1,000 square feet, whichever is less.” He confirmed new language derived from visiting similar buildings in the valley, such as, The View, and Wilmington Flats, located in Sugarhouse.

Mr. McNulty noted the developer attended both the development review committee meeting, and the planning commission meeting, where the planning commission voted to follow staff recommendations by allowing 1,000 square feet to be utilized for lobby allowance or leasing offices.

The proposed text amendment would come to the council for their consideration on October 17, 2017.

2.3 Appointments for Council Representation

Appointments for 2018 were made for the following committees and boards:

Brett Hales - Business Enhancement Committee
Jim Brass – Chamber of Commerce Board

3. Announcements: Ms. Lopez made the following announcements:

- Application deadline for interim council member, District 2, October 6, 2017 by 5:00 p.m.
- Special Meeting to conduct interim council member interviews, October, 17, 2017, 5:00 p.m.
- Meet the Candidates Night, October 11, 2017, located in the Little Theater at Murray High School, from 6:00 p.m. to 8:00 p.m.
- City School Coordinating Council, would be rescheduled.
- Haunted Woods, October 23, 24, 25, 2017, located in Murray Park, from 6:30 p.m. to 8:00 p.m.
- The council meeting for November 7, 2017 was cancelled due to Election Day. Remaining 2017 council meetings are November 14, and 21st, and December 5, and 12.
- Ore Sampling Mill discussion - RDA TEC Committee Wednesday, October 4, 2017, at 3:00 p.m.

4. Adjournment: 6:10 p.m.

Pattie Johnson
Council Office Administrator II