



## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, January 6th, 2015, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### Council Members in Attendance:

Blair Camp, Chair	Council Member, District #2
Diane Turner, Vice-Chair	Council Member, District #4
Dave Nicponski	Council Member, District #1
Jim Brass	Council Member, District #3
Brett Hales	Council Member, District #5

### Others in Attendance:

Ted Eyre	Mayor	Janet Towers	Exec. Asst. to the Mayor
Janet M. Lopez	Council Administrator	Tim Tingey	ADS Director
Jennifer Kennedy	Recorder	Frank Nakamura	Attorney
Jan Wells	Chief Administrative Officer	Kellie Challburg	Council Office
Jennifer Brass	Resident	Justin Zollinger	Finance Director
George Katz	Resident	Sally Hoffelmeyer-Katz	Resident
Jared Hall	CED Division Manager	Brad McIlrath	Asst. Planner
Ray Christensen	Sr. Planner		

Chairman Hales called the Committee of the Whole meeting to order and welcomed those in attendance.

### Approval of Minutes

Mr. Hales asked for approval on the minutes from November 18, 2014, and December 2<sup>nd</sup>, 2014.

Ms. Turner had a question on the minutes from November 18<sup>th</sup>, 2014. She asked for clarification on page 18 in the first paragraph relating to the statement made by Mr. Zollinger that Murray City exceeded its liabilities by approximately \$171 million. Mr. Zollinger responded and said that amount sounded correct, and clarified it was the *net position* that exceeded the liabilities. He mentioned that he would verify that figure was correct, and Ms. Lopez said that the words *net position* could be added for clarification.

Mr. Zollinger said that it simply means the assets of the City are greater than the liabilities.

Mr. Camp had a correction on page 10 that reads that he stated that the intent of the board was to make the center the biggest dispatch center in the state. He would like that corrected to read that if the center is the biggest in the state, they would like it to be a state of the art center. The intent is not to make it the biggest center in the state. Mr. Hales thanked them for the corrections. Mr. Brass moved approval with those changes. Ms. Turner seconded the motion. All were in favor.

### **Business Item #1**

### **Determine Internal Committee Participation by Council Members- Brett Hales**

Mr. Hales stated that the first committee listed was the Capital Improvement Program and currently Brett Hales and Blair Camp serve on that committee as council members. He noted that Mr. Nicponski has expressed interest in serving on that committee. He asked Mr. Camp if he was interested in remaining on that committee. Mr. Camp said he would be willing to serve on the committee another year. Chairman Hales said it is an enjoyable committee and he has enjoyed it but would support Mr. Nicponski and Mr. Camp serving on the Capital Improvement Committee. Mr. Camp noted that the timing does overlap with the legislative session. Mr. Nicponski replied that wouldn't be a problem.

The next committee was the Strategic Plan and Thriving Neighborhoods Committee. Currently Mr. Brass is serving on that committee. He stated that it doesn't involve too many meetings but if there is any interest from other council members they could replace him, otherwise he would remain on the committee. Mr. Hales stated Mr. Brass would remain on that committee.

The third committee was the Business Enhancement Committee. Currently Mr. Nicponski and Mr. Camp serve on that committee. Mr. Camp and Mr. Nicponski both said they were fine to remain on that committee.

The Financially Sustainable Committee typically involves the Budget Chair and Vice-Chair. Mr. Brass said the decision should probably be made after the Budget Chair and Vice-Chair are selected in the following meeting.

The New City Hall committee involves Mr. Brass and Ms. Turner. Ms. Turner stated that she would like to remain on that committee and Mr. Brass would remain on that also.

The General Plan committee just originated and Mr. Brass would continue serving on that committee.

Ms. Turner has been serving on the Legislative Policy Committee and she would like to remain on that committee.

Mr. Brass has been serving on the Chamber of Commerce Board. He stated that he is happy to keep serving or also happy to allow someone else the opportunity. The meetings are the second Tuesday of every month at 7:00 am. Mr. Nicponski asked if the

Council was still invited to all of the breakfast meetings. Mr. Brass said that was correct. Mr. Brass would remain on the Chamber of Commerce Board.

**Business Item #2**

**Discuss Attendance at the National League of Cities Congressional City Conference, Washington D.C.- Brett Hales**

Mr. Hales noted that Ms. Turner and Mr. Camp have both expressed interest in attending the conference. Ms. Turner stated that she would like to attend and believes it creates consistency since she attended last year. Mr. Brass stated that he attended last year and would support Mr. Camp if he would like to attend this year. Mr. Brass stated that at least one of the spots for attending should be rotated yearly. Mr. Hales stated that Ms. Turner and Mr. Camp would attend the conference this year.

**Business Item #3**

**Review Proposed Condominium Ordinance- Tim Tingey**

Mr. Tingey introduced Ray Christensen, a senior planner with Murray City. He added that Mr. Christensen has done a lot of work on this new ordinance. He said modifications are currently being made before the ordinance goes to the Planning Commission and ultimately the Council. The Planning Commission has been heavily involved in this and would continue to be.

