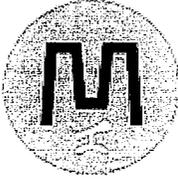


**MURRAY**  
CITY COUNCIL

**Council Meeting  
September 4, 2012**



**MURRAY**  
CITY COUNCIL

**NOTICE OF MEETING**  
**MURRAY CITY MUNICIPAL COUNCIL**

**PUBLIC NOTICE IS HEREBY GIVEN** that there will be a meeting of the Murray City Municipal Council on Tuesday, September 4, 2012, at the Murray City Center, 5025 South State Street, Murray, Utah.

4:30 p.m. **Committee of the Whole:** To be held in the Conference Room #107

**1. Approval of Minutes**

1.1 August 7, 2012

**2. Business Items**

- 2.1 Committee and Board Reports (5 minutes each)
  - 2.1.1 Blaine Haacke – Utah Associated Municipal Power Systems (UAMPS) and Intermountain Power Project (IPP) (10 minutes)
  - 2.1.2 Russ Kakala – Trans-Jordan Cities
  - 2.1.3 Zachery Fountain – Legislative Policy Committee (LPC)
  - 2.1.4 Jan Wells – Council of Governments (COG)
  - 2.1.5 Jan Wells – Utah Telecommunications Open Infrastructure Agency (UTOPIA)
  - 2.1.6 Darren Stam – Utah Infrastructure Agency (UIA) (10 minutes)
  - 2.1.7 Dave Nicponski – Valley Emergency Communications Center (VECC)
  - 2.1.8 Dave Nicponski – Association of Municipal Councils
  - 2.1.9 Jim Brass – Central Valley Water Reclamation
  - 2.1.10 Brett Hales – Capital Improvement Projects
- 2.2 Landscape Ordinance Agreement – Tim Tingey (20 minutes)
- 2.3 Independent Audit Policy Revision – Justin Zollinger (10 minutes)

**3. Announcements**

**4. Adjournment**

6:30 p.m. **Council Meeting:** To be held in the Council Chambers

**5. Opening Ceremonies**

5.1 Pledge of Allegiance

5.2 Approval of Minutes

5.2.1 August 7, 2012

5.3 Special Recognition

5.3.1 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah declaring September 9-15, 2012 as Public Power Week. (Dan Stireman presenting.)

**6. Citizen Comments** (Comments are limited to 3 minutes unless otherwise approved by the Council.)

**7. Consent Agenda**

7.1 None scheduled.

**8. Public Hearings**

8.1 Public Hearing #1

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

Consider an ordinance amending the Transit-Oriented Development District Design Guidelines adopted pursuant to Section 17.146.030 of the Murray City Municipal Code. (Tim Tingey presenting.) (Hooper Knowlton, Parley's Partners, applicant.)

8.1.2 Council consideration of the above matter.

8.2 Public Hearing #2

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

Consider an ordinance relating to zoning; amends the Zoning Map for property located at approximately 170 West Winchester Street, Murray City, Utah, from R-1-8 (Single Family Low Density Residential District) to R-N-B (Residential Neighborhood Business District). (Tim Tingey presenting.) (Amy & Dusten Moore applicants.)

8.2.2 Council consideration of the above matter.

8.3 Public Hearing #3

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

Consider an ordinance amending Section 17.140.020 of the Murray City Municipal Code relating to permitted uses in the Residential Neighborhood Business District (R-N-B). (Tim Tingey presenting.) (Amy & Dusten Moore applicants.)

8.3.2 Council consideration of the above matter.

8.4 Public Hearing #4

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

Consider an ordinance amending the Budget for Fiscal Year 2012-2013. (Justin Zollinger presenting.)

8.4.2 Council consideration of the above matter.

9. **Unfinished Business**

9.1 None scheduled.

10. **New Business**

10.1 None scheduled.

11. **Mayor**

11.1 Report

11.2 Questions of the Mayor

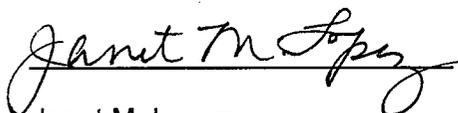
12. **Adjournment**

NOTICE

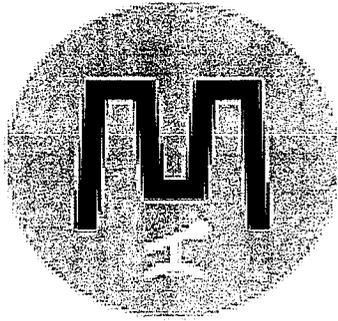
**SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or call Relay Utah at #711.**

**Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions.**

On Friday, August 31, 2012, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov), and the state noticing website at <http://pmn.utah.gov>.



Janet M. Lopez  
Office Administrator  
Murray City Municipal Council



**MURRAY**  
CITY COUNCIL

# Committee of the Whole

# Committee of the Whole Minutes



**MURRAY**  
CITY COUNCIL

**DRAFT**

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

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, August 7, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

**Members in Attendance:**

Jim Brass	Council Chair
Dave Nicponski	Council Member
Darren V. Stam	Council Member
Jared A. Shaver	Council Vice Chair
Brett A. Hales	Council Member

**Others in Attendance:**

Cathy McKittrick	Salt Lake Tribune	Dan Snarr	Mayor
Janet M. Lopez	Council Office	Jan Wells	Mayor's Chief of Staff
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Tim Tingey	ADS Director	Jennifer Brass	Citizen
G.L. Critchfield	Attorney	Peri Kinder	Valley Journals
Zachery Fountain	Mayor's Office	Todd Marriott	UTOPIA
Jennifer Kennedy	City Recorder	Candace Vigil	UTOPIA
Chad Wilkinson	Comm & Econ Dev		

Chairman Brass called the Committee of the Whole meeting to order at 5:15 p.m. and welcomed those in attendance.

**Minutes**

Mr. Brass asked for action on the minutes from the Committee of the Whole meetings held on June 19, July 10 and July 17, 2012. Mr. Shaver moved approval as written. Mr. Hales seconded and the motion was approved 5-0.

**Business Item #1:**

**Utah Infrastructure Agency (UIA)/Utah  
Telecommunication Open Infrastructure Agency  
(UTOPIA) – Darren Stam**

Mr. Stam mentioned how interesting his attendance at numerous meetings involving the UIA had been since the beginning of the year with his appointment to the Board. He thought it would be good to present a recap of where the agency had been, where it is currently, and where it is going.

Eight years prior Murray joined with eleven cities to form UTOPIA. One big problem today is the \$185 million in debt. Without that, no concern would exist with UTOPIA, he stated. Another issue is a shortfall annually of \$3.1 million in operational expense. These are the problems that must be dealt with and there are a couple of options, Mr. Stam related.

Mr. Stam used the whiteboard for illustration of the first option and posed the question, "What would happen if the cities stopped - allowing it to quit growing, dissolve operations and fall apart?" The cities would still be responsible for the sizable debt - about two years of the original 30 year commitment had been paid. Operations would need to be covered. The revenue would decrease, and eventually, because it was not viable, the providers would abandon the service. The problems from this option would result in lost customers, and because of no revenue, costs would actually increase. An unequal build-out of cities' infrastructure would be left behind. West Valley City has only an 8% build, Murray has a 60% build and the others vary. This could create lawsuits between the cities.

Mr. Stam clarified that this example applies if any of the UTOPIA cities stopped putting in money and helping the agency grow.

At this point UTOPIA would be forced to shut down so the operations cost would be eliminated, the \$185 million in debt would remain and the inequality between cities still exists. If it were sold, only cents on the dollar would be realized. You then have people who have paid the connection fee and have no service, so they may decide to file a suit against the City.

Mr. Hales asked if people had paid the City for the connection fee. Mr. Stam said they make payments to the City and Mr. Shaver said it doesn't matter who the contract is with, Murray and the cities are UTOPIA so they, therefore, would sue the City.

Mr. Nicponski said that if UTOPIA was sold, even at cents on the dollar, the service would be taken over by that entity. Mr. Stam pointed out that if that happened the cities still have the debt.

The next option is Utah Infrastructure Agency (UIA), which was formed to try to make the entire UTOPIA project work. The cities approved \$65 million for UIA. Mr. Hales asked why UIA was formed. Mr. Stam answered that UTOPIA had no more bonding capacity. In order to grow the UIA was created.

UIA was approved for \$65 million in bonding and received \$17 million in federal stimulus money. The plan was based over the next five years with goals to pay for its own bonding, to cover the operations of \$3.1 million and pay on the \$185 million UTOPIA bond.

Phase I in year 1, \$29 million of the bond was withdrawn. The \$17 million in stimulus was granted and they went to work. Problems included three months of delays in completing the bonding due to hold ups with the cities and bank. Additionally, the tsunami wiped out three of four fiber plants creating another three-month delay.

Another issue is that UIA had only eight of the original eleven cities join resulting in a smaller market.

Mr. Hales asked what the other three cities did. There would be no growth in their cities; although the service is still being provided to existing customers there, Mr. Stam said and it is operational because the eight cities are paying the cost of operations.

The three cities that did not join UIA are Payson, Tremonton and Perry. Tremonton is built out and Payson has some infrastructure.

Mr. Stam said that on the positive side some adjustments had been made. To give customers an option to the \$2,750 queue a lease arrangement was created.

Mr. Nicponski asked for an explanation of the queue. A customer had the choice to pay the \$2,750 up front for connection or \$25 per month for 20 years. The lease gives an opportunity to pay an additional \$5 per month with a two year contract and the lease amount would continue as long as the person had service. About half the customers select the lease option.

