



**MURRAY CITY MUNICIPAL COUNCIL
COMMITTEE OF THE WHOLE**

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, May 5, 2009, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

Jeff Dredge	Council Chairman
Robert D. Robertson	Council Member
Jim Brass	Council Member
Patricia W. Griffiths	Council Member
Krista Dunn	Council Member

Others in Attendance:

Daniel Snarr	Mayor
Frank Nakamura	City Attorney
Michael D. Wagstaff	Council Executive Director
Janet M. Lopez	Council Office Administrator
Jan Wells	Mayor's Chief of Staff
Erin McShay	Valley Journals
Ed & Marge Brass	Citizens
Chad W. Wilkinson	Comm/Economic Development
Tim Tingey	Comm/Econ Dev. Director
Noel A. Anderson	Citizen
Wally James	Citizen

Chairman Dredge called the meeting to order at 5:32 p.m. and welcomed those in attendance.

Approval of Minutes

Chairman Dredge called for action on the minutes from the Committee of the Whole meeting held on April 15, 2009. Ms. Dunn moved approval. Mr. Brass seconded, and the motion passed 5-0.

Zoning Ordinance Modifications - Tim Tingey

Mr. Tingey stated that the purpose of his presentation was to introduce some of the revisions to the zoning ordinance that the Community and Economic Development Department have developed for proposed additions and changes to the Code. He would like to have input from the Council, and if there are major concerns with any of

the items, they will be reconsidered.

There are four major changes proposed, and some additions to the fee schedule. These may come before the Council for approval fairly quickly. Some applications have never required filing fees and it is thought that fees should be collected. These are the first round of some changes being considered at in the ordinance, and in the fall there may be a second round. In administering an ordinance, some items may need additional clarification or direction.

New Fees: The staff is proposing three additional new fee structures. The amounts have not yet been developed, so that information will come later, as it is decided what is reasonable.

- Downtown Historic Overlay District Review
- Administrative Certificate of Appropriateness Review - The Code states that under some circumstances minor modifications are allowed through administrative review of the Community Development staff, without the necessity of going through the Planning Commission.
- Smelter Site Overlay District development permit review.

Revision to Smelter Site Overlay District (SSOD) Standards: The next proposal has to do with zoning in the Mixed Use Zoning Ordinance. A portion of the Mixed Use area is located in the SSOD. It is built into some of the City agreements that residential use is not allowed in that area, however, it is not codified, so it is important to make this change to be very specific and clarify existing language that residential uses are not allowed in the SSOD regardless of underlying zone. The current language only addresses Commercial Development Conditional use (C-D-C) zoning, and does not address other zoning found in the SSOD. This would clean up the existing language in anticipation of a zone change to Mixed Use (MU).

Mr. Brass suggested changing the Overlay to a zone to eliminate confusion. Mr. Tingey stated that it could be done that way. Mr. Nakamura said that the problem goes back to creation of the original zone and this is the language that is in the Consent Decree for institutional controls. Because of the necessity for Board approval it is very difficult to change that criteria.

Check Cashing Business: This ordinance currently allows check cashing facilities, but they cannot be located within 1000 feet of each other. Only one check cashing business is allowed for every 10,000 residents in the City, which would be 4.5 businesses. Murray has nine of these businesses, and until they diminish down to the allowed number, they are all non conforming. There have been requests from existing businesses that want to move to another location or expand their site. The changes here would clarify how the existing non conforming businesses are addressed. New check cashing businesses are not allowed.

The Board of Adjustment will review moving to a different location on the same lot or parcel. For example, a business may want to locate to a different part of the same strip mall. This requires a process through the Board of Adjustment for that.

Planning Commission approval would be required to move to a different property. It would look at all the requirements to make sure it is allowed in that zone, and proper distance between businesses is maintained. They are now allowed in the C-D-C zone.

Ms. Dunn commented, by way of clarification, that when this Ordinance was adopted, the City already had more check cashing businesses than was allowed. Murray is at the limit of what is allowed and no new ones should have opened since the ordinance was approved.

Mr. Tingey stated that he was not aware of any new check businesses and this would support the ordinance. Mr. Brass said there is a new one near McDonald's on 4500 South beside Interstate 15.

Further, Ms. Dunn confirmed that if any of the businesses close, they will not be replaced.

Mayor Snarr asked if an owner would be allowed to sell the business. Mr. Tingey said it could be done, under the same name and business license. Others insisted that it cannot be denied if it is the same use.

Site Plan Review (SPR): Currently there is a lot of grey area on when a site plan review is required or when a visit to the Planning Commission is necessary. There are outlines and requirements in state code from the Land Use Development Act (LUDMA) dictating elements that local communities must adhere to, making the process easier for developers.