Mr. Tingey said the City has ordinances related to condominium use that have been in place for many years, and modification has been needed for some time.

Mr. Tingey said the definition of a condominium is the ownership of a single unit in a multi-unit project. A recent condominium project was developed by Hamlet Homes in the Fireclay area. It has 41 units up above with commercial on the lower level.

This ordinance will bring the City up to date and address concerning issues added Mr. Tingey.

Mr. Christensen had prepared some highlights of the ordinance. The proposed ordinance would become part of the land use ordinance and would be reviewed as part of the zoning regulations by the Planning Commission. This ordinance would affect both new condominiums as well as condo conversions. There have not been as many condo conversion projects recently as in the past. About ten years ago, several apartment buildings went through the condo conversion process. The ordinance was reviewed with zoning to ensure that it would mesh together with the existing ordinances also. He added that the MCCD (Murray City Center District) has separate regulations and requirements that govern the process, as well as the mixed use zone and the TOD (Transit Oriented District). This ordinance would mostly affect the multi-family residential zones in mostly M-G (Manufacturing-General) and C-D (Commercial-Development) zoning.

The main direction of this ordinance is to meet the procedures and requirements of the Utah Condominium Ownership Act. He stated that condominium ownership differs from conventional building ownership where there is one owner of a property. There have

been some industrial properties with several different owners within in the same buildings. He stated that it is in the public health safety and welfare to review and approve these properties for the protection of the community and the tenants and the potential purchasers of the condominium units.

The purpose of the condominium ordinance is to allow change in the type of ownership allowed within structures of property defined as a condominium, subject to applicable code regulations, stated Mr. Christensen.

A subdivision application is required prior to new construction or conversion of any building to be used as a condominium. The buildings within condominiums have specific walls or boundaries between the different units as part of the ownership. In some cases, a conditional use permit application would be required, for example in multiple family projects. That is an application through the Community & Economic Development Division in conformance with City rules and regulations.

The development standards and criteria contained within the ordinance are intended to provide assurances that the geographical layout of the project is accomplished in a manner which is attractive and not detrimental to the functioning of the project or surrounding areas. There have been several residential buildings that started out as apartment buildings and later changed over to condominiums. One example of that is the Avonlea project on Vine Street at the end of 5300 South.

An amenity that is appropriate in a condominium is a common area that could be used by the residents for recreation. There should be some open space available. This ordinance requires at least ten percent of the site area to be open space. The open space could be used for playgrounds, sport courts, pavilion/gazebo structures or similar facilities as approved by the Planning Commission.

Mr. Camp asked if this ordinance was applicable to the M-G and C-D zone or if it was applicable to residential. Mr. Christensen said this would be applicable in residential multi-family, such as: R-M 10, R-M 15, R-M 20, zones that allow multi-family residential. Mr. Tingey added that it would be allowed in commercial areas such as the C-D-C and M-G because there are commercial condominium projects. Mr. Tingey noted that it does not apply in the TOD, mixed use and MCCD because there are already standards that address those areas. He added that the requirements of ten percent open space and other amenities would not necessarily fit in the other more dense areas.

Another aspect of the condominium conversion requires a report of property condition which involves contractors, engineers or architects to review the development and report on the existing condition. They would ensure that the building conforms to the building code requirements, at least at the time it was built. The professional would look for hazards, such as electrical problems, roof repairs, surface or sidewalk repair, or other improvements needed. This report would be presented to the building official and then submitted to the Planning Commission.

There is a notice of conversion requirement also. Usually in residential structures, there are existing tenants, which would need at least a 90 day eviction notice of conversion. There is also a verification notice that would need to be submitted.

Mr. Tingey said the Planning Commission is giving good input and this ordinance is still being fine-tuned. As it gets closer to the final product, the Council would receive a copy of the ordinance.

**Business Item #4**

**Transit Oriented Development (TOD) Text  
Modifications- Tim Tingey**

Mr. Tingey introduced Brad McIlrath from the Planning Department. He thanked Mr. McIlrath and the other planners for their time spent on this project.

Mr. Tingey said the Transit Oriented Development (TOD) is a very unique zoning area. It has design standards focused on pedestrian elements as well as a grid system. There is a transportation master plan in this area, which requires developers to develop the streets in the grid system. There has been recent pushback from developers on these requirements. Recently, it was discovered that some of the roads go through UTA property, and UTA has requested a review of some elements of the transportation master plan in this area. He added that since new development was added to these areas, it is challenging to ensure a mixed use. Currently there are areas of the TOD that have commercial as well as residential and some other areas have full residential. The financing for residential projects is currently a little easier to obtain, so there are a lot of full residential projects being developed in the TOD area. Some items addressed tonight would be clean-up items and others are proposed changes and elements of the transportation master plan.

