

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 2nd day of February, 2010 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:

Jeff Dredge,	Council Chair - Conducted
Krista Dunn,	Council Member
Darren Stam,	Council Member
Jared Shaver,	Council Member
Jim Brass,	Council Member

Others who attended:

Doug Hill,	Mayor Pro-tem
Jan Wells,	Chief of Staff
Michael Wagstaff,	City Council Director
Carol Heales,	City Recorder
Frank Nakamura,	City Attorney
Doug Hill,	Public Works Director
Tim Tingey,	Community & Economic Development Director
Gil Rodriguez,	Fire Chief
Craig Burnett,	Assistant Police Chief
Chad Wilkinson,	Community Development Planner
Ray Christensen,	Senior Planner
Peter Fondaco,	Police Chief
Citizens	

**A. OPENING CEREMONIES**

1. Pledge of Allegiance - Jeff Dredge
2. Approval of Minutes of January 5, 2010 and January 19, 2010

Ms. Dunn made a motion to approve the minutes of January 5, 2010.  
Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Ms. Heales

All Ayes

Ms. Dunn made a motion to approve the minutes of January 19, 2010.  
Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Ms. Heales

All Ayes

3. Special Recognitions

**1. Swearing-in new Murray City Police Department Lieutenants, Tom Martin and Mike Fernandez, and new Murray City Police Department Sergeants, Brian Wright and Jake Huggard.**

Chief Fondaco led the ceremony. He called soon-to-be Lieutenant Tom Martin and soon-to-be Lieutenant Mike Fernandez to come up for swearing in.

Ms. Heales conducted the swearing-in ceremony.

Chief Fondaco called the spouses to come up for the customary pinning on the badge. Chief Fondaco asked Lieutenant Fernandez and Lieutenant Martin to come up front and say a few words and introduce their families.

Lieutenant Martin introduced his family and talked a little about how he became a Murray City Police Officer.

Lieutenant Fernandez introduced his family and thanked the Chief for this opportunity.

Chief Fondaco called on soon-to-be Sergeant Jake Huggard and soon-to-be

Sergeant Brian Wright to come up for their swearing in.

Ms. Heales conducted the swearing-in ceremony.

Chief Fondaco called the spouses to come up for the customary pinning on the badge. Chief Fondaco asked Sergeant Huggard and Sergeant Wright to say a few words.

Sergeant Huggard thanked the Chief and the Council for their support and introduced his family.

Sergeant Wright introduced his family and thanked the Chief for this opportunity.

**B. CITIZEN COMMENTS (Comments are limited to 3 minutes unless otherwise approved by the Council.)**

None given.

**Public Comment closed.**

**C. CONSENT AGENDA**

None Given

**D. PUBLIC HEARINGS**

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

**A. An Ordinance amending Chapter 17.146 of the Murray City Municipal Code relating to Mixed-Use Development.**

**B. An Ordinance relating to Zoning; amends the General Plan from Industrial, General Office, Commercial Retail, and Residential Multi-Family Medium Density to Mixed Use and amends the Zoning Map from M-G-C, C-D-C, and A-1 to M-U for the properties located in the area from approximately Murray Boulevard to the UTA Light Rail Line and from 4800 South to 5200 South. (PowerPoint presentation attached at the end of the minutes.)**

Staff presentation: Tim Tingey, Community Economic Development Director.

I'm going to go through a lot of what we discussed in the Committee of the Whole meeting a few weeks ago, and talk a little bit about the proposed changes that really focused on two areas; I'm going to go through a PowerPoint to do that. Just some background, you're all aware, as Council Members, and a lot of the public heard as we've gone through this public process that back in 2003 the City Council adopted the General Plan designating areas to be mixed-used. I'll show you a map in here in just a minute, but there were a variety of areas that that included. In 2008 we adopted an ordinance and did not have an area designated at the time of adoption. We were proposing to bring that forward in later months, and we're here at that point. We've been through this process probably for around 10 months, started last year, presented to you some ideas on a proposed core area of mixed-use for the boundary. I'm going to explain a little about that area and how it's evolved over time as well. The Planning Commission gave a recommendation on December 3 and that recommendation includes revisions to the boundaries of the proposed mixed-use zone and changes to the text of the mixed-use ordinance which I'll address those right now. As far as the large area designated as mixed-use as I mentioned the General Plan 2003 identifies areas primarily within 1/4 to 1/2 mile radius from Trax Stations as desirable for mixed-use as well as a number of other criteria related to that. This is the General Plan for future land uses the salmon color or pink color there are all of the areas designated in our General Plan to transition to mixed-use over time. You can see there are a variety of areas that expand clear from our northern boundaries clear down past 5300 South in this area. We looked at Trax Stations because that was some of the direction, I want to emphasize some of the direction, and the General Plan is to look at Trax areas. We have our transit oriented development area up here which has been transitioned to a transit oriented development zone. So the Fire Clay area is this area. We have the area close to Intermountain Medical Center which is where our core focus area is proposed. And then we have the Trax area. We've mapped showing the distances 1/2 mile to trax is the purple, 1/4 mile is this yellow area and this is the proximity of our core focus area that we're proposing for the boundaries of our mixed-use zone. You can see with the general plan that these colored areas here the salmon colored areas are all the areas that are designated to go to mixed-use. This is the area around the Trax. This was a portion of how we identified this core area but I want to really emphasize that as we looked at that, this whole area, we could have started with the whole general plan proposal for all of these salmon areas to go towards mixed-use, but we did not want to do that. We didn't want to start that way. We wanted to start in a core focused area that was reasonable and that made since both from Trax prospective and being close to Trax and also market factors and a variety of other things which I'll talk a little bit more. Based upon that, we designated that area. Planning Commission recommended as we went through this process including the number of open house meetings that we focus on the central mixed-use zone with the emphasis near in proximity to the Trax and close to and adjacent to our historic

