



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

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The Murray City Municipal Council met as a Committee of the Whole on Tuesday, January 5, 2010, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

**Members in Attendance:**

Darren V. Stam	Council Member
Jim Brass	Council Vice Chairman
Jared A. Shaver	Council Member
Krista Dunn	Council Member

**Member Excused:**

Jeff Dredge	Council Chairman
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**Others in Attendance:**

Frank Nakamura	City Attorney
Michael D. Wagstaff	Council Executive Director
Jan Wells	Mayor's Chief of Staff
Tim Tingey	Comm & Econ Dev Director
G. L. Critchfield	Attorney's Office
Doug Hill	Public Services Director
Chad Wilkinson	Comm & Econ Dev
Ray Beck	Citizen
Ray Christensen	Comm & Econ Dev
Janet M. Lopez	Council Office

Vice-Chairman Brass called the meeting to order at 5:20 p.m. and welcomed new Council Members, Jared Shaver and Darren Stam, and others to the Committee of the Whole Meeting. Mr. Brass excused Chairman, Jeff Dredge, due to recent surgery.

Mr. Brass called for a motion on the minutes from the Committee of the Whole meeting held on December 15, 2009. Mr. Shaver moved approval as written. Ms. Dunn seconded the motion. The motion carried 4-0.

**Mixed Use Zoning Ordinance Discussion - Tim Tingey**

Mr. Tingey stated that the previous year he had announced to the Council that his office would be moving forward on the Mixed Use (MU) rezone. Since that time, numerous open houses have been held, along with meetings of the Planning Commission, to receive input. The first public hearing was held in April of 2009, and direction from the Planning Commission was to formulate changes to the current

ordinance, and the MU area boundary simultaneously.

In 2003, the General Plan for the City was adopted, including future land uses designated as Mixed Use. The City Council adopted an ordinance for Mixed Use in 2009. The area under discussion this evening, was formerly manufacturing general. Unique situations have demanded that the ordinance be reevaluated to insure that it works along with the area itself, and in consideration of future development. Mr. Tingey commented that his department does not want an ordinance with components that do not work for developers or redevelopment in the area.

Mr. Tingey commented that his planners in Economic Development, Chad Wilkinson and Ray Christensen, are excellent, thinking issues through with great knowledge, spending numerous hours on this amendment proposal. He commended their efforts and work.

With many complexities to the ordinance, Mr. Tingey stated that he will go through the changes in detail. On December 3, 2009, the Planning Commission voted to recommend approval of a General Plan Amendment, zone change and text amendment, including revised boundaries of the mixed use zone.

In 2003, the General Plan designated large areas as MU. These identified areas are within a quarter mile and half mile radius from Trax stations. That was the beginning point for MU, and these are the areas the City wants to focus on first.

Mr. Brass added that the quarter mile and half mile distances were used because that is, typically, how far people are willing to walk for a transit stop.

Mr. Tingey pointed out on a map the three MU zones near the Trax stations, indicating the walkable areas within a quarter and half mile distance.

The Planning Commission recommendation focuses on the central MU zone with emphasis on the vicinity surrounding the Trax and future Frontrunner stations, and adjacent to the Historic Downtown. The majority of the area 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 the Planning Commission
- Utah Transit Authority (UTA) plans for Bus Rapid Transit (BRT)
- Input from residents at previous public hearings and open houses
- Revised boundary includes properties immediately south of Vine Street to provide consistent street scape along Vine.

Displaying a map of the proposed MU area, Mr. Tingey noted that the Galleria site is now included in the area, and along Vine Street, a school district owned property

is excluded, with the exception of the frontage to provide compatible street scape. There has been a lot of discussion from property owners on the boundary, and the Council will probably hear more about that in the future.

Addressing the text amendment, Mr. Tingey explained that the existing ordinance was adopted in July of 2008. The staff has identified concerns with existing language, therefore, the proposal targets those issues. It is important that redevelopment opportunities work with current land use, and proposed future development. The focus has been on design elements in the code, and making uses compatible. Changes were made based on feedback from property owners in the public hearing, Planning Commission direction, and open houses.