Mr. McIlrath began by discussing some of the clean-up items mentioned by Mr. Tingey. The first one is the definition of the live/work unit. He noted that the Hamlet project and some other townhomes have some of these live/work units. A live/work unit has a portion of their residence devoted to their business. There has not been a definition in the code, so this is a needed addition. The definition is comparable to other municipalities and also a standard that works well with the building code. The definition of a live/work unit for Murray City is:

- One dwelling unit that includes a business use.
- The business use only comprises 25-50% of the total floor area, so it is a balanced live/work use.
- Live/work units are only allowed in mixed use zones (M-U, M CCD, and TOD)
- Dwelling unit must be occupied by the owner/operator of the business.
- Businesses must be the type of businesses allowed in that type of zoning, and must comply with all business licensing requirements.

Another clean-up item is the proposal of the removal of residential and apartment hotels from the TOD zone. The standard in the code states the 75% or more of the residents live there for a minimum of thirty days, but there are no guarantees that is happening. He noted that the Fireclay District has a unique identity and this might jeopardize the feel of a more permanent residential status. Mr. Tingey said the City has had inquiries regarding this situation.

First Floor requirements apply to all main buildings fronting principal streets. (Principal streets include Main Street & Fireclay Avenue)

Some of the proposed commercial requirements include:

- First floors must be developed for, and occupied by, non-residential uses.
- Parking, storage, maintenance or other accessory uses provided for the residential component of the development shall not count towards this requirement.

Mr. Tingey stated that Mr. McIlrath has pointed out that there is a 12 foot ceiling height requirement for a first floor. That allows for the commercial use. The current requirement is 12 feet but doesn't require that it is commercial and this proposal would change that. Similar to the MCCD ordinance, it would require commercial on the first floor of these principal streets. An example of this requirement is the Hamlet project on Fireclay. The first floor is full commercial and the upper level is 41 condominiums.

Mr. McIlrath showed a map of existing areas that already meet the first floor requirement and also those that have development agreements. He showed an area along Birkhill Boulevard that is also required to have first floor commercial as part of the development agreement. The transit station is located in the TOD and it is important to capitalize on the areas near the transit station and make it easy for residents walking home from that transit station.

Mr. Tingey pointed out that the east side of Main Street isn't marked as first floor commercial. Mr. McIlrath clarified that the east side of Main Street isn't located in the TOD zone. It is already commercially zoned with the cannery and the Deseret Industries, and some long-term residences. At the time the TOD was adopted, that area chose not to be a part of it.

Mr. McIlrath stated that he has researched TOD areas in other cities to ensure that it is working in other places. Main Street in Bountiful has a new development with multifamily permitted only with commercial uses. There are also areas in Ogden, Sugarhouse and in West Valley City, near their City Hall. He also researched areas outside of Utah, Lakewood, Colorado for example, which is similar to Murray in size. Mr. Nicponski asked if the business district would have upper level residential. Mr. Tingey replied that the MCCD district has a requirement for lower level commercial, which could be full commercial, but if there is a residential element, then the lower level needs to be commercial. He added that the mixed use zone has the same requirements.

Mr. McIlrath referred to the Fireclay Transportation Master Plan and the following amendments. There is a proposed removal of some of the streets that weren't really viable and posed some safety concerns. Also some adjustments to the right of ways on some of those streets, and the alignment of other streets. He added that some of the roads adjacent to the rail lines are a safety concern and would be removed. Mr. Brass commented that he understands the removal of some of the streets, but would like to see trails or some sort of walkways in place of the streets. If all of the roads are eliminated including sidewalks, it defeats the meaning of a transit oriented development, added Mr. Brass. Mr. McIlrath noted that trails are proposed, but not showing on this particular map, and agreed that the trails are important.

He noted that some changes to the right of way are from the engineer. The existing right of way on Main Street is 82 feet wide with 11 foot travel lanes, with a turn lane in the middle. The engineer has noticed that with the on street parking, the street doesn't leave a lot of room for trucks to travel. The widening of the right of way south of Fireclay, will offer better protection for the parked cars, as well as wider lanes for busses and trucks. The proposed width would be 86 feet.

The right of way on Fireclay Avenue would also be widened from 71 feet to 79 feet. Mr. Tingey added that there just isn't the space needed for the busses to turn into the Trax area.

On Birkhill Boulevard the right of way would be decreased from 85 feet to 66 feet, that includes the removal of parking lanes, the park strip and the sidewalk on the west side. The original plan was for Birkhill Boulevard to connect into 4500 South and that now appears less likely due to the grade change. Mr. Tingey said that negotiations are continuing with UTA. He added that everything is still subject to agreement, and these proposed changes would come to the Council for consideration in the next few months.

Ms. Turner asked about the approximate cost. Mr. Tingey said there is a ball park figure but the building of the roads would be the responsibility of the developers as they come. He said that some RDA funds may go to the trail improvements and other things but the developers would have to build the majority of the right of way.

Mr. Hales thanked Mr. Tingey and Mr. McIlrath.

### **Announcements**

Ms. Lopez announced the Local Officials Day at the Legislature would be on January 28<sup>th</sup>. She asked for RSVPs for the lunch and registration.

She noted that it is also time for the mid-year budget meeting, and in the past it has been an all-day session with the different Department Heads reporting.

Mr. Hales adjourned the meeting.

Council Office Administrator II  
Kellie Challburg