downtown. The majority of the area proposed to be changed is identified in the general plan as mentioned, and the boundaries are based on feedback and direction received from the Planning Commission. UTA plans for a bus rapid transit route that changed midstream in this process, or at least it was adopted as a locally preferred alternative route midstream as we were going through this process. And then we received input from residents and through previous Public Hearings as so we revised this boundary from the initial proposal and this is the area that we are talking about. 4800 South runs right here. The fish food factory site is right here. Vine Street roughly runs right along here. We have Trax here and a potential Trax here. One of the important issues I want to bring up is we have begun our master planning process even prior to this mixed-use process right in this area. So we really feel that this boundary is important as a corridor connecting to our mixed-use downtown which is also designated in our general plan. We feel that this boundary is reasonable. We've thought this through. It is in close proximity to Trax. It is close to our downtown which we feel that this core area will be a good mix close to our downtown. I want to emphasize this property out here is kind of an outlier. It's outside of the 4800 South boundary. The property owner did not request that they be in this boundary, they did not oppose it. What occurred with this property is our general plan specifically designates several properties as being in a mixed-use district. This is one of those properties that specifically outlines that property in our general plan as being in the mixed-use zone. So that's the area.

Let me talk a little bit about the text amendment because the key to all of this is when we brought this forward initially we had the area boundary designated and then we had talked with people at the open house and in our Public Hearings of bringing an amendment forward later on. We recognized and our Planning Commission gave us direction that we need to bring this forward together because what we want to do is we want to facilitate redevelopment opportunities and make this area transition in a positive way and we don't want to stifle property owners. We really looked at the text closely to see how we can come to a balance of land use vs. the area existing uses vs. what we are hoping to have in the future. This existing mixed-use ordinance was adopted in '08 and we went through the processes with the Planning Commission to have this brought forward at the same time. These are some highlights of the changes that we're proposing in this. Changing the size limits on manufacturing type uses increasing from 2500 sq. ft. which is in our ordinance right now to 12,000 sq. ft. I just think works better for the existing uses that are down there and future proposals in this area. Square footage limits apply to individual businesses not to buildings, we think that's something that will work better. That 12,000 sq. ft. can work in a complex that has a variety of tenants it can be used for each of those tenants at that point. Eliminating the limitation on number of employees for manufacturing uses. Right now the ordinance says five. You're limited to five. We feel that it's more reasonable not to limit the number of employees and not to have to enforce those

types of issues. I'll just highlight these real quickly. Loading docks allowed but limited to two per use and not allowed to be in the front of the building. Deliveries by any size of vehicles allowed by limited to business hours and changes to the landscape setback standards to address corner lots. A lot of these, we feel, work a lot better for the type of design we want but also are reasonable for the property owners.

Another thing, each business must have a pedestrian entrance that fronts the street. A 10% reduction of required parking for properties within a 1/4 mile of the existing transit stop. It's once again to move towards that look and fill of a mixed-use area and allow some reduction in parking for that. No outside storage of commercial vehicles and trailers with a gross vehicle weight of more than 12,000 lbs. Limits on retail square footage to avoid big box, but additional retail building areas allowed if a use meets a minimum floor to area ratio. No cap on residential density, however, and this is a big change, residential uses are limited to 25% of the ground floor rather than 75% of a whole development. So it allows for more density to go up with residential as long as we have the majority of the ground floor commercial. So we think that really works to stack the residential above the commercial so that's a big change in our ordinance. Additional changes, 50 foot maximum height within 100 feet of residential zoning. There are only really two areas in this proposed boundary that it would affect residential zoned property but we think that this 50 foot maximum height is something that will really work for this area. They'll be additional setbacks per height there after so they'll be some buffering for residential uses. Our parking standards primarily go along with the transit oriented development with a 10% reduction for properties close to transit and parking structures are required for buildings over 4 stories and for uses providing more than 110% of minimum parking. We don't want to have a sea of parking. We want the uses to be pedestrian friendly and not so focused on the parking element. It's all part of the design issues down in this area. Once again, this is the boundary that we're proposing. There have been questions on how this will affect existing properties for existing uses. No change will occur until a property redevelops. Existing uses and developments approved under the current zoning regulations will be allowed to continue as nonconforming uses. Expansions to nonconforming uses and sites are allowed subject to approval from the Board of Adjustment. Nonconforming development standards allowed to remain until remodels or renovations exceed 50% of the assessed value of buildings on site. We think this is something that is workable for existing uses that are there. In the future, we recognize that this is the beginning, this is the core starting area for our mixed-use. That's how we're proposing. We feel it's reasonable. We feel it's compatible with what's there now and with what we see in the future. We feel that though in the future we're going to be looking at and bringing back to you and to the Planning Commission some changes that would include transition areas of the properties to the north and to the south that would transition eventually to mixed-use and so we will be looking at proposing that in

the future. Once again I want to emphasize we're starting with the core area. We feel it's a reasonable core area to begin with and that is it at this time. So we're recommending approval of both the boundary that's proposed as well as approval of the text amendments for this mixed-use zone and I'm happy to answer any questions.

Mr. Dredge said thank you, I have a question. Do we need to do that as two separate things the boundary vs. the zoning change, the language change, or do we do that as one single issue, do you know?

Mr. Tingey recommends that they do it in two separate things. Mr. Nakamura said he would like to two separate actions.

Mr. Shaver had a couple of questions. In reading the Planning Commission's report, one of the things they talk about was the grandfather clause and how that those that are existing businesses, I think the area they're talking about those automotive places that are in that that they are there and they can stay there as long as.....are they part of that coming in and getting a non-traditional or non-compliance...how does that work?

Mr. Tingey said if the use is not allowed in this new mixed-use area, if you adopt that, and it's not allowed, it would be a nonconforming use and they're allowed to stay there as long as they want provided that they don't discontinue the use for 1 year or expansions of the use, as I mentioned, there's some conforming issues there but they're nonconforming and they're allowed to be there as long as they don't discontinue the use.