One of the problems to be overcome was the number of residential subscribers to meet the needs, Mr. Stam noted; therefore, they have gone to businesses. Commercial rates result in eight to ten times' higher return.

Mr. Marriott added that the demand in residential is significant in the markets UTOPIA has; however the saturation rates are very high.

The commercial does produce more revenue per subscriber. At the end of the first Phase more commercial and fewer residential subscribers were connected. In September the revenue will cover the bond payment for the \$29 million. Of the \$17 million in stimulus, \$5 million remains to go into Phase II construction projects. The \$3.1 million in operations was covered from the \$29 million and it has been reduced to \$3 million.

Mr. Stam mentioned that one drawback was building where the stimulus required, which was not necessarily the most profitable areas; but had to be done. Necessary building is completed and the more profitable connection areas can be built with the remaining stimulus money.

As Phase II begins, \$10.5 to \$11 million will be requested for the next round of funding from the bond money to add to the \$5 million to continue building. The goals are the same: to pay for bonding and cover the operation costs. Conservative projections show that this should be covered in less time than Phase I. Operation costs are anticipated to be reduced to \$2.5 million. Operational costs are paid from the bonding money. Mr. Marriott said that about \$250,000 to \$300,000 would be reduced from the operational costs in the next Phase. The five year plan did not include operational costs in years four and five; however it was understood that during the growing time the operational costs could not be covered.

Mr. Stam reviewed that as some goals had been met in Phase I, during Phase II a smaller amount of bond money would be withdrawn and projections indicate that more business connections will be sought. He asked if it is better to go forward or backward?

Mr. Shaver said that before answering that question he wanted to know why only \$10.5 million to \$11 million would be withdrawn from the bond.

Mr. Marriott said there is some economy of scale, technologies and markets that would be expanded before effectively addressing some of the Phase II projections that originally were planned. It was scaled back conservatively to harvest some of the stimulus sites and business sites that can show a return. We are not being as aggressive as could be getting operations and other goals of the five year plan as quickly; however looking at what sits in front that is something that UIA can be most effective at right now. Some things will allow the agency to go

and reclaim some of the things that would have been done in Phase II originally. There are so many details, Mr. Marriott added.

Mr. Shaver said that his response would be, "yes." Right now UIA is meeting its own bond payment. Operation costs can't have dropped. He asked if they are meeting some of the operational costs from the revenue that was created; because if sales are increasing he doesn't see how operations could have dropped.

Mr. Marriott referred to the diagram on the white board..... operation costs declined because of growth in new areas, revenues are increasing at the same time; therefore more is being carved off.

Mr. Shaver concluded that the deficit for operations is going down. Mr. Marriott confirmed that. Mr. Shaver asked if it would make sense to be more aggressive in building to begin attaching the third goal [begin paying the \$185 million debt of UTOPIA]. Mr. Marriott said that if he could be more aggressive he would but when you look at everything in more detail his recommendation is to do this now. The Phase does not necessarily mean a year. The Phase could be completed in four to five months and he could be back talking about Phase III. The operational burn rate is based upon a year and adjusted as they move through the process. Maybe more success will be realized in Phase II and in four to five months the fiber has been put into the ground as projected and revenues are accumulating faster.

Mr. Stam said that there is hanging fruit that is ripe, some is not, and the point is to go for what is ripe.

Mr. Brass stated that when UIA started the previous year, the discussion was that the second bond withdrawal would not be taken if the benchmarks were not hit. Of the three benchmarks laid out, probably one was reached. The budget was restated and operations are showing a greater deficit than was originally thought. He said he had been a Council Member from the beginning and he cannot forget that the agency is not meeting operations and \$185 million in debt remains. He does not feel the three options presented are the only options. He suggested another option: should building continue if people are not signing up or should the revenue [from connections and sales] be gone after? As building continues the loss of money is growing. He commented that what is needed is to get people to sign up for the network. He asked if there is a better way to build, and has asked from the beginning, can wireless be deployed. It does not cost \$3,000 to go from the curb to the house with wireless. Wireless gets revenue and then when people decide they want more; there is an idea of where to build and who will subscribe to it. He mentioned that he continues to see numbers with modified plans; however, operations are not being covered. UTOPIA is an operation based business and if operations are not being covered it is not good. His concern about the budget stems from not seeing how the operations and maintenance would be met, let alone keep growing the business. A lot of money is being spent. We have \$29 million in bonds, another \$10.5 million has been requested and \$185 million with only about \$60 million in assets.

The original projections called for \$400 million to build out the network, Mr. Marriott responded. He said that Mr. Stam is doing a great job explaining more succinctly and as the agency is growing progress is being made toward the goals. To suggest hibernating and taking revenue only, would result in a loss of momentum, ability and confidence coupled with the loss of money. He thinks Mr. Brass is alluding to a capital chase where you are always going after capital and chase your tail in terms of operation deficits. He is cognizant of that. Currently, you have the stimulus in the ground and other assets that need to be harvested. There is a lot of demand, the problem is not demand, the problem is satisfying the demand. In terms of wireless,

Mr. Marriott said that every single technology was considered in order to accomplish the purpose. Where it can be used, wireless technology had been deployed. To do wireless the way fiber is being done now, will initially and over time cost more money. It is used to supplement, augment and to bridge connectivity gaps.

Mr. Marriott addressed the comment that UTOPIA or UIA never hit the benchmarks. He asked for fairness on that after sitting for a year and a half working on issues with banks and delays by the cities put the agency in a bind. There was a late start and from a standstill; however now the machine is getting better, not at 100%, but there is still about \$3 million dollars of capital money in the bank that cannot be used for operations. Had that been put in the ground it would have closed that gap. One thing noted from the State Legislative audit was a huge graph showing the deficit in terms of subscribers hit last year; however, the revenues exceeded expectations for most of that time. Now they are getting a little under. Revenue is the name of the game, not subscribers. That is the picture to look at and he would worry about how to get that revenue. It is a tough picture but progress is being made, otherwise he would suggest looking at an alternative. He said he is always open to someone buying the network, if anyone made an unsolicited bid, he would consider it.

Mr. Hales said that he made that comment at the Legislative audit and he clarified that Mr. Marriott was actually open to that. Mr. Marriott said it would be his fiduciary duty to entertain any of those options for the cities.

Mr. Stam pointed out that the Phase I money was scheduled to be used from July 2011 to June 2012 and enough was remaining to carry operations through September meaning UIA has been very cognizant of spending to go longer on those funds. Relating to subscribers, the original plan called for 150 new per month and crossing into Phase II the agency is averaging 170 new per month.

Mr. Brass asked what the net per month is, with the losses. Mr. Marriott did not have that information, but noted that he could get it. Mr. Stam said that previously they experienced a 3% loss rate over a year. Mr. Marriott said that was how they were able to produce the lease because they figured the new subscribers with the loss rate to determine if they would be able to sustain from a risk stand point over a 20 year period of time. Additionally, would it be fiscally responsible to run on a lease basis. It turned out that even with the worst drop rates they were still in-the-money, Mr. Marriott explained.

Mayor Snarr said one problem was the video production and asked where that technology stands. He commented that the businesses are after the internet because speeds are incredible. He said his works fine; however, he wondered if a premier video production is coming that people could take advantage of.

Mr. Marriott said that video is very emotional. He noted they are not a video company. They expected to have it at some point; although, a relationship with Dish Network was established. Dish is one of the top three content providers in the world. At some point it is anticipated that they will deliver video over those lines. A new service provider has been signed that will bring a fantastic video production.

In conclusion, Mr. Stam mentioned that one big factor from the Legislative audit was that UTOPIA was not told to shut down. Recommendations were given on how to move forward.

He mentioned a rumor circulating that indicated because he was in favor of UTOPIA he could not be in favor of Murray employees. He disagreed because the only way to cover the

debt is to be successful [in offering the service]. The sooner that debt is covered the more money there will be for employees.

He said that in talking to a citizen about UTOPIA, another City official suggested that the resident "just wait." He did not concur on that thought.

Mr. Nicponski complimented Mr. Stam on the presentation and Mr. Hales added that UTOPIA is one of the biggest concerns of his constituents and he proposed that the City continue on. Mr. Brass stressed that the more information the City has the better. He has no issue with the technology, his issue is with the money that has to continue coming out of the General Fund. It is currently \$1.7 million per year. No one else is providing service better than UTOPIA.

Mr. Marriott thanked the Council for the time and mentioned that Mr. Stam had charged into UTOPIA and gained a great deal of information. He heads the Finance Committee and is in touch with him on a weekly basis. Mr. Stam has the latest information. That kind of involvement is essential and he has been instrumental in getting service for Murray residents and business.

The Council will hold additional meetings on this in the future.

**Business Item #2**     **Council Initiative Workshop and Committee of the Whole Formats**

Mr. Brass introduced this topic commenting that one problem that has been occurring in these meetings is time. A certain amount of time is scheduled and then the discussion goes beyond that. The former topic clearly required more time; however, there are so many items to come before the Council. He asked if the Council Members would like to add a third meeting per month or if they would prefer to start earlier in the day to accomplish the business. Every Committee of the Whole runs short of time.

Mr. Shaver suggested that an additional meeting could be added for specific topics like the one that just took place.

Mr. Stam asked if another Council Meeting would also be required or just the Committee of the Whole. Mr. Brass responded that it would be for discussions only, not Council Meeting.

Others Council Members felt they would like to come earlier rather than add another day during the month.