The main elements of the proposed change are as follows:

- Changing size limits on manufacturing type uses. Increase from 2,500 square feet to 12,000 square feet. Allowing greater area is more feasible for manufacturing.
- 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. Mr. Wilkinson explained that currently the ordinance allows parking all the way to the corner and that was not the intention. Mr. Christensen pointed out that visibility is important on the corners and vegetation should not get out into traffic.
- Businesses must have a pedestrian entrance that fronts the street.
- A 10% reduction of required parking for properties within a quarter mile (1,320 feet) of an existing transit stop. It is intended for this area to be mixed use, a walkable area, with transit utilized.
- No outside storage of commercial vehicles and trailers with a gross vehicle weight rating of more than 12,000 pounds. This will help transition from the manufacturing general to mixed use.
- Limits on retail square footage to avoid "Big Box" stores with a sea of parking.
- Additional retail building area allowed if use meets minimum Floor Area Ratio of one.
- No cap on residential density. However, residential uses are limited to 25 percent of the ground floor area of any development.

Mr. Shaver ask for clarification on the manufacturing aspect, and if customers would be driven to the facility, or if the walkability has to do with the employees who would use transit rather than parking outside. He stated that it seems that retail is more walkable for people, going from store to store, as opposed to manufacturing.

Mr. Tingey reviewed that there would be a limited size on manufacturing. There will not be a facility with 100 employees. The site will be only up to 12,000 square feet. The hope is that people may use BRT to get to the area, or that they may eventually live there.

The existing ordinance has a maximum of 75% residential. If a building is several stories, then, much of it must be commercial. The change would state that the ground floor may only have a maximum residential of 25%, therefore, the rest must be commercial. Then on upper stories residential is not limited. The City wants a mix, however, it does not want to focus on bringing in so much commercial.

Additional changes recommended by the Planning Commission are as follows:

- 50 foot maximum height within 100 feet of residential zoning. There are two areas adjacent to residential that are affected by height issues, the Fun Dome, and another area on Box Elder Street.
- One foot additional setback for each one foot height thereafter.
- Transit Oriented Development (TOD) parking standards, along with 10% reduction for properties close to transit.
- Parking structures are required for buildings more than four stories and for uses providing more than 110% of minimum parking. The reason for this is for vertical development not to create a sea of parking. Developers want to create much more parking. Parking lots are not pedestrian friendly.

Mr. Tingey reminded the Council that these mixed use standards do not affect the downtown area, however, there will be some changes proposed there soon, as well.

A concern that was vocalized is how existing properties would be affected. With a rezone this is always a concern.

- For existing uses, no change will occur until a property redevelops. If the use continues, it will be a non-conforming use.
- Existing uses and developments approved under the current (or previous) zoning regulations will be allowed to continue as non-conforming uses.
- Expansions to non-conforming uses and sites are allowed subject to approval from the Board of Adjustment. This is not a change, however, the City wants to be lenient.
- Non-conforming development standards allowed to remain until remodels or renovations exceed 50% of the assessed value of buildings on the site.

Some future changes being considered are:

- Large areas currently identified as mixed use in the General Plan, but not included in the current proposal.
- Transitional areas will be created adjacent to this area to encourage

compatible design, as designated in the 2003 General Plan. They will not be forgotten, however, it will be taken a step at a time, moving forward after these changes are underway.

- Murray will support owner initiated zone changes to mixed use in the transitional area.

Mr. Tingey mentioned that G.L. Critchfield has worked very closely with his staff, and been very much involved in the efforts on the MU zone ordinance. This is a complex matter, important to the community, a big change, and he appreciates the expertise and hours of all those involved.

Mr. Brass added that Mr. Critchfield is very knowledgeable in land use legal issues.

Mr. Shaver asked about the future construction plans, and if Murray does what is outlined, then would a Trax station be constructed. Mr. Tingey responded that a number of different stakeholder groups have been engaged, including UTA, and it is felt that if the downtown redevelops as is expected, with increased density, then there will be justification for another Trax station in the City's downtown. UTA has been informed of the City's future plans, and the hope is that it will be feasible to have another station there eventually.

Mr. Brass remarked that the initial plans are for a walk-up Trax station, no parking would be provided. It will be specifically for people living in that area. The issue is that any additional transit stop slows progress, and people want to get where they are going as quickly as possible. However, if we attract 800 to 900 or more people to the area, then Trax will certainly stop there, seeing the draw.

Mr. Hill asked if the 2003 General Plan discouraged additional manufacturing in this area, with the overall concept being to move toward more mixed use. Mr. Brass confirmed that. Mr. Hill continued, stating those manufacturing property owners would likely be resistant to the MU zone. However, he asked if, over time, manufacturing would be moved out of the area completely, in 20 to 50 years. Others confirmed that idea.