Mr. Shaver asked if that original ownership...in other words, if we make the adjustment now, so the owner decides to sell that business to someone else or give it to his son, it's not a continuation then, is that what I'm understanding?

Mr. Tingey said it is, it's the use, it's not the ownership. And that's per State law and our local land use code as well.

Mr. Shaver asked was there a reason between the 25% vs. 75% in parking. Why the 25? Was that just an arbitrary or was it just what you decided? The usage; the percentage of the first floor.

Mr. Tingey said that's related to the 25% is the ground floor has to be commercial, I mean the ground floor can be residential. Basically we just wanted to make sure that the look and feel that we have in this area is commercial. And then going up can be residential so in order to have that look and feel, the ground floor could be 100% commercial or you could have 25% of it be residential and then the rest could be

residential if you'd like. And that's on the uses.

Mr. Shaver asked about parking. It says within the boundaries of that, does it make a difference if it's ground floor or if it's top?

Mr. Tingey replied, no. The parking needs to be provided for all the uses on the site.

Mr. Shaver asked so I do upper floor parking as well as underneath?

Mr. Tingey replied yes.

Mr. Dredge asked Tim, I see that includes the property where the old Fun Dome is. Is that a good use for that piece of property, was that a good zone. I'm a little concerned. Would you explain your reasoning for including that piece?

Mr. Tingey replied, I'd be happy to. Part of that came out in some of our public meetings and then the Planning Commission really wanted us to look at that site. We've spoken to a number of Realtors, even the realtor that's representing that property. The challenge with that property at this time is the access and it's zoned currently as a commercial development, CDC, so retail type uses are allowed and the access is very challenging for that site. There's not a lot of drive by, people that are driving by to see a retail establishment there and so they have felt that it hasn't thrived because of that access problem. We had some discussions with them on this. We feel that this mixed-use will allow for a variety of development there, including a mix of potentially retail, commercial, and residential, which we really feel like will facilitate redevelopment of that property.

Mayor Snarr asked what are normal business hours? That's what you had on there as far as people coming in and out and accessing the buildings. I'm sure it relates to the hours that they're using those docks for other things. What is the definition of normal business hours? Because you know, I own property down there. And I think it's a good ordinance but I notice also there are some businesses that have to work additional hours because of the vary nature of the business. How do you determine that?

Mr. Tingey replied I think we would work with looking at the business. What are not normal business hours is in the middle of the night or way into the evening. I think between 7:30 and 7:30 for example, would be in that realm of normal business hours, but we would work with the businesses related to that.

Mayor Snarr said, here's your classic example. You have Interstate Barricade Systems



down there. And I noticed that in the middle of the night sometimes the Highway Patrol calls them out to go set up barricades based on a particular incident that may have occurred somewhere. So there down there, literally operating at two in the morning. I know because I'm down there plowing my industrial complex. And I go well, ok, they're down there having to pull these vehicles in to load up the necessary signage to take it out to address the situation. Now see for them, their business hours are very unique and unusual based upon the circumstances that may occur that they have no control over. Yet, they're requested by the Highway Patrol to go out and address the issue.

Mr. Tingey responded so for example a business like that, if they're not a use that's allowed in this area, they would be nonconforming and those types of things probably would not; they would have that nonconforming use and be able to do those types of things. But, we're talking about new uses that are coming in. And so, if they discontinue those types of things

Mayor Snarr said, the only reason I ask is because I notice. I see a lot of things that are happening that actually these businesses operate under that kind of really unique hour of operation which may take them in. Like towing companies down there where they have to pull out the rigs to go tow vehicles and what not at very odd hours of the night. But they're on call with our Police Department and asked to come out and tow. There are some unique nuances here that I just want a clarification that they're not being cited for operating illegally in a particular unique situation.

Mr. Tingey said that once again, we'd look at the nonconformity but really what we're working towards is this mixed-use. Eventually, if redevelopment occurs there's going to be residential used down here and we want to make sure there's some compatibility, thus the wording on the new proposals and new development.

Mr. Brass said I also own property in the area. I own 216 W 4860 S.

Mr. Tingey mentioned one other thing. There has been a letter received, written by Ray Beck. I want to make sure that's included as part of the record. From Ray Beck representing some of the Gordon Properties and so you have that. I want to make sure, I think Ray's here, and I want make sure he knows that you've received that.

Mr. Dredge, if there are no other questions, we'll open the public hearing. If you'd like to come and speak to this issue, please fill out the form that's on the chairs and give it to Mike up front. You can do it before or after your speak and again I would remind you to state your name and address for the record.