**Business Item #3**     **Strategy Session to Discuss Pending Litigation - The City Council may vote to close the meeting pursuant to Sections 52-4-205 and 52-4-506 of the Utah Code.** – Frank Nakamura, Murray City Attorney

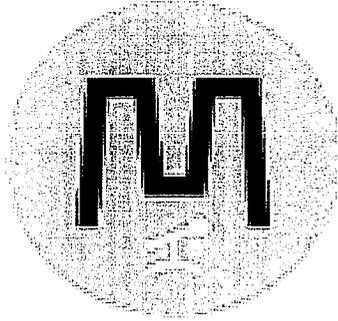
Mr. Nakamura said that the discussion was related to existing litigation. The Open and Public Meetings Act talks about imminent litigation and Murray is beyond that in existing litigation with Reagan Outdoor Signs versus Murray City. Public bodies are allowed to close a meeting to discuss settlement that clearly falls into the realm of closed meetings. It requires a motion, second and two thirds vote to close the meeting. No decisions will be made; however this provides an opportunity for the City Attorney to brief the Council on existing litigation.

At 5:58 p.m., Mr. Stam moved the City Council go into a Closed Session to discuss the pending litigation issue. Mr. Shaver seconded the motion. The motion was unanimously approved by voice vote 5-0.

(In accordance with Section 52-4-506 of the Utah Code, an unedited recording of the closed meeting was made and will be retained permanently in a format that meets long-term records storage requirements. This recording is protected under title 63G, Chapter 2, Government Records Access and Management Act.)

Following the Closed Meeting, the Committee of the Whole meeting resumed and was adjourned at 6:30 p.m.

Janet M. Lopez  
Council Office Administrator



**MURRAY**  
CITY COUNCIL

# Discussion Item #1

# Murray City Municipal Council Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

**1. TITLE:** (Similar wording will be used on the Council meeting agenda)

## Committee and Board Reports

**2. MEETING, DATE & ACTION:** (Check all that apply)

Council Meeting OR  Committee of the Whole

Date requested September 4, 2012

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

Resolution (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

Appeal (explain) \_\_\_\_\_

Other (explain) Reports from representatives to outside/internal boards and committees.

**3. ATTENDING POLICY**

Responsive and Efficient City Services; and Well Maintained, Planned and Protected Infrastructure & Assets

**4. FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

**5. RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

**6. REQUESTOR:**

Name: Janet M. Lopez

Title: Council Office Administrator

Presenter:

Title:

Agency:

Phone:

Date: August 20, 2012

Time:

**7. APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director: Jim Brass

Date: August 20, 2012

Mayor:

Date:

**8. COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

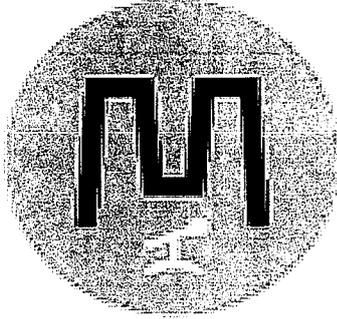
**9. NOTES:** Five minute reports as listed in accompanying document.

## **COMMITTEE OF THE WHOLE**

**SEPTEMBER 4, 2012**

### Committee and Board Reports (Five minutes each)

- 1 Blaine Haacke – Utah Associated Municipal Power Systems (UAMPS) and Intermountain Power Project (IPP)
- 2 Russ Kakala – Trans-Jordan Cities
- 3 Zachery Fountain – Legislative Policy Committee (LPC)
- 4 Jan Wells – Council of Governments (COG)
- 5 Jan Wells – Utah Telecommunications Open Infrastructure Agency (UTOPIA)
- 6 Darren Stam – Utah Infrastructure Agency (UIA)
- 7 Dave Nicponski – Valley Emergency Communications Center (VECC)
- 8 Dave Nicponski – Association of Municipal Councils
- 9 Jim Brass – Central Valley Water Reclamation
- 10 Brett Hales – Capital Improvement Projects



**MURRAY**  
CITY COUNCIL

# Discussion Item #2

# Murray City Municipal Council Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

**1. TITLE:** (Similar wording will be used on the Council meeting agenda.)

Proposed Landscape Ordinance

**2. KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

Safe and healthy neighborhoods with varied housing opportunities

**3. MEETING, DATE & ACTION:** (Check all that apply)

Council Meeting OR  Committee of the Whole

Date requested 9/4/2012

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

**4. FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

N/A

**5. RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

See attached memo

**6. REQUESTOR:**

Name: Tim Tingey

Title: Director of Administrative and Development Services

Presenter: Same

Title:

Agency: \_\_\_\_\_

Phone: (801) 264-2680

Date: 8/21/2012

Time:

**7. APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director: Tim Tingey Date: 8/21/2012

Mayor: Daniel C. Fran Date: 8/21/2012

**8. COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

**9. NOTES:**



MURRAY CITY CORPORATION  
ADMINISTRATIVE &  
DEVELOPMENT SERVICES

B. Tim Tingey, Director

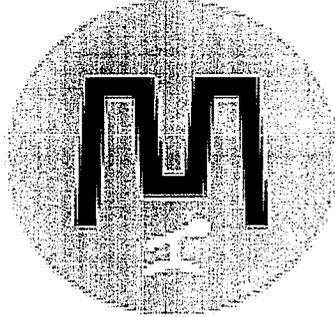
Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

**TO:** Murray City Council  
**FROM:** Tim Tingey, Director of Administrative and Development Services  
**DATE:** August 21, 2012  
**SUBJECT:** Proposed Landscape Ordinance

Staff will be present at the Committee of the Whole Meeting on Tuesday, September 4, 2012 to provide details related to the proposed changes to the landscape ordinance.

Feel free to contact me at 801-264-2680 if you have any questions.



**MURRAY**  
CITY COUNCIL

**Discussion  
Item #3**

# Murray City Municipal Council Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)

Independent Audit Policy Revision

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

Financial Controls

3. **MEETING, DATE & ACTION:** (Check all that apply)

Council Meeting OR  Committee of the Whole

Date requested **8/21/2012 + Sept. 4, 2012**

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

Resolution (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

Annual Budget

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

City Independent Audit Policy Revision Memo

6. **REQUESTOR:**

Name: Justin Zollinger

Title: Finance Director

Presenter: Justin Zollinger

Title: Finance Director

Agency: Murray City

Phone: 801-264-2669

Date: 7/30/2012

Time: 5:00 PM

7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director: Justin Zollinger

Date: 7/30/2012

Mayor:



Date: 7/30/2012

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

9. **NOTES:**



MURRAY CITY CORPORATION  
FINANCE & ADMINISTRATION

## Memo:

**To:** City Council  
**From:** Justin Zollinger, Finance Director  
**Date:** July 30, 2012  
**Subject:** City Independent Audit Policy Revision

This memo is to provide information as to the reasoning why the City's independent audit policy needs revision.

The City's current independent audit policy requires the City to change auditors every ten years, and although change often times can promote improvement and provide a fresh set of eyes, this type of change can be accomplished through other means. If the City were to bid out our independent audit services and our current audit firm was the low bid, current policy would require the City to change auditors. The potential results of this policy, to go with another firm at a higher cost just to provide change, does not seem fiscally prudent.

The revised policy would require the independent auditor services to be bid out every five years and if the City's existing audit firm is selected the City would require audit manager rotation. With this type of policy the City could still save money by selecting the low bid but would have a fresh set of eyes with a new audit manager on the job.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION CHANGING THE POLICY OF THE CITY REGARDING THE USE OF INDEPENDENT AUDITORS TO PREPARE ANNUAL FINANCIAL REPORTS AS REQUIRED BY STATE LAW.

WHEREAS, Title 10 Chapter 6 of the Utah Code requires that an annual financial report must be prepared and presented to the City Council ("Council"), after the close of each fiscal year of the City; and

WHEREAS, the annual financial report needs to be prepared by an independent auditor; and

WHEREAS, Resolution No. R-0647 was passed on November 14, 2006, changing the policy of the Council to limit the use of the same independent auditor for no more than 10 consecutive years; and

WHEREAS, it is in the best interest of the City to amend its policy to not limit the use of the same independent auditor and require a request for proposals at least every five years for an independent auditor and, if the same independent auditor is selected, that the audit manager is rotated.

NOW, THEREFORE, it is hereby resolved by the Murray City Municipal Council, as follows:

1. In performing the independent audits required by State law, the City shall not limit the use of the same independent auditor.
2. This Resolution shall not be construed to limit the City's ability to change at any time for any reason its independent auditor.
3. The City shall seek requests for proposals for independent audit work every five years and if the same firm is selected the City shall require that audit manager to be rotated.

Dated this            day of            , 2012.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
James A. Brass, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

**Adjournment**

# Council Meeting

6:30 p.m.

Call to Order

Opening Ceremonies:

Pledge of Allegiance

# Council Minutes

**Murray City Municipal Council  
Chambers  
Murray City, Utah**

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**DRAFT**

**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 7<sup>th</sup> day of August, 2012 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:

Jim Brass,	Council Chair
Brett Hales,	Council Member
Darren Stam,	Council Member
Jared Shaver,	Council Member
Dave Nicponski,	Council Member - Conducted

Others who attended:

Doug Hill,	Mayor Pro-Tem
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Tim Tingey,	Administrative & Developmental Services
Gil Rodriguez,	Fire Chief
Justin Zollinger,	Finance Director
Greg Bellon,	Assistant General Manager
Frank Smith,	DEA
Sue Thomas,	DEA
Marilyn Potter,	DEA
Mike Ross,	DEA Metro
Roy Halford,	Murray Police
Ross Huff,	Murray Police
Doug Roberts,	Murray, Police
Mike Sevy,	Murray Police
Christy Achziger,	Utah House #44, GOP
Scouts	
Citizens	

## **5. OPENING CEREMONIES**

- 5.1 Pledge of Allegiance – Fire Chief, Gil Rodriguez
- 5.2 Mr. Nicponski stated that there is a tradition in Murray to have the Scouts in attendance stand and introduce themselves, their Scout Leaders and which Merit Badges they are working on. The Scouts introduced themselves.