- The purpose is to codify existing policies related to Site Plan Review procedures.
- In July 2008 staff modified the application process requiring site plan review instead of the Planning Commission in an effort to streamline the planning process.
- Site Plan Review only applies to permitted uses. Planning Commission will still review all conditional uses. No change to that requirement.

The Site Plan Review amendment would codify:

- Procedures for site plan review
- Which types of applications require SPR, such as:
 - ▶ New construction

- ▶ Changes of use where there is greater demand for parking
- ▶ Uses with outdoor storage
- ▶ Construction of drive-through windows

The proposed amendment would provide exemptions for some minor developments such as:

- Single family homes and duplexes
- Expansions of 500 square feet or less that are less than 25% of the original square footage.
- Changes of use from one permitted use to another when there is no increase in parking.

Mr. Tingey explained that this process will make the department more business and developer friendly, yet meet all the City requirements.

Accessory Dwelling Units (ADU): This final section is something new and Mr. Tingey recognized the Community and Economic Development staff, especially Chad Wilkinson, who has put much time and effort into researching these issues and helping to develop the wording. Other communities in the state, which have recently adopted ADU language, have been contacted in the research, and there are a number of elements in this matter. The primary reason for looking at this option is to address the need for affordable housing opportunities in the community. With the ADU, the desire is to maintain balance, have quality housing in neighborhoods, and not compromise the integrity of the neighborhood. It is a fine line.

- The Purpose of the amendment is to allow for accessory dwelling units (sometimes referred to as mother-in-law apartments) in single family residential zones.
- The proposed amendment would require that the owner of the property live in one of the units. This is mandatory, and documentation is necessary showing that the owner lives on the site. If the owner moves, the conditional use permit is lost.
- Approval would require a conditional use permit with a public notice and meeting before the Planning Commission.

Mr. Brass asked that the process be outlined for him, and he stressed his dislike of those who violate conditional use permits with no enforcement of requirements. He indicated that he likes the idea of the ADU, and feels with the aging population that there is a need for this amendment. Mr. Tingey replied that there is a process in place currently where the department goes out to follow up and inspect the conditional use permits on a regular basis. The wording states that Murray City staff can conduct periodic inspections of the property to make sure the documentation is still in place for

the property. If there is a complaint, documentation must be provided and adhered to.

- Other requirements of the ADU:
 - ▶ Additional housing units within the single family structure will have definite size limits. If an owner has an accessory unit in the back that he wants to convert over to ADU, then there are some additional requirements.
 - ▶ Limits on numbers of adults in the ADU are stipulated, and no more than two bedrooms are allowed.
 - ▶ Additional parking requirements are indicated.
 - ▶ Minimum size standards for detached units are specified.
 - ▶ Minimum lot size requirements for detached units is 12 thousand square feet. Set back standards must be met. There are a number of requirements on detached units, for example, a huge ADU in the back that dwarfs the single family unit in the front takes away from the character of the neighborhood, and is not allowed.
 - ▶ A recorded affidavit is called for documenting that the property is the primary residence of the owner. If the property is sold, the new owner would then be obligated to meet this requirement.

Mayor Snarr expressed his approval for this amendment and likes this idea for providing additional affordable housing in the City. It is a good ordinance, with the size requirements suggested. He did relate his concern about the parking requirements. Owners might say that there are two spaces in the garage and two spaces in front of the garage. Technically, all four cars can be parked on the property. Then they may end up parking on the street to make access more convenient.

Mr. Tingey stated that the department would look at the requirement and see how the wording can address that potential problem.

Mr. Wilkinson stated that some communities have limited the number of spaces that can be parked in tandem to address that. Some have required two additional parking spaces without counting the garage. That is a valid concern, and there is some language to limit that problem.

Mr. Tingey stated that overall it is something the department feels strongly about to address the housing issues in the City, and, at the same time, it is felt that the neighborhoods should be preserved to restrict any major changes that might compromise the integrity of the area. Developing this may help to provide more affordable housing and income for the owners.

Ms. Dunn commented that she likes the idea of developing this amendment, and feels it is important to be able to police the requirements of the ordinance.

Mr. Tingey stated that many homes have been converted, and with inspections, the staff has required owners to pull out ovens, remove laundry facilities, and cap off utility lines.

Mr. Wilkinson stated that Orem used to allow ADU all over the city, and what really solved their problems was the requirement of owner occupants.

In summary, Mr. Tingey stated that these proposals will come through the Council in the near future.

Mr. Dredge thanked the Community Development department, and there being no additional business scheduled, adjourned the meeting at 5:57 p.m.

Janet M. Lopez
Council Office Administrator