## **Public hearing opened for public comment.**

### **Ray Beck 275 E 2<sup>nd</sup> South**

I represent the Gordon's. Our property is located right here, primarily this building right here along 4800 South between the railroad tracks and roughly 300 West. Our request, simply, is that we move the property line from the middle of 4800 South to the back fence line. The purpose for that is simply this. That piece of property is geographically an economically, frankly an orphan. It belongs to the property on the other side of 4800 South. The original applications included those properties and they were wisely excluded, and frankly we understand in the future, they will be included as part of the mixed-use. We're simply being asked to be included in what we naturally, geographically, and economically had belonged to. My client owns multi-bay industrial uses. The problem which we're facing here is this. It is still not withstanding good intentions, and I'm just making this very clear. My client is not against mixed-use, anticipates it will happen, its timing issues and how it is implemented. Because we have multi-bay right now, and automotive is important. Right now we have 40% automotive so upon the passage of this mixed-use regime, my client will lose 60% of its availability to automotive. Also, because of the grandfathering conditions, if you have one bay, two automotive uses, say bay "a" and "c", and someone comes in for "b", we can't put them in there even though we have automotive on both sides. Given the recession we have an increase in the velocity of turnover, landlords are struggling to keep tenants and also extended duration of time in which they are vacant. Therefore, the grandfathering is mitigated in that one year rule and so forth, it hurts. To tell you the sincerity of my client the point is, that's why we've been here at the public hearings. We've participated. We appreciate what staff has done, again, nothing against that, it simply is not working here and we're asking that we be re-included with our parent, if you will, property across the street. As economically a tenant comes up and says we'd like to be with you. But for a nonconforming use on the south side of 4800 South we have to go through a process on the north side come in, we'll welcome you, please do it. That's the concern we have where it puts us on unequal economic footing in doing this. What we're asking very quickly, we're not asking for anything that hasn't already been done with respect to this zoning adaptation. We've already used and through the process gone to back fence line uses with respect to Vine Street and 300 West. We've already asked these arguments have been made about being within the 1/4 and 1/2 radius. The property south of Vine Street and West of 300 West has been excluded although it is clearly within, and have been reported to me as excluded based upon the request of the property owner. That primary property owners, and the primary property owners is going to be the school district which will have one of the largest automotive uses in the area. So you can't say, on equal terms, that we can be opting in and opting out.

We're simply requesting, we understand this is going to go mixed-use. We don't want to delay that process, we encourage it. At the same point in time, this property is uniquely affected as others are. We're asking just for a simple treatment. Simple and same treatment has been given to others. Otherwise, we feel, it is my client's position, it would be arbitrary and capricious to exclude based upon because of again, we fit the categories, we're within the radius, but you've excluded people within that radius. We've had that thing where we respect the fence lines, it's there. The property is very well maintained. It has mature landscaping, it's one of the better properties in the area. It is conducive to the mixed-use. But frankly, economically, this place is on unequal footing. So our simple request is that we be treated simply as the other property owners in the area and be excluded. We will join as it comes time, but it'll give us the time to do it because of the economic impact, it will put us on that unequal footing.

Ms. Dunn asked you said 40% is automotive right now. What's the other 60% being used for?

Mr. Beck responded we have everything from a church, we have different types of cabinet shops and things like that. Very similar, it's interesting the note, it's similar as that part of the triangular property which again is south of Vine Street and west of 300 west. The uses there are similar. They've been excluded.

Ms. Dunn asked when the Gordon's originally took that property, was it 100% automotive at that time?

Mr. Beck responded I don't know the answer to that. I just don't know. I don't believe it was.

Ms. Dunn asked I guess where I'm going is has that been the general direction they've tried to go with it all along?

Mr. Beck said it's not an attempt pursuing that as if we're driving the market, it's what the market has brought to us. When they built the property, each bay has been designed so it can tolerate all those different types of uses. So yes, we could put an automotive in every one if we wanted to or a cabinet shop of whatever. It's been built to code and also the utilities that have been supplied to it would facilitate those type of uses. It's just, that's what the problem is, the economics are being driven towards this and now we're being preclude because we're on the wrong side of a line.

Ms. Dunn had one last question. Is it all one building:

Mr. Beck responded yes I believe it is. Again my thanks to the staff they've been most

helpful. I hope they understand and appreciate what we're trying to say because again the mixed-use we do not have a problem with. Thank you.

**Public comment closed.**

Mr. Dredge asked Tim to respond to that request, the staff's view of that.

Mr. Tingey responded a few issues. I just really want to focus on this area, we're starting with the core area. And there are a number of properties in this area and in this area down in here that goes clear down past 5300 South near the Woodrow Street area that are general plan for mixed-use. We have started on this core focus area and that's the focus. This boundary we feel works in the north, I recognize Mr. Beck's concerns. We could probably have a number of property owners whenever you do any re-zone that would come forward with concerns with changes. A couple of things related to the uses. There are uses that would be with this property right here being inside this area now. There are uses that would be allowed outright. One of those is contract construction services, is allowed outright now, whereas going across the street here would require a conditional use permit and process. We feel that the area is focused, we're looking at transitioning other areas in the future, this is our start. We feel it's reasonable. We feel it runs in line with what we're doing with our downtown area or what we're going to be proposing for our downtown area. We feel that this is really the core of that adjacent to our downtown. So that's the area that we're focusing on. In addition to that, there is school district property down here that has been included, we've included portions of that through the public comment process the Planning Commission recommended that. So we are including properties down in that area. The bottom line is the core focus area. There are uses we feel like there's a good mix of uses that will allow for the economic viability of this particular site as well.

Mr. Dredge asked are there properties that have opted out of this?

Mr. Tingey responded from the beginning this was our core focus area. Actually, it included a number of properties up in this area, but the Planning Commission recommended that we revise that primarily because the bus rapid transit, locally preferred alternative, this was one of the sites that it we were looking at and this site was selected. So through this process there were a number of properties right in this area that we're in that are not in anymore because of legitimate reasons why we excluded those. But the southern boundary has been this boundary from the beginning when we proposed this to you originally. The school district does own property here, but we've included portions of their property through this process. We've modified this boundary.

Mr. Shaver asked based on the language you're going from a 2500 sq. ft. to 12,000 sq. ft., correct?

Mr. Tingey responded yes.

Mr. Shaver asked so that property that Mr. Beck is referring to, if there is some automotive in it, and if it's a 12,000 square foot, if somebody else wanted to move into that would they have to go through the process of saying automotive, different nonconforming use? That's way I asked the question ownership vs. usage. One owner

owns the property, but there's different usages in the property.

Mr. Tingey responded if the uses are existing at the time of this adoption of this ordinance and if this boundary is chosen as the boundary. If the uses are there and their automotive repair businesses, they're nonconforming; they're allowed to stay. Automotive repair is not allowed in this district and that's one of the issues I know Mr. Beck has concerns about.

Ms. Dunn asked is the use go by building or does it go by bays within the building or does it go by.....