### 5.3 Approval of Minutes.

#### 5.2.1 Approval of minutes for June 19, 2012

Call vote taken, all Ayes.

#### 5.2.2 Approval of minutes for July 10, 2012

Call vote taken, all Ayes.

### 5.4 Special Presentations:

- 5.4.1 Presentation by the Drug Enforcement Agency (DEA) Assistant Special Agent in Charge, Frank Smith, and Director of the Rocky Mountain High Intensity Drug Trafficking Area, Tom Gorman, to Murray City Mayor Dan Snarr and the City Council for being a fiduciary for the DEA Metro Narcotics Task Force since 1997.

Tom Gorman and Frank Smith presenting.

Mr. Smith said that HIDTA is a program developed by Congress and managed out of the office of National Drug Control. They have identified a number of areas around the country which they felt that the drug issues are having a big impact on the rest of the country. The HIDTA program takes Federal, State and Local law enforcement agencies and has them work together as teams and gives them the resources to go after the big drug organizations. They also have training and intelligence components.

There are 28 of these programs across the country and here we are, part of Rocky Mountain HIDTA. When they started in 1997, one of the keys of HIDTA being successful was finding a fiduciary that could manage the money, make this program work. Murray City was chosen for its credibility, its track record and the city wasn't so bureaucratic that things couldn't happen. Murray has been a partner now for fifteen years, which is phenomenal. They are here today to recognize that accomplishment. Murray is part of Rocky Mountain HIDTA; there are two entities, Douglas County in Colorado and Murray City in Utah.

We are ranked number one in training in the county, number five as far as management and coordination, in the top ten in productivity-which is amazing when you are competing with places such as L.A., New York and Miami. In intelligence we are in the middle and we need to work on that one. But Murray City is a big contributor to the success of this program.

Mr. Gorman recognized Marilyn Potter for all her phenomenal work. She not only takes care of Murray City, but she also inspects other units in Utah and Montana. She does a great job in finding things and she is well liked. Mr. Gorman also recognized Chief Fondaco for all of his help, his ethics and his support.

Mr. Smith, Assistant Specialist in Charge for the DEA for Utah, Wyoming, Colorado and Montana. Mr. Smith said that he is specifically in charge of Utah and that Utah is a very busy place. This year and last year, the Utah office seized more than the other states combined. They have had a phenomenal amount of success here and a big part of that is because of what Murray does and he thanks the city for that. This area has the best fiduciary of anyone in HIDTA that he knows of. There is nobody better at this job than Marilyn Potter. She is a phenomenal asset, not only to Murray, but to the DEA and HIDTA. She has done things for them, kept them on a straight course, throughout the five years that he has been here.

Mr. Smith said that as citizens of Utah we are facing a tremendous fight on public lands with marijuana growth. There are Mexican cartel members that have specifically targeted Utah as has been shown on shows like 60 Minutes and Dateline. When he first came here, our plant cap was over 250,000.00, the arrests were nil and there was a budget of about \$30,000.00. This year, there will probably be less than 30,000 plants and arrests will be in the neighborhood of 30 to 40. The reason that this program is so effective and the reason that they can protect the citizens of Utah from these armed thugs that have taken over our public lands is because of the way they can move money. They are so efficient at what they can do, because of this 50-year track record, this agency is second to none.

It is the partnership between Murray City and HIDTA that has given them the help needed and Mr. Smith feels compelled to give his thanks to the City and appreciates all of the support.

Mr. Gorman added that every time you read the newspaper about fewer clan labs in Utah, the pharmaceutical program, the cultivation. That is all due to the support of Murray. If it wasn't for Murray City, a lot of that wouldn't be happening so when you read those articles, take pride in that. Mr. Gorman, on behalf of the DEA and HIDTA, presented the City with a plaque of appreciation.

#### 5.4.2 Swearing-In of new Murray City Police Officer Michael Sevy.

Swearing-In ceremony performed by Jennifer Kennedy, City Recorder.

Chief Fondaco stated that Officer Sevy graduated from BYU Idaho. He was the top academic cadet and was awarded the "Outstanding Cadet" award in his class. Chief Fondaco said the City was lucky to have him working here as a replacement officer. Chief Fondaco noted that they have been losing people to other agencies recently and will probably be coming back with additional swearing-in of officers in the next couple of months.

Officer Sevy introduced his family, saying that they are from Kamas but will be moving to Salt Lake County.

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

Scott McCleary, 1292 West Glencoe Drive, Murray, Utah

Mr. McCleary said that due to storms, several trees crashed through his fence and adjacent neighbors fences. They are located adjacent to the Jordan Canal and he cannot find out who owns the property where the trees are located. He feels that this is a safety issue as well as being worried about continued damage and would like to have some help in resolving this issue.

Mayor Snarr asked how many trees located there.

Mr. McCleary said that there are eight or ten trees that are approximately 50' high. The canal company had recently been through the area and cut back trees at the inside of the canal, but do not claim these trees.

Mayor Snarr asked if the root system of these trees provide any type of stabilization to the canal.

Mr. McCleary said that no they don't. He has had it looked at by Murray City and these are further away from the canal.

Mr. Nicponski offered his personal email to Mr. McCleary to follow up on this issue.

**Citizen comment closed**

7. **CONSENT AGENDA**

**7.1 Consider approval of the Mayor's appointment of Valeria Harsh to the Murray Library Board of Trustees representing District 3 for the remainder of a three year term to expire June 30, 2014.**

Mr. Brass made a motion to approve the confirmations.  
Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

  A   Mr. Stam  
  A   Mr. Brass  
  A   Mr. Shaver  
  A   Mr. Hales  
  A   Mr. Nicponski

Motion passed 5-0

Mr. Shaver stated that he has known Ms. Harsh for a number of years and looks forward to her service on the Library Board. She and her husband are very interested in education and what is happening in the City. Mr. Shaver thanked Ms. Harsh for her commitment and volunteering for this position.

6:55 p.m.: Mr. Shaver asked to be excused from the remainder of the meeting.

**8. PUBLIC HEARINGS**

**8.1 Staff and sponsor presentations, and public comment prior to Council action on the following matter:**

**Consider an Ordinance amending Sections 2.41.070, 17.04.130, 17.68.040 and 17.72.100 of the Murray City Municipal Code relating to the Murray City Center District and the Mixed Use Development District and to ratify technical corrections made by the City Attorney to said sections pursuant to Section 2.10.040 of the Murray City Municipal Code.**

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that this item was discussed in the Committee of the Whole a few weeks ago and it is to make modifications to the Murray City Center District and in the Municipal Code relating to this. It is also to ratify some corrections made by the City Attorney's Office as outlined in the City Code.

This has been reviewed by the Planning Commission and it is to replace wording in applicable sections in both the Murray City Center District and the Mixed Use Development District areas of the Code. A public hearing was held and no comments

were received from citizens. Staff is recommending approval of the amendments, as well as the ratifications of the corrections.

Frank Nakamura, City Attorney, said that an ordinance was passed for the Murray City Center District and the intent is to replace the Downtown Historic District with the Murray City Center District. As the City Attorney's Office, they have the ability to fix these technical changes that were an oversight, which is what they have done. He felt that it would be best to have that approved and ratified by the City Council.

**Public Hearing opened for public comment.**

None given.

**Public Comment Closed**

**8.1.2 Council Consideration of the above matter.**

Mr. Brass made a motion to adopt the Ordinance.  
Mr. Hales 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Stam  
A Mr. Brass  
A Mr. Hales  
A Mr. Nicponski

Motion passed 4-0

**8.2 Consider an Ordinance amending the Transit-Oriented Development District Design Guidelines adopted pursuant to Section 17.146.030 of the Murray City Municipal Code.**

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that this proposal is a request to change the standards for the Fireclay Transit Oriented Development area. This is related to lighting and the current standard requires spacing between 30' and 50' between lights on principal streets. This proposal is to allow 100' to 120' distances with staggering to occur on both sides of the streets, which would be 50' staggered on both sides but on one side it would be up to 120'.

There was input provided by the Power, Engineering and Community Development staff about the current lighting configuration and there was concern that this provides more

light than is necessary for the area. Staggering would preserve enough light to maintain the pedestrian elements of the area and would reduce costs for future maintenance. This was brought before the Redevelopment Agency and they recommended approval.

Mr. Tingey added that this went to the Planning Commission and there were some concerns about this. The Planning Commission recommended denial of this proposal due to their concerns regarding the design elements which was the main reason the lighting design recommended the 30' to 50'. They are also concerned about consistency on the same side of the street. It is all about Urban Design and some of the statements were that they did not feel that there were alternative solutions provided that could mitigate the impact of lighting in the area which was the main argument of the developer (too much light). As it was stated, in most downtown and urban developments, lighting is the signature element. They recommend denial of this because of those concerns. He is also concerned that the developer is not here tonight.

Mr. Nicponski asked if Mr. Tingey suggests postponing this decision until the sponsor is available to give his side.

Mr. Tingey said that he would have concern that the sponsor has not been able to make his argument. They would like to be able to work with him.