Mr. Tingey explained that to ease that transition, the 12,000 square foot manufacturing size is allowed in order to avoid taking a hard line.

Ms. Dunn asked for an example of a 12,000 square foot parcel, in order to envision that size space. The flooring business (Lemco) on 4800 South, elevated above the street is about that size.

Mr. Brass indicated that the building known as the Sears Tower sits on a 40,000 square foot footprint, so it is kind of an eyeopener to realize that a building that size has 40,000 square feet on each floor.

Mr. Hill commented that the IHOP is about 12,000 square feet.

Mr. Shaver asked what is considered manufacturing versus what is considered retail space. Mr. Brass explained that a book binding facility wanted to locate in the CDC (Commercial Development Conditional), however, it was denied because it was considered manufacturing.

Mr. Tingey added that an individual has come to the City wanting to make bread using conveyor belts, and trucking it off to sell wholesale. This would not be allowed unless a majority of the site is retail. It means that there must be retail sales with people coming in to purchase bread, more customer oriented, with a smaller area for manufacturing.

Mr. Wilkinson added that 12,000 square feet is small, and works best for light manufacturing, handiwork, such as handcrafted furniture, those uses are preferred. Mr. Brass commented that a violin maker was once in the City.

Mr. Brass mentioned that Doug Hill is sitting in for Mayor Snarr who was detained with a family issue, and regrets not being present. In addition, Mr. Brass disclosed that he does own property in the area under discussion. He said it would not create a conflict of interests, however, he wanted that information on the record.

Mr. Christensen named a few other types of manufacturing that are mentioned in the ordinance under the conditional use allowed in the zone. Some examples are glassware, pottery, professional scientific instruments, miscellaneous manufacturing, electrical. Mr. Brass said that the text is precise. Mr. Nakamura stated that trades only are encouraged, and the ordinance tries to use square footage to refine the definition of manufacturing.

Mr. Tingey related that the Galleria site is for sale, with much interest. The City has a great desire to have something good happen with that site. There have been discussions with the Realtors, and public comments have come in. It is commercial general, being more retail oriented, and really challenging because the access is difficult. There is not a lot of drive by traffic, which is key in retail. It was important to include this site in the MU zone to allow for residential and commercial mix. The Planning Commission made that recommendation to include it, and the City hopes this might encourage redevelopment.

Mr. Wilkinson pointed out an extension on the north end of the zone, which is the fish food factory. This property was specifically identified in the General Plan for redevelopment. The owner has been involved in the planning process. He intends to sell the property, and is supportive of the zone changes.

Mr. Shaver asked about all three areas surrounding the Trax stations. Mr. Tingey stated that the northern area has been designated as Transit Oriented Development

(TOD), therefore, it is mixed use. The department will look at other adjacent areas, and transitional areas later, take it through the process, and bring it to the Council at a future date.

Mr. Wilkinson reported that the remaining areas are between 4500 South and 4800 South, and South of 5300 South.

Mr. Shaver commented that the heavy concentration is around State Street between 4500 South and 4800 South.

The downtown Murray area will have a more dense kind of mixed use, with components of historic preservation and components of sustainability, therefore, it will be a different kind of MU. Key will be walkability explained Mr. Tingey. The Frontrunner train station and Trax platform is very unique in the valley. No where else is there the platform to platform makeup, and this has been instrumental in the City's focus on this area.

Mr. Brass informed the group that Gerding Edlen suggested there is much vacant area on each lot that already has a building on it, that space is available for redevelopment and more efficient use. Much of the land in these areas needs redevelopment. There is also room to go up.

Mr. Brass thanked the Community and Economic Development staff for their work and presentation.

#### **Staff Report - Mike Wagstaff**

Mr. Wagstaff commented that topics for discussion at the scheduled retreat would need to go on the agenda. He asked to be contacted regarding that.

He mentioned that there had been some talk of paperless binders for Council Meetings, and asked if there was any opposition to that concept. Mr. Brass heartily expressed his concurrence with the idea. Mr. Wagstaff stated that he will give more explanation in the future, and move forward with the process.

There being no further business, Mr. Brass adjourned the meeting at 6:00 p.m.

Janet M. Lopez  
Council Office Administrator