Mr. Tingey responded it would go by bays within the building or as tenants in the building would be allowed. If there are five tenants that they have, they have five auto repair tenants within that building their existing, those five are nonconformin

Ms. Dunn asked so in other works, whatever use they have at the time that that ordinance goes in place is what they can use under the nonconforming laws.

Mr. Tingey responded correct unless they transition out over time.

Mr. Stam asked so bottom line, if there's an open bay it cannot be filled with anything except something in the new ordinance.

Mr. Tingey responded for a year, there's the year requirement.

Mr. Dredge said I guess my concern is that we really haven't proofed the mixed-use concept yet. I believe it's coming too. We've stood behind that in a lot of decisions lately. What I don't want to do is harm a business while the markets changing and they may have high turnover during that phase, while we're still proofing this concept. Is a year reasonable.

Mr. Tingey responded it's State code related to nonconforming uses.

Mr. Stam asked my question is can we make it per building rather than per bay because then it wouldn't hurt the owner.

Mr. Brass responded I can see where that could be a major headache if you've got an auto repair business and an auto repair business and you had one in the middle, but they've been out for a year and then someone wants to come in and they say well, you've got it here and here, why can't I have it here. That's a tough one.

Mayor Snarr asked one more time 12,000 sq. ft. hypothetically, but possible. You have a tenant, very successful, wants to add an additional 8,000 sq.ft. which falls below the 12,000 sq. ft. Separate building than this current building that's about 16,000 sq. ft. of which they occupy the whole building. If they can't get the additional building, then they move and that building has to be broken up in uses less than a maximum of 12,000 feet. Right? For a single tenant.

Mr. Tingey responded yes for a single tenant, but you can have multiple buildings that are 12,000 sq. ft. on the site.

Mayor Snarr commented and you can have a single tenant in all of them?

Mr. Tingey responded correct. If it's 12,000 or under.

Mayor Snarr asked but the existing one if it's over that, then you have to break it up?

Mr. Tingey responded it depends. If they've been there and there's some nonconforming issues yes. It would have to be, it's 12,000, depending on the use though. It depends on the use. Because 12,000 it's restricted on its uses, it's not everyone in here has to have a 12,000 sq. ft. building. It's depending upon the use.

Mr. Beck responds I'll be very brief. I too was on the Planning and Zoning. As we looked at how we could solve this problem, we looked at things such as grandfathering and those type of things and recognize that they would have so much collateral damage for a specific problem, that's why we didn't pursue those more so. We are very much concerned about that so like I say by simply moving the boundary line, it gives us that transition line. That was the compromiser, what we were trying to say, here is something hopefully that's palatable because we understand one, the difficulty in changing a grandfathering clause and two we also understand that a small change like this for an individual owner is not well looked upon. I appreciate that, I understand those things. But we figured that was the best way we could try to get to the point where we'd be most palatable not to hinder mixed-use, but the same point in time, allow this transition while the economics catches up with the planning. Thank you.

Ms. Dunn commented I have a hard time carving out a piece. Simply because it sets a precedent and then anyone who doesn't want in there is going to be coming and asking that question. However, I'm sensitive to their issue and I'd like to find a way to accommodate them and yet you can't really do an entire building when you've got some of these, for example, a strip mall that's all one building, but has six different uses or ten different uses. That doesn't really make sense either, so I'm still thinking about it.

Mr. Dredge commented I feel better about carving it out knowing it's part of the greater area that's going to all go to the same zone eventually.

Mr. Brass commented I feel the same way. The building is oriented towards 4800 South. There's a used car lot just to the west of that that is also, and then the rest of the structures that show up on that plan actually point down the other direction towards the hospital. I'm a believer in the mixed-use as part of the general plan and went through this whole process. I believe that other than orienting around Trax, looking at 1/4 mile 1/2 walk ability, the hospital's going to be a major driver of things that happen in that area. I think if you can see that hospital, it's going to impact where you are over time. It may take a decade, it may take longer but, currently in this country, that's the growth industry; is healthcare. We've got a big hospital there and they're growing faster than they realized. It's amazing how many patients are in that building right now. And that will change the look of this area. I agree with Jeff, we wouldn't be carving out a piece as much as we would be delaying the inevitable.

Mr. Shaver commented that was mine as well. The comment being that originally the upper portion or north of 4800 was included and then you decided not to include it for whatever that reasoning was. But yet it's still a part of that salmon color, coral color, usage. So the eventuality is that it'll also be included if I understand it correctly.

Ms. Dunn commented but at the same time, who's to same they're not in the same position two years from now or a year from now or whenever.

Mr. Brass commented I think it might be easier to take though if you did the whole chunk as opposed to, but for 60 feet, we'd be ok.

Mr. Stam commented the uses on the north side there are a lot of the same as the uses of that one property.

Mayor Snarr commented I will say this, you go down around the corner on 300 West and mentally right now there's nine automotive businesses down there. You ought to all drive down there and check it out, I do all the time. It's a perplexing issue and I see your point but what's to say about those people down around the corner who have automotive. Now my business is multi-functional. I can do whatever I want with it. But these other businesses were typically designed as automotive repair businesses. I guess they're going to be SOL if they can't get a tenant in one year. Because they were built as automotive businesses. With that said, I'm still not opposed to the ordinance.

Mr. Brass commented and that's where I sit too. I've done business with several businesses within that structure. I own an MG so Mike Bailey, I know him really well. He can go anywhere, but that's the thing is at some point you need to get your car fixed. Car businesses have been good to us as far as retail sales but eventually you need to get them fixed; out of warranty.

Mr. Dredge asked a question. If we do the fence, is that a new piece? Is that new language? Would it require a new motion? What would happen?

Mr. Nakamura responded no when you make your motion you have to make your motion indicating as part of your motion you are excluding that piece that appears on the map that you have in front of you.

Mr. Dredge asked is it specific to an address? Is that what we would do? How would we do that?