Mr. Brass stated that when he worked with Planning and Zoning, if an individual didn't show up they did postpone so that they could hear the issues. He knows that in those meetings, people were concerned about walking about those areas without adequate lighting. When it was brought to the RDA, one of the questions he had was whether or not you could see what the impact would be. How many foot candles is that going to be? They are still staggering them at 50' on opposite sides of the street, will that be adequate? There are also concerns about the lights hitting the homes. If they postpone this, he would like to see those questions answered.

Mr. Brass said that he does feel that the Council should postpone the decision on this.

Mr. Nakamura wanted it on the record that notice of the hearing was provided to the applicant.

Mr. Tingey added that it may be good to postpone this to a date-specific time so that they do not need to publish additional notices.

Mr. Brass made a motion to postpone the public hearing until the first meeting in September.

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

Call vote recorded by Jennifer Kennedy.

- A Mr. Stam
- A Mr. Brass
- A Mr. Hales
- A Mr. Nicponski

Motion to postpone passed 4-0

9. **UNFINISHED BUSINESS**

None scheduled.

10. **NEW BUSINESS**

10.1 **Consider an Ordinance amending Section 2.44 of the Murray City Municipal Code regarding the length of appointment and term of Power Advisory Board members.**

Staff presentation: Mayor Snarr

Mayor Snarr stated that this was an oversight on his part during the reorganization in regards to tenures, times people could serve, and the length of appointments. There are some boards and commissions where a person can serve out the number of terms and after a year, be reappointed to be on the board again. In speaking to an individual and his desire to serve again, the Mayor felt that he had served the city exceptionally well over the course of fifteen years and when he asked if he could be reappointed, the Mayor said yes.

Mr. Nakamura caught the fact that, in this particular case, that was not allowed. There have been lengthy discussions about this, but he made the commitment to bring the issue to the Council for consideration.

If the Council does approve this change, the individual does understand that it does not mean that he will be appointed again, only that the change is being made. The individual would still need to come before the Council to be appointed, whether it be a current board member seeking re-election or a new appointee.

Mr. Nakamura explained that presently the maximum time to serve is three, three-year terms.

Mr. Hales asked if this is the first time that this has happened.

Mayor Snarr said that it was not. They have had other boards and commissions in which people who had served their terms, left and came back with expertise and they were reappointed. This is also specifically for the Power Advisory Board.

Mr. Stam said that there are times when it is difficult to find someone to serve.

Mr. Hales made a motion to adopt the Ordinance.

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

Call vote recorded by Jennifer Kennedy.

  A   Mr. Stam

  A   Mr. Brass

  A   Mr. Hales

  A   Mr. Nicponski

Motion passed 4-0

**10.2 Consider a Resolution authorizing the execution of a cost-sharing agreement between the City, Taylorsville City, Salt Lake County and North Jordan Irrigation Company to fund piping a section of the North Jordan Canal.**

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated that a couple of years ago, the hillside above the North Jordan Canal started to slough off just north of Winchester Street. The North Jordan Canal hired a geotechnical engineer to go in and study that slope and they concluded that there was a potential danger of that slope continuing to slide which could go into the canal and back up the water. If that water were to overflow, it would go down to the homes in Murray City. They have hired an engineer who has developed a solution to the problem which is to install a concrete box culvert about 430' north of Winchester Street in the area where the slope was sliding. If the slope were to continue to slide, it would not go into the canal but stay on the culvert.

Because of that, the North Jordan Canal has approached Salt Lake County, Taylorsville and Murray City and asked that we participate in the cost. They have asked that Murray City contribute \$70,000.00 towards this project. The bids are coming in now so there is not an exact cost but they are estimating that it will be in the \$500,000.00 to \$600,000.00 range to complete the project. The Mayor indicated in an earlier meeting that Murray City would be willing to contribute this \$70,000.00 pending Council approval. Murray City would be contributing 10% of the total costs, Taylorsville would contribute 10% and the County would contribute 20%. The remaining 60% would be paid by the North Jordan Canal. They now have an agreement that formalizes this and the money was included in the budget as part of the Fiscal Year 2013 budget. If this is approved, the

City would sign the agreement and deposit a check into an escrow fund that the North Jordan Canal can draw from to complete this project.

Mr. Stam asked if this was the same thing they approved on the 13<sup>th</sup>.

Mr. Hill said that was a project funded completely by the County. This one was discussed in November or 2011 but had not been brought to the Council for approval.

Mayor Snarr added that this is a good solution that would be less expensive than the legal fees that would be involved if there were a lawsuit stating that we knew there was a problem but did not participate in the solution.

Mr. Nakamura said that it was made very clear that with our participation, we have no ownership interest or responsibility with the North Jordan Canal, nor any maintenance. The North Jordan Canal has accepted all responsibility and there is a provision to that fact.

Mr. Brass made a motion to adopt the Resolution.  
Mr. Stam 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Stam  
A Mr. Brass  
A Mr. Hales  
A Mr. Nicponski

Motion passed 4-0

## 11. MAYOR

### 11.1 Mayor's Report

Mayor Snarr stated that there will be an open-house for Dan Barr on August 29, 2012 from 6:00 until 8:00 p.m. at the library. Mr. Barr is retiring from the library and his work and dedication is appreciated.

The Babe Ruth World Series will be held from August 18, 2012 through August 25, 2012 at Ken Price Ball field. The City is honored to have had them choose to come back here for the series. The schedule will be available on the city website. This year we have two teams that will be participating from Murray. Larry Miller Used Cars is also a sponsor for this event.

Mayor Snarr stated that Atwood Boulevard will be closed from 4800 South to Clark

Street on August 9, 2012 from 7:30 a.m. until 2:30 p.m. by the Water Department. Northbound traffic will be deterred at Clark Street and Southbound traffic will be deterred at 4900 South.

Mayor Snarr said that he has spoken with Dave Kimball who said that it is very expensive to clean up and remediate the asbestos. There has been some contamination in the building and his costs have gone up from \$10,000.00 to 80,000.00. He indicated that they would be over there for the next two weeks with a significant number of workers to get that accomplished and then they will move forward with the demolition. The building will not be completed until the Spring of 2014.

#### **11.2 Questions of the Mayor**

None.

### **12. ADJOURNMENT**

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**Jennifer Kennedy, City Recorder**

# Special Recognition #1



A JOINT RESOLUTION OF THE MAYOR AND  
MUNICIPAL COUNCIL OF MURRAY CITY, UTAH  
DECLARING  
SEPTEMBER 9<sup>th</sup> - 15<sup>th</sup> 2012  
as  
PUBLIC POWER WEEK

WHEREAS, The citizens of Murray City have owned and operated an independent electric utility, Murray City Power, for 99 years, providing our community with safe, reliable and reasonably priced electricity; and

WHEREAS, Murray City Power, its employees and members of the Power Advisory Board are regionally and nationally recognized in the electric power industry; and

WHEREAS, Murray City Power is one of over 2,000 consumer-owned electric utilities that comprise the American Public Power Association (APPA), an organization that annually promotes "Public Power Week"; and

NOW, THEREFORE, WE, the Mayor and Murray City Municipal Council, do hereby declare

September 9<sup>th</sup> - 15<sup>th</sup> 2012  
as  
PUBLIC POWER WEEK

BE IT THEREFORE RESOLVED, that we hereby encourage the citizens of Murray City to participate in the Public Power Celebration event in Murray Park on Thursday, the 15<sup>th</sup> of September from 4 - 7pm, to honor the enduring success of Public Power in Murray; and

BE IT FURTHER RESOLVED, that our community acknowledges that the success of Murray City Power has been achieved through the combined and cooperative efforts of our employees, citizens, Power Advisory Board, fellow city departments, elected officials, and industry partners, including the Utah Associated Municipal Power Systems (UAMPS), the Intermountain Power Agency (IPA), and the American Public Power Association (APPA).

PASSED, APPROVED AND ADOPTED by the Mayor and the Murray City Municipal Council this 4<sup>th</sup> day of September, in the year 2012.

MURRAY CITY CORPORATION

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Daniel C. Snarr, Mayor

\_\_\_\_\_  
James A. Brass, District 3, Chair

\_\_\_\_\_  
Dave Nicponski, District 1

\_\_\_\_\_  
Darren V. Stam, District 2

ATTEST:

\_\_\_\_\_  
Jared A. Shaver, District 4

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

\_\_\_\_\_  
Brett Hales, District 5

# Citizen Comments

Limited to three minutes, unless otherwise approved by the Council.

# Public Hearing #1

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 7<sup>th</sup> day of August, 2012 at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to the consideration of amending the Fireclay Redevelopment Project Area, Street Network, Circulation Plan, and Street Design Cross Sections as part of the Transit Oriented Development District Design Standards and Transportation Master Plan relating to streetlight spacing standards in the Fireclay Transit-Oriented Development District.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the streetlight spacing standards as described above.

DATED this 23 day of July, 2012.

MURRAY CITY CORPORATION

  
Jennifer Kennedy  
Deputy City Recorder

DATES OF PUBLICATION:  
PH 12-18

July 26, 2012

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE TRANSIT-ORIENTED DEVELOPMENT DISTRICT DESIGN GUIDELINES ADOPTED PURSUANT TO SECTION 17.146.030 OF THE MURRAY CITY MUNICIPAL CODE.