Mr. Nakamura responded I think you identify the building. Tim, you can identify it for us by address. That would be done on the amendment to the plan.

Mr. Dredge commented I think if we do make the adjustment it needs to be understood that when that north piece goes, there's no question. So depending on the timing of that.

Mr. Brass commented with that in mind, if there's no other questions I'll throw out a motion.

Mr. Dredge commented for 8.1.1A the ordinance.

Mr. Shaver commented I know we have two sections but they're pretty close the way they are. We're amending chapter 17.146 of the Municipal Code related to mixed-use.

Mr. Dredge commented due to the boundaries. The boundaries would be the only one with changes, the language doesn't change.

Mr. Brass commented that would be 8.1.1B

Council consideration of the above matter to follow Public Hearing.

Mr. Brass made a motion to adopt the Ordinance with the amendment excluding the Gordon Property.

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

Call vote recorded by Carol Heales:

  A   Mr. Stam  
  A   Mr. Brass  
  A   Mr. Shaver  
  A   Ms. Dunn  
  A   Mr. Dredge

Motion passed 5-0

Council consideration of the above matter to follow Public Hearing.

Mr. Brass made a motion to adopt the Ordinance.

Ms. Dunn 2<sup>nd</sup> the motion.

Call vote recorded by Carol Heales:

  A   Mr. Stam  
  A   Mr. Brass  
  A   Mr. Shaver  
  A   Ms. Dunn  
  A   Mr. Dredge

Motion passed 5-0

**E. UNFINISHED BUSINESS**

None



**F. NEW BUSINESS**

1. **Ordinance presentation amending Sections 12.28.030 and 12.28.040 of the Murray City Municipal Code relating to Golf Course Fees.**

Staff presentation: Doug Hill, Public Services Director.

Doug Hill stated the ordinance before you increases the fees at the Murray Parkway Golf Course as follows. The regular and senior rate would go up \$1.50 for each nine holes. That would be from \$12.50 to \$14.00 for the regular fees and from \$10.00 to \$11.50 for the senior fees. It increases the junior fees and the high school golf fees by \$1.00 from \$7.00 to \$8.00 for the junior fees and from \$5.00 to \$6.00 for the high school fees. It also increases the cost of a punch card from \$105.00 to \$120.00. It also increases the junior passes, of which we have two of them, from \$300.00 to \$350.00 from \$225.00 to \$250.00. Finally, it increases the cost of the riding carts \$.50 from \$6.50 to \$7.00. I know you have all that in writing. The Parks and Recreation Advisory Board has reviewed this recommendation and is forwarding a unanimous, positive recommendation to the City Council. The purpose of the increase is three-fold. One is it provides additional revenue where we are seeing a downward trend in revenue at the golf course. It allows us, hopefully, to put additional money away in our reserves for much needed future capital projects. Finally, it brings the fees at the golf course within market for those in the surrounding area. With that, I'd be happy to answer any questions.

Mr. Dredge commented for those in the audience, this is not the first time we've heard this. This was presented to us in great detail a couple weeks ago. With that being said I would entertain a motion.

Ms. Dunn made a motion to adopt the Ordinance.  
Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Carol Heales:

A Mr. Stam  
A Mr. Brass  
A Mr. Shaver  
A Ms. Dunn  
A Mr. Dredge

Motion passed 5-0

**G. MAYOR'S REPORT**

Mayor Snarr commented Tim and I had the opportunity and Chad and Ray too. We had the opportunity to attend the grand opening and dedication of the Recovery Plus facility off of Box Elder Street across from the UTA property. Very well attended. They were very complimentary of the City and how they worked with them in helping them get the proper permits during the building of the building and the building inspections. It's a 3.5 million dollar facility. They were complementary that we stuck to our guns that zoning was allowed there. It's really a great addition to that area. That area has tremendous potential in a way they've tapped the potential down there. If any of you haven't had an opportunity, I would suggest you go down there and tour the building. I think they'll be a great resource in our community and again they're here because of the comment Jim Brass made regarding the hospital. The hospital being here is an economic driver and these people have an illness and they're trying to address that in that facility. It will very well monitored by the personal that are there and even though it was somewhat controversial, I personally think it's a great addition to our community and something that we can all be proud of because of the healing processes that will take place there. Although John Johnson didn't show up, I was disappointed, but never the less, we all went and participated. Any questions? If you haven't been down there, they'd love to take you on a tour. It is really an impressive facility.

**H. QUESTIONS OF THE MAYOR**

None

**ADJOURNMENT**

## PowerPoint Presentation

# Mixed Use General Plan Amendment/Zone Change and Text Amendment

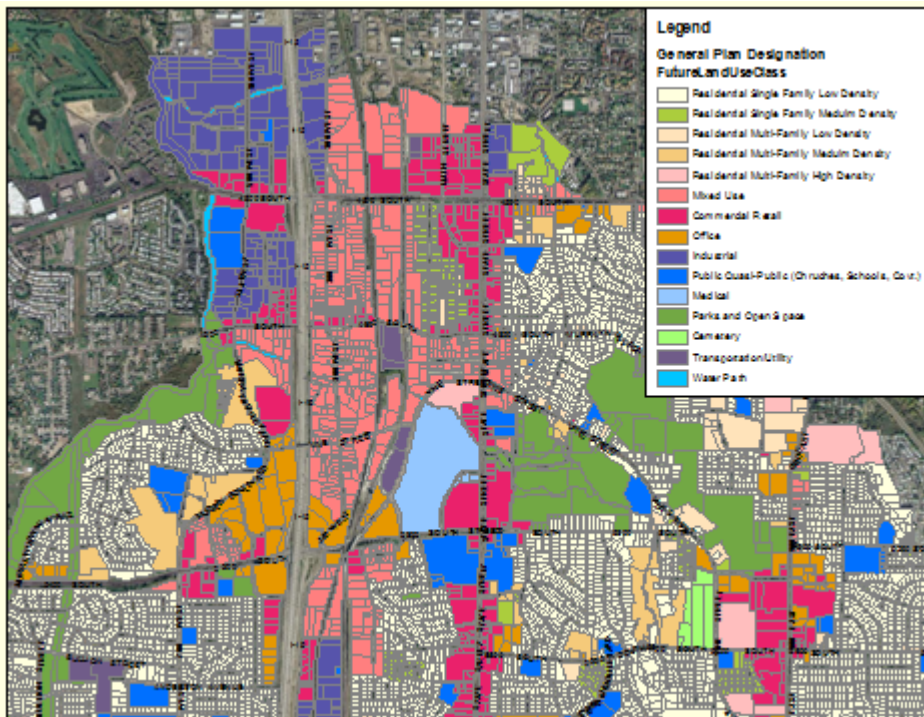
Murray City Council  
February 2, 2010

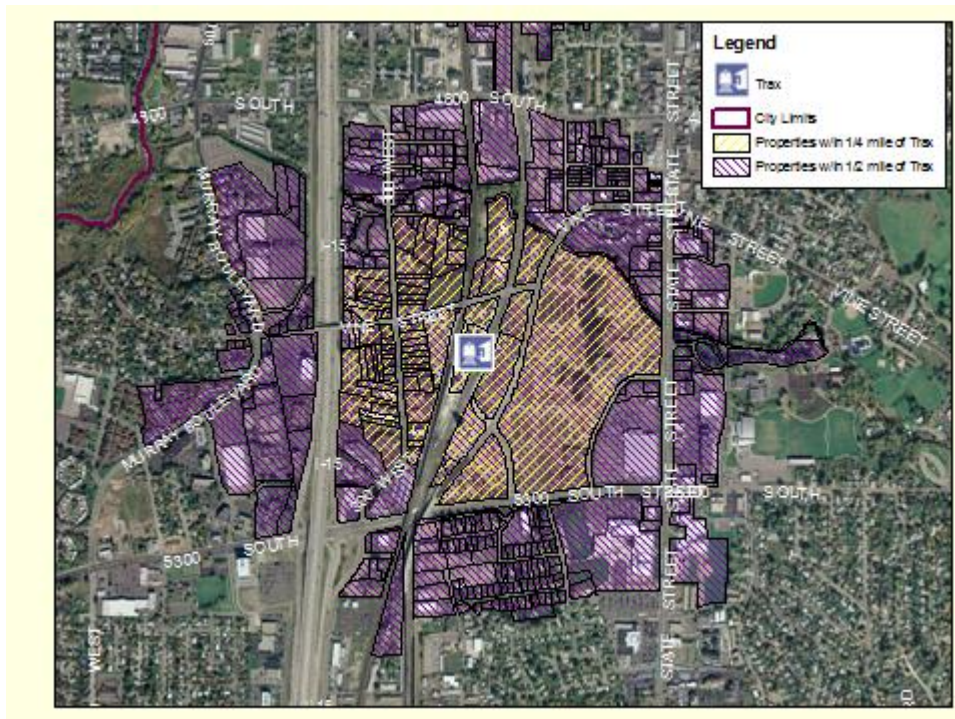
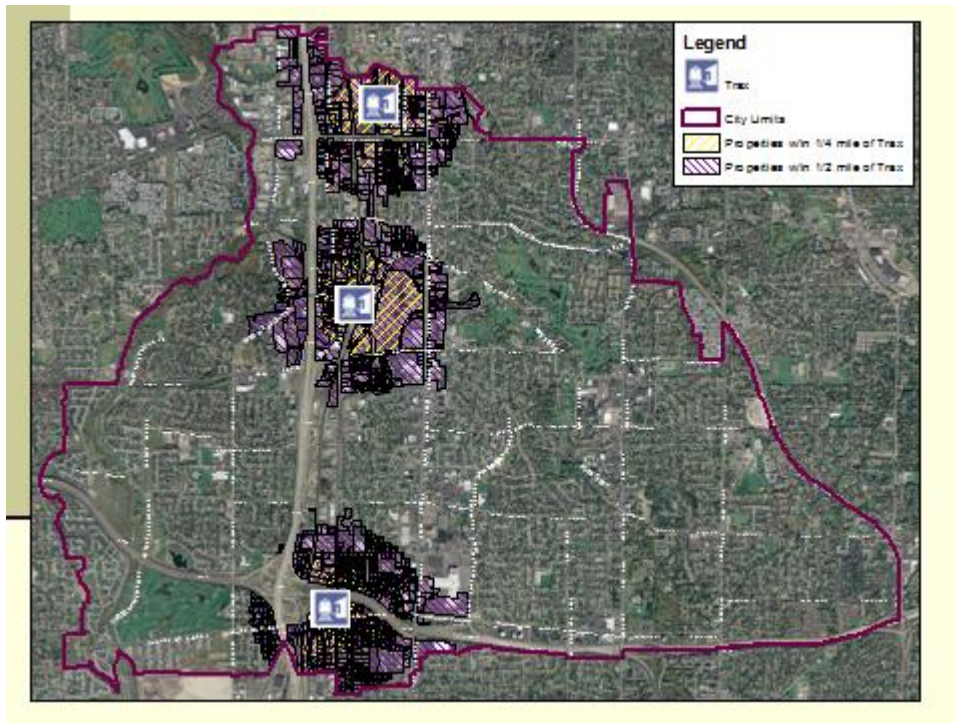
## Background