PREAMBLE

On February 27, 2007, the City Council adopted the Fireclay Redevelopment Project Area Street Network and Circulation Plan and Street Design Cross Sections as part of the Transit Oriented Development District (TOD) Design Guidelines enacted pursuant to Chapter 17.146 of the Murray City Municipal Code. Design Standards have also been adopted as part of the TOD zoning district. The standards include regulations for streetlight spacing, approved street trees, street furnishings, sidewalk treatment and other regulations related to the streetscape in the TOD. The purpose of the light spacing standards is to promote a safe, well-lit environment for pedestrians in the district. Based upon discussions with the Redevelopment Agency of Murray City ("RDA") and interested property owners, proposed amendments to the light spacing Design Standards were prepared. The proposed amendments to the Design Standards were presented to the City's Planning and Zoning Commission for review and recommendations. A public hearing was held on the 7<sup>th</sup> day of August, 2012 to consider the proposed amendments to the Design Standards. After considering any input provided at the public hearing, the Murray City Municipal Council is prepared to adopt the amendments to the Design Standards relating to light spacing in the TOD.

NOW, THEREFORE, BE IT ORDAINED by the Murray City Municipal Council as follows:

*Section 1.* Purpose. The purpose of this ordinance is to amend the Transit-Oriented Development District Designed Standards adopted pursuant to Section 17.146.030 of the Murray City Municipal Code.

*Section 2.* Amendment to the Transit Oriented Development District Design Standards related to light spacing adopted pursuant to 17.46.030 of the Murray City Municipal Code. The Transit Oriented Development District Design Standards related to light spacing shall be amended to read as follows:

**Placement/Spacing:**

Principal Street – ~~30' to 50'~~ 100' spacing on center ~~stagger with landscaping~~ with staggering of street light spacing on the opposite side of the street, so that the net effect will be a street light every 50 lineal feet;

Spacing at street intersections may increase to 120' on center and will have a minimum of two street lights placed at opposite corners in an "X" pattern; i.e., northwest corner to southeast corner and northeast corner to southwest corner.

Nonprincipal Streets – spacing to meet minimum required lighting levels

*Section 3. Effective Date.* This ordinance shall take effect upon first publication and filing a copy thereof in the office of the City Recorder.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this \_\_\_\_ day of \_\_\_\_\_, 2012.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
James A. Brass, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy,  
City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_ day of \_\_\_\_\_, 2012.

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Daniel C. Snarr, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy,  
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the \_\_\_ day of \_\_\_\_\_, 2012.

---

City Recorder

Call vote recorded by Mark Boren.

A \_\_\_\_\_ Jim Harland  
N/A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Vicky Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 4-0. Mrs. Daniels abstained from voting.

Mr. Harland made mention that agenda item #5, Landscaping Text Amendment, would be moved to the last item on the agenda.

FOLLOW UP ORDINANCE TEXT AMENDMENTS – Various Sections of the MCCD Project #12-76

Mr. Wilkinson stated that the MCCD ordinance was adopted on March 15, 2011 by the City Council. There has been feedback from the City's third party code publishing company that there are areas of the code that are not consistent with the decision that were made. Essentially they will be replacing DHOD with MCCD and the acronym MU needed to be added to reference the Mixed Use zoning district. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the Murray City Code.

The meeting was opened for public comment. No comments were made by the public.

Ms. Daniels made a motion to forward a recommendation of approval to the Murray City Council for the proposed text amendments to the Murray City Code.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Wilkinson.

A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Vicky Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 5-0.

TRANSIT ORIENTED DEVELOPMENT TEXT AMENDMENT – Guidelines for Street Lighting - Project #12-81

Hooper Knowlton was the applicant present to represent this request. Mr. Wilkinson made note that this item is a policy issue and that the recommendation the Planning Commission makes tonight will not be the final approval. The recommendation tonight will be forwarded to the City Council for final approval.

Mr. Wilkinson reviewed the proposal for modifications to reduce the required distance for street lights on the rights-of-way. The current standard is a maximum spacing of between 30 and 50 feet on principal streets. The proposal is to allow a 100-120 foot distance with staggering to occur on both sides of the street. Their rationale for the request is included in the attached application materials. Mr. Wilkinson explained that in February 2007 the Murray City Council passed a resolution adopting the Fireclay Redevelopment Project Area, Street Network, Circulation Plan, and Street Design Cross Sections as part of the Transit Oriented Development (TOD) District Design Standards and Transportation Master Plan. The Design Standards are adopted by reference as a part of the TOD zoning district. The standards include regulations for streetlight spacing, approved street trees, street furnishings, sidewalk treatment and other standards related to the streetscape in the TOD. The purpose of the light spacing standards is to promote a safe, well-lit environment for pedestrians in the district. Any project proposal that does not adhere to the regulations in the TOD ordinance and design standards must go through a process and present justification for the modifications which includes a recommendation from the Redevelopment Agency of Murray (RDA), Murray City Planning Commission, and final decision by the City Council. The applicant has proposed the following change to page 8 of the TOD Design Standards related to street light spacing:

Existing language:

**Placement/Spacing**

Principal Streets- 30' – 50' spacing on center, stagger with landscaping.

Proposed language:

**Placement/Spacing:**

Principal street- 100' to 120' on center, with Street Light spacing on the opposite side of the street staggered, so the net effect will be a street light every 50 lineal feet from the centerline of the street; but Street Lights will be 100' to 120' on center on any one side of the street.

Intersections will have a minimum of two street lights placed at opposite corners placed in an "X" pattern; NCW to SEC; and NEC to SWC.

Staff has evaluated the proposal and has concluded the following:

- After input from Power, Engineering and Community and Economic Development staff, the current lighting configuration provides more light than is necessary for the area;
- Staggering the lighting on opposite sides of the street will still preserve enough light to maintain the pedestrian elements for the area;
- The change in the distance of the light placements will also reduce costs for development and will reduce future City maintenance expenditures;
- The change will not compromise the quality of streetscape in the area.

Based on this analysis by impacted City Departments, RDA staff had originally recommended a spacing of 100' feet on center staggered on opposite sides of the street with the net effect of a street light every 50 lineal feet. After discussion with the

applicant at their April 17, 2012 meeting, the RDA determined that there may be situations at the intersection of streets where the 100-foot spacing would be difficult based on right-of-way widths and other constraints. The RDA recommended that at intersections spacing be allowed to be increased to 120 feet on center with staggering across the intersection. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to page 8 of the Transit Oriented Development standards related to street lighting on principal streets with modifications recommended by staff as follows:

Principal streets- 100' on center, with staggering of street light spacing on the opposite side of the street, so that the net effect will be a street light every 50 lineal feet;

Spacing at street intersections may increase to 120' on center and will have a minimum of two street lights placed at opposite corners in an "X" pattern; i.e. northwest corner to southeast corner and northeast corner to south west corner.

Ms. Mackay asked what happens if Main Street is to be widened. Mr. Wilkinson stated that there are bridge improvements slated to be done, but no immediate plans for widening of Main Street. He also made mention that the TOD streets are generally narrower than the standard streets. Ms. Mackay then asked if the Planning Commission does make a positive recommendation and City Council approves the policy change, will any new developments be following the same guidelines. Mr. Wilkinson noted that it would pertain only to developments along Fireclay, Main Street and Birkhill Boulevard.

Mr. Taylor asked if this issue had been considered by an urban designer or is it just being proposed by staff. Mr. Wilkinson responded by saying that this is not a City request, but is being requested by an applicant. Mr. Wilkinson stated that there have not been any outside consultants look at the plan.

Mr. Woodbury asked what the difference would be in the lighting when walking down the streets between the Boulevard and the proposed street. Mr. Wilkinson stated that staff doesn't have any photo metrics right now, but staff has gone out at night and looked at the current lighting. Feedback from the power department stated that they did feel the current lighting was spaced too close. The ultimate effect would be staggered lighting every 50 feet. With the exception of Main Street, the streets will maintain their current width. Mr. Wilkinson noted that staff feels this new spacing proposal will keep within the urban design.

Mr. Taylor asked if the brightness of the existing lights can be reduced by using a different bulb or wattage. Mr. Wilkinson responded in the affirmative. Mr. Taylor asked if reducing the wattage would be an alternate solution. Mr. Wilkinson stated that one of the challenges would be to figure out how much reduction in wattage would be appropriate. Mr. Taylor stated that his concern and hesitancy is because there isn't development on both sides of the street and there needs to be consistency and symmetry on both sides of the street with lighting and trees.

Ms. Daniels suggested spreading the lighting 75 feet instead of 50 feet might be better. Mr. Taylor commented that this situation may be a time when it would be beneficial to consult with an urban designer.

Hooper Knowlton, 1445 Canterbury Drive, stated he is representing Parleys Partners who is applicant for this request. He suggested that the Planning Commission drive from 4500 South, north on Main Street and look at the light spacing. His viewpoint is that it is overkill. The Murray City Power Department adamantly opposed the current lighting before it went in, but were over ridden by the Community & Economic Department staff at the time. His company is proposing the lighting change simply because the lighting is overbearing in that area. His company has also suggested that the lighting on Birkhill Way be removed and staggered so it matched some of the other lighting. The Murray City Power Department is in favor of that proposal as well. The problem with the current lighting on Main Street is that this is a residential neighborhood with condominiums and townhouses. There will be apartment units that will front onto Main Street and have bright lights beaming into their windows at night. They won't be able to have windows open in the summer and will have to have shades drawn. If the City wants the lights at 50 feet, they will build them at 50 feet, but each lamp that is put in will have a reflector on the back so that it doesn't shine into the windows of the residents living in those buildings. He stated that the problem that comes from that scenario is, what will be developed on the west side of Main Street from 4500 South northward and would the lights on that side of the road be installed at 50 feet would it be too intense. The intensity of the light can be diminished by changing the wattage, but most cities want to maintain a standardization of their lighting, so they don't have to go to a computer program to figure out which light bulb to change out when they burn out. Mr. Knowlton state that they are presently in preliminary discussions with Wells Fargo Bank about acquiring that piece of property. He stated the lighting has never been energized on Birkhill Way, because there wasn't development there. His company's suggestion is to remove some of those light poles to provide a more consistent pattern. From a design standpoint they suggest the pattern of putting in lights every 120 feet is because in their opinion you want to have the minimum of two lights at an intersection as oppose to four lights. They need to be staggered in an "X" pattern. In addition, there should be some thought about dealing with streets that are not through streets.