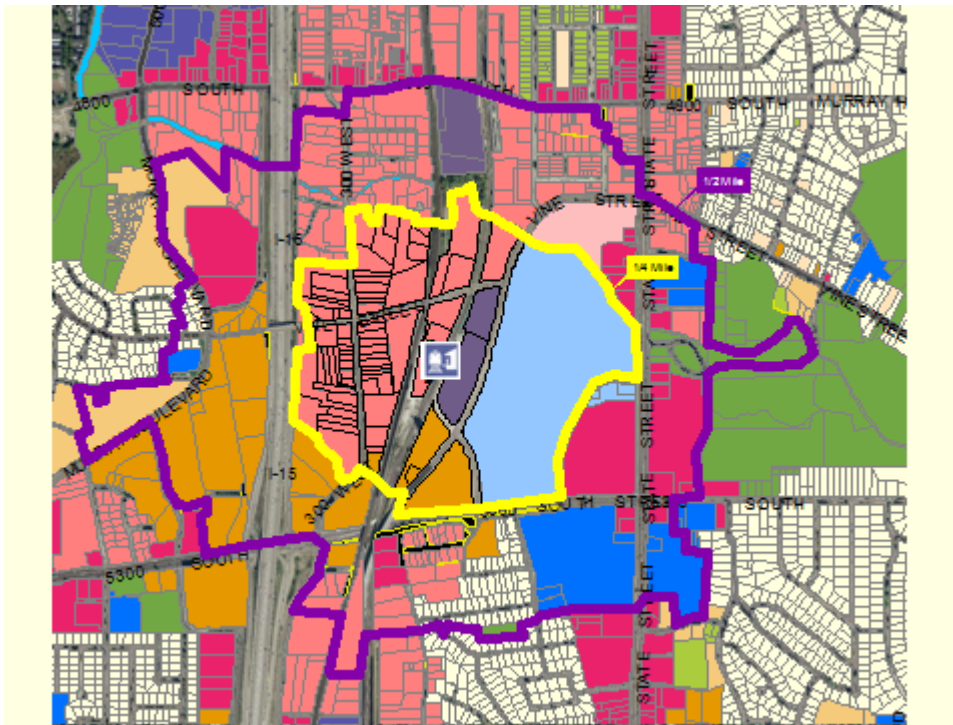
- Planning Commission voted to Recommend approval of a General Plan Amendment, Zone Change, and text amendment on December 3, 2009
- Recommendation includes:
  - Revised boundaries of proposed mixed use zone.
  - Changes to the text of the mixed use ordinance.

## Background on Zone Change and General Plan Amendment

- Large area designated as mixed use in 2003 General Plan.
- General Plan identifies areas within a quarter-mile and half-mile radius from Trax stations as desirable for mixed-use.







## Planning Commission Recommendation for General Plan Amendment and Zone Change

- Planning Commission recommendation focuses on central Mixed Use zone area with emphasis on the vicinity surrounding the Trax and future Frontrunner Station and adjacent to the Historic Downtown.
- Majority of the Area proposed to be changed is identified as mixed use in the General Plan.
- The boundaries of the proposed area have been changed from those originally presented to the City Council last year to reflect:
  - Feedback and direction received from Planning Commission.
  - UTA plans for Bus Rapid Transit Route.
  - Input from residents at previous public hearings and open houses.
  - Revised boundary includes properties immediately south of Vine Street to provide consistent streetscape along Vine.



## Text Amendment

- Existing MU Ordinance was adopted July 2008.
- As part of review for adoption of the zone boundary, staff reviewed the existing MU ordinance.
- Staff identified concerns with existing language and is recommending changes.
- Additional changes were made based on feedback from property owners in the previous hearing and open houses.
- Planning Commission also directed changes to be made based on public hearings and workshops

## Changes to the existing MU ordinance

- Changing size limits on manufacturing type uses. Increase from 2,500 sf to 12,000 sf.
- Square footage limits apply to individual businesses, not to buildings.
- Eliminating the limitation on number of employees for manufacturing uses.
- Loading dock allowed but limited to two per use and not allowed to be in front of the building.
- Deliveries by any size vehicle allowed, but limited to business hours only.
- Changes to the landscape setback standards to address corner lots.

## Changes to the existing MU ordinance

- Each business must have a pedestrian entrance that fronts the street.
- 10 percent reduction of required parking for properties within ¼ mile (1,320 feet) of an existing transit stop.
- No outside storage of commercial vehicles and trailers with a gross vehicle weight rating of more than 12,000 pounds.
- Limits on retail square footage to avoid "Big Box".
- Additional retail building area allowed if use meets minimum Floor Area Ratio (FAR) of 1.
- No cap on residential density. However, residential uses limited to 25 percent of the ground floor area of any development.



Minimum Required Non- residential SF Based on 10,000 sf per floor		
	Existing Code- Max 75 % Res.	Proposed Code- Max 25% GF
4-Story 40,000 sf	10,000 sf*	7,500 sf
10-Story 100,000 sf	25,000 sf*	7,500 sf

\*Note: Under current ordinance language, no limit on ground floor residential. Required commercial could be located in a separate detached building. Sites can be developed as completely as commercial under either ordinance.



## Additional Changes Recommended by the Planning Commission

- 50 ft maximum height within 100 feet of residential zoning
- 1 foot additional setback for each 1 foot height thereafter
- TOD Parking standards included along with 10 percent reduction for properties close to transit
- Parking structures required for buildings over four stories and for uses providing more than 110 percent of minimum parking



## How will the change affect existing properties?

- For existing uses, no change will occur until a property redevelops.
- Existing uses and developments approved under the current (or previous) zoning regulations will be allowed to continue as nonconforming uses.
- Expansions to non-conforming uses and sites are allowed subject to approval from the Board of Adjustment.
- Nonconforming development standards allowed to remain until remodels or renovations exceed 50 percent of the assessed value of buildings on site.

## Future changes

- Large area currently identified as mixed use in the General Plan is not included in the current proposal.
- Murray City proposes to create Transitional areas to encourage compatible design in the adjoining M-G-C zone.
- Murray City will support owner initiated zone changes to mixed use in the Transitional Area.