Ms. Mackay asked if Murray has thought about any downward lighting to alleviate light pollution going into people's windows. Mr. Knowlton stated that the design they have come up with is user friendly as it relates to the residential complexity.

Mr. Taylor expressed concern that the only solution Parleys Partners are presenting is to space the lights out further and not looking at a wattage change. He stated that the power company understands lighting, but they don't understand urban design. Mr. Taylor stressed that in most downtown or urban developments, the lighting is the signature element of place-making. He is not in favor of light pollution, but his concern lies with it being pedestrian scale lighting. He doesn't feel that the lights should be spaced simply because it's too bright.

Mr. Woodbury asked Mr. Wilkinson who would pay to remove the lights. Mr. Wilkinson

stated that the applicant has proposed removal as a solution, but there are no current plans for the city to remove them. If they were removed, the city would pay for the removal.

Mr. Taylor commented that Mr. Knowlton had suggested that they would only be saving one light, but based on the frontage it looked like they would be saving approximately eight lights using the space with every 50 feet vs. every 100 feet. Mr. Knowlton responded that he was referring to the lighting that would be saved in their first phase.

Mr. Harland asked Mr. Knowlton if he had an urban designer review their plans. Mr. Knowlton responded indicating that they have had their architects in Los Angeles look at the plans and this is where the questions originally emanated from.

The meeting was opened up for public comment.

Travis Nay, 6019 Ragsdale Drive, stated that this is urban scale in a very dense urban environment. The residents that live there want to feel safe walking down the street. He feels that most people wouldn't feel safe walking north of Murray on 4500 South with a lower lighting pattern. One of the elements of making that area better is improving the urban fabric and having additional infrastructure of lights.

Mr. Taylor stated that he doesn't disagree that when he drives in that area, it is bright, but he questioned if the right answer is to increase the spacing for the lighting.

Ms. Mackay asked if they need to make their recommendation at this meeting. Mr. Harland reiterated that the Planning Commission is being asked to forward a recommendation to the City Council.

Mr. Taylor noted that City Council will be voting on this item and not the modifications that the Planning Commission submits. Mr. Wilkinson reiterated that it will be this item, but the commission's comments and proposed modifications will be forwarded with that.

Mr. Woodbury stated that he favors consistency in a neighborhood, but at the current state of what the existing lighting is, it doesn't seem to go together. That is a concern for him on an aesthetic stand point. He questioned that given the present economy, if it makes sense to have the city pay to take down street lighting.

Ms. Daniels prefers not to see the staggering of lights and to have consistency. Ms. Mackay concurred.

Mr. Taylor reiterated that his concern is that the only solution being looked at is spacing and he would like to see more options.

The public comment portion for this agenda item was closed.

Mr. Taylor made a motion to forward a recommendation of denial to the City Council for this request for an amendment to page 8 of the Transit Oriented Development

Standards related to street lighting on principal streets with regard to the modification to change the spacing from 100 feet to 120 feet and that other options be considered such as lower wattage or different directional head types on the pole. Ms. Daniels seconded the motion.

Call vote recorded by Mr. Wilkinson.

A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Vicky Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion to recommend denial passed, 5-0.

#### LANDSCAPING ORDINANCE AMENDMENT- Project #11-28

Mr. Wilkinson stated that he would prefer having a discussion and receiving opinions and comments from the commission for this item. He stated that staff is recommending that this issue be looked at in two areas which are commercial changes and residential park strip changes. He stated that staff intends to consult with a landscape architect for additional input. The proposed amendment would change the existing landscape ordinance so that it is easier to implement and review. Staff recommends that changing the requirement from a minimum percentage of lawn and landscaping to a specific number of plants will make it clear to the applicant what is required, and make it easier for staff to be consistent with all applicants. Staff has brought this ordinance change forward to increase flexibility of materials/designs and increase consistency of plan review and inspections.

Mr. Wilkinson stated that one of the main reasons staff recommends updating the landscape code is to increase consistency. Current standards require a minimum 40-50% of lawn with the remaining area consisting of an "effective combination of trees, shrubs and groundcover." It is difficult to interpret what constitutes "an effective combination" and to remain consistent in interpretation. In addition, requests have been made by applicants to consider xeriscaping and to limit turf/lawn. In response to increasing demands on a limited water supply, staff is recommending that other options be considered in addition to lawn/turf. Lawn will still be allowed but will be an option rather than mandated. Staff is also seeking clarification on requirements for residential park strips.

Mr. Wilkinson stated that because the proposed ordinance will impact a large number of city residents and businesses, staff is bringing forward the changes in two separate meetings for consideration. The first changes will cover modifications to commercial, industrial and multifamily landscaping. The next meeting will focus on potential changes to residential landscape standards. Staff has concluded that changes need to be made to the current code for the following reasons:

- Clarify landscaping requirements
- Increase consistency between applicants during plan review

**TO: Murray City Planning Commission**

**FROM: Murray City Community & Economic Development Staff**

**DATE OF REPORT: June 29, 2012**

**DATE OF HEARING: July 5, 2012**

**PROJECT NAME: Birkhill Street Light**

**PROJECT NUMBER: 12-00000081**

**PROJECT TYPE: Ordinance Text Amendment**

**APPLICANT: Parleys Partners**

**I. REQUEST:**

Representatives of Parleys Partners are proposing modifications to reduce the required distance for street lights on the rights-of-way. The current standard is a maximum spacing of between 30 and 50 feet on principal streets. The proposal is to allow a 100-120 foot distance with staggering to occur on both sides of the street. Their rationale for the request is included in the attached application materials.

**BACKGROUND:**

In February 2007 the Murray City Council passed a resolution adopting the Fireclay Redevelopment Project Area, Street Network, Circulation Plan, and Street Design Cross Sections as part of the Transit Oriented Development (TOD) District Design Standards and Transportation Master Plan. The Design Standards are adopted by reference as a part of the TOD zoning district. The standards include regulations for streetlight spacing, approved street trees, street furnishings, sidewalk treatment and other standards related to the streetscape in the TOD. The purpose of the light spacing standards is to promote a safe, well-lit environment for pedestrians in the district.

Any project proposal that does not adhere to the regulations in the TOD ordinance and design standards must go through a process and present justification for the modifications which includes a recommendation from the Redevelopment Agency of Murray (RDA), Murray City Planning Commission, and final decision by the City Council;

## DISCUSSION OF REQUESTED MODIFICATIONS:

The applicant has proposed the following change to page 8 of the TOD Design Standards related to street light spacing:

Existing language:

**Placement/Spacing**

Principal Streets- 30' – 50' spacing on center, stagger with landscaping.

Proposed language:

**Placement/Spacing:**

Principal street- 100' to 120' on center, with Street Light spacing on the opposite side of the street staggered, so the net effect will be a street light every 50 lineal feet from the centerline of the street; but Street Lights will be 100' to 120' on center on any one side of the street.

Intersections will have a minimum of two street lights placed at opposite corners placed in an "X" pattern; NCW to SEC; and NEC to SWC.

Staff has evaluated the proposal and has concluded the following:

- After input from Power, Engineering and Community and Economic Development staff, the current lighting configuration provides more light than is necessary for the area;
- Staggering the lighting on opposite sides of the street will still preserve enough light to maintain the pedestrian elements for the area;
- The change in the distance of the light placements will also reduce costs for development and will reduce future City maintenance expenditures;
- The change will not compromise the quality of streetscape in the area.

Based on this analysis by impacted City Departments, RDA staff had originally recommended a spacing of 100' feet on center staggered on opposite sides of the street with the net effect of a street light every 50 lineal feet. After discussion with the applicant at their April 17, 2012 meeting, the RDA determined that there may be situations at the intersection of streets where the 100-foot spacing would be difficult based on right of way widths and other constraints. The RDA recommended that at intersections spacing be allowed to be increased to 120 feet on center with staggering across the intersection. Based on the recommendation of the Redevelopment Agency, staff proposes the following modification to the text proposed by the applicant

Principal streets- 100' on center, with staggering of street light spacing on the opposite side of the street, so that the net effect will be a street light every 50 lineal feet;

Spacing at street intersections may increase to 120' on center and will have a minimum of two street lights placed at opposite corners in an "X" pattern; i.e. northwest corner to southeast corner and northeast corner to south west corner.

## **I. FINDINGS AND CONCLUSION**

Based on the application and information provided staff concludes the following:

1. The Fireclay Transit Oriented Development District was developed in response to a vision of a dense, pedestrian scaled neighborhood. This vision is in line with the principles of transit and pedestrian oriented design, which includes elements that provide open space and pedestrian walkways. The Ordinance was also established to promote this vision that differentiates the area and developments from other areas to capitalize on the transit area;
2. The purpose of the Murray TOD Ordinance and design guidelines is to promote a safe, attractive and comfortable environment for the pedestrian and bicyclist by providing public open spaces, public pedestrian walkways, wide sidewalks, bike lanes, street furniture, pedestrian scale lighting, street trees and other appropriate amenities;
3. The proposed modification to street light spacing will still provide a safe and comfortable environment for pedestrians and will not compromise the quality of the streetscape.

## **II. Recommendation**

Based on the above findings, **staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to page 8 of the Transit Oriented Development standards related to street lighting on principal streets with modifications recommended by staff as follows:**

Principal streets- 100' on center, with staggering of street light spacing on the opposite side of the street, so that the net effect will be a street light every 50 lineal feet;

Spacing at street intersections may increase to 120' on center and will have a minimum of two street lights placed at opposite corners in an "X" pattern; i.e. northwest corner to southeast corner and northeast corner to south west corner.

# **Application Materials**

#12-81

# ZONING AMENDMENT APPLICATION

RECEIVED BY

JUN 14 2012

MURRAY CITY  
RECORDERS OFFICE

Type of Application (check all that apply):

- Zoning Map Amendment
- Text Amendment
- Complies with General Plan
  - Yes  No

Subject Property Address: 4221 SO. MAIN STREET, MURRAY, UT 84107

22.06.103.011; 22.06.103-012

Parcel Identification (Sidwell) Number: FIRECLAY TOD AREA  
RESIDENTIAL - MULTI-FAMILY

Parcel Area: 32.0 ACRES Current Use: COMMERCIAL/INDUSTRIAL/RETAIL

Existing Zone: SEE CURRENT USE ABOVE Proposed Zone: SEE CURRENT USE ABOVE  
HOOPER KNOWLTON 90

Applicant Name: PARLEYS PARTNERS / 4250 MAIN 1, LLC

Mailing Address: 1338 SO. FEETHILL DRIVE, BOX 305

City, State, ZIP: SALT LAKE CITY, UT 84108

Daytime Phone #: 801.918.4353 Fax #: \_\_\_\_\_

Business Name (if applicable): PARLEYS PARTNERS / 4250 MAIN 1, LLC

Property Owner's Name (if different): 4250 MAIN 1, LLC

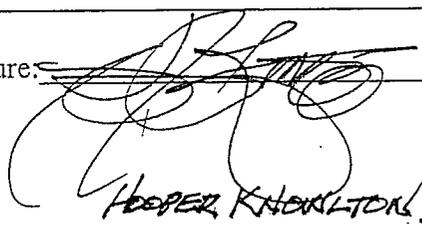
Property Owner's Mailing Address: 1338 SO. FEETHILL DR., BOX 305

City, State, Zip: SALT LAKE CITY, UT 84108

Daytime Phone #: 801.918.4353 Fax #: \_\_\_\_\_  
EMAIL: HOOPER@THEKNOWLTONGROUP.COM  
DG.BEVAN@COMCAST.NET

Describe your reasons for a zone change (use additional page if necessary):

TO ADJUST STREET LIGHT SPACING IN FIRECLAY  
TOD ZONE. SEE ATTACHED DOCUMENTATION

Authorized Signature: 

Date: 6.14.2012

HOOPER KNOWLTON III

Property Owners Affidavit

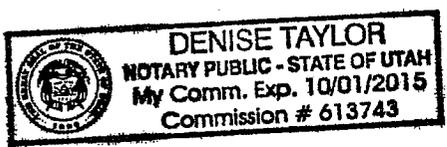
I (we) 4250 MAIN 1, LLC, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Owner's Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this

14<sup>th</sup> day of June, 2012



Denise Taylor  
Notary Public  
Residing in Salt Lake City, Ut  
My commission expires: 10/1/2015

Agent Authorization

~~I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.~~

~~Owner's Signature~~

~~Owner's Signature (co-owner if any)~~

~~On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared before me~~

~~\_\_\_\_\_ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.~~

~~Denise Taylor  
Notary Public  
Residing in Salt Lake City, Ut  
My commission expires: 10/1/2015~~

## PARLEYS PARTNERS

---

June 14, 2012

Tim Tingey  
Director  
Administrative and Development Services  
Murray City  
5025 South State Street  
Murray, UT 84107

**RE: REQUESTED CHANGE IN TOD ORDINANCE FOR STREET LIGHT SPACING**

Dear Tim:

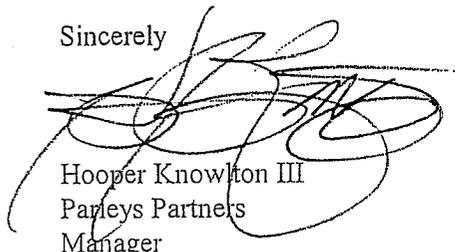
This letter is written as a follow-up to the Murray City RDA meeting on April 17<sup>th</sup>, 2012, when Parley's Partners and the Birkhill Apartment project proposed a change to the Street Light spacing in the TOD Design Standards Ordinance in the Fireclay RDA. As was discussed in the meeting, spacing at 50' on center on both sides of the street creates a situation where there is "too much" light and takes away from the streetscape ambience the TOD Design Standards has attempted to create.

We have carefully looked at alternative Street Light spacing. We have had initial discussions with Charles Crutcher and Kelly Peterson from Murray Power, who are supportive of our request to increase the spacing of the Street Light from the mandated 50' on center to 100' to 120' on center, with Street Light spacing on the opposite side of the street staggered, so the net effect will be a Street Light every 50', but on opposite sides of the street. Additionally, the Murray City RDA on April 17, 2012, supported our proposal to change the Street Lighting distance as proposed above. We believe this will create adequate lighting at night, provide a safe walking environment for pedestrians, while at the same time creating a better ambience for the evening streetscape.

Attached with this request are the following illustrations:

1. A Drawing showing existing Street Light locations on the west side of Main Street and proposed Street Light locations for additional staggered Street Lights.
2. A Drawing depicting the Birkhill Phases and the location of Street Lights within each Phase
3. A Drawing prepared by Nick Mingo, P.E., depicting the location of Street Lights on the east side of Main Street and the north side of Fireclay Ave.

Sincerely



Hooper Knowlton III  
Parleys Partners  
Manager

## LIGHTING FIXTURES

### CURRENT LANGUAGE:

#### Placement/Spacing:

Principal Street – 30' to 509' spacing on center stagger with landscaping

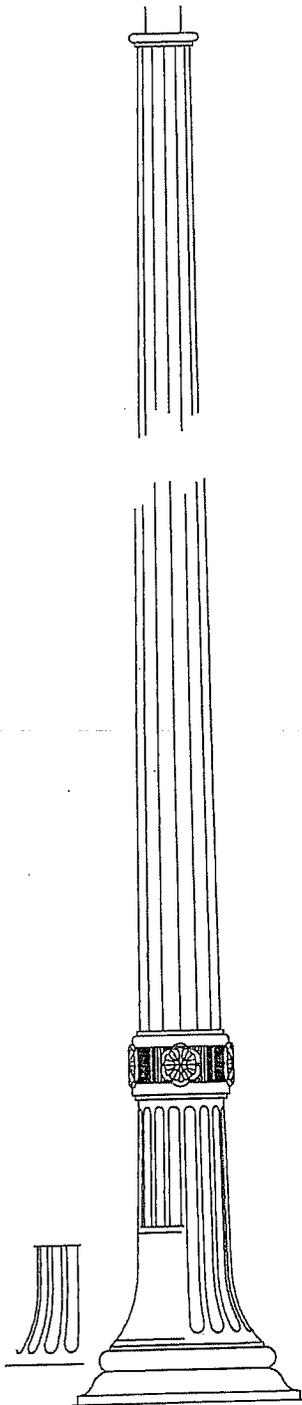
### REPLACEMENT LANGUAGE:

#### Placement/Spacing:

**Principal/street** – 100' to 120' on center, with Street Light spacing on the opposite side of the street staggered, so the net effect will be a Street Light every 50' lineal feet from the centerline of the street; but Street Lights will be 100' to 120' on center on any one side of the street.

Intersections will have a minimum of two Street Lights placed at opposite corners placed in an "X" pattern: NCW to SEC; and NEC to SWC.

LIGHTING FIXTURES



LIGHTING SPECIFICATIONS

**Manufacturer:**  
Holophane

**Model Series:**  
Utility Washington Postlite Luminaire (WAU-product number)  
North Yorkshire Pole (NY13/20-CIS/BK)

**Materials:**  
Cast iron & steel pole  
Glass and cast aluminum luminaire

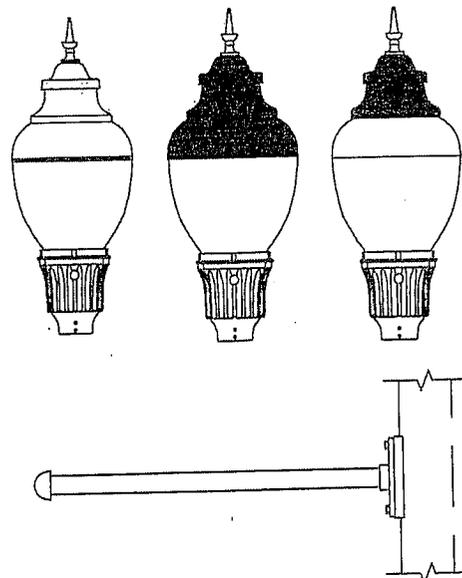
**Finish:**  
Black trim on luminaire  
Black pole finish

**Pole Size:**  
15' pole height  
20" diameter base

**Accessories/Notes:**  
Banner arms (BA24H/1/BO)  
Single lamp, rather than the double

**Placement/Spacing:**  
Principal Street - 30' - 50' spacing on center stagger with landscaping  
Non-principal Streets - spacing to meet minimum required lighting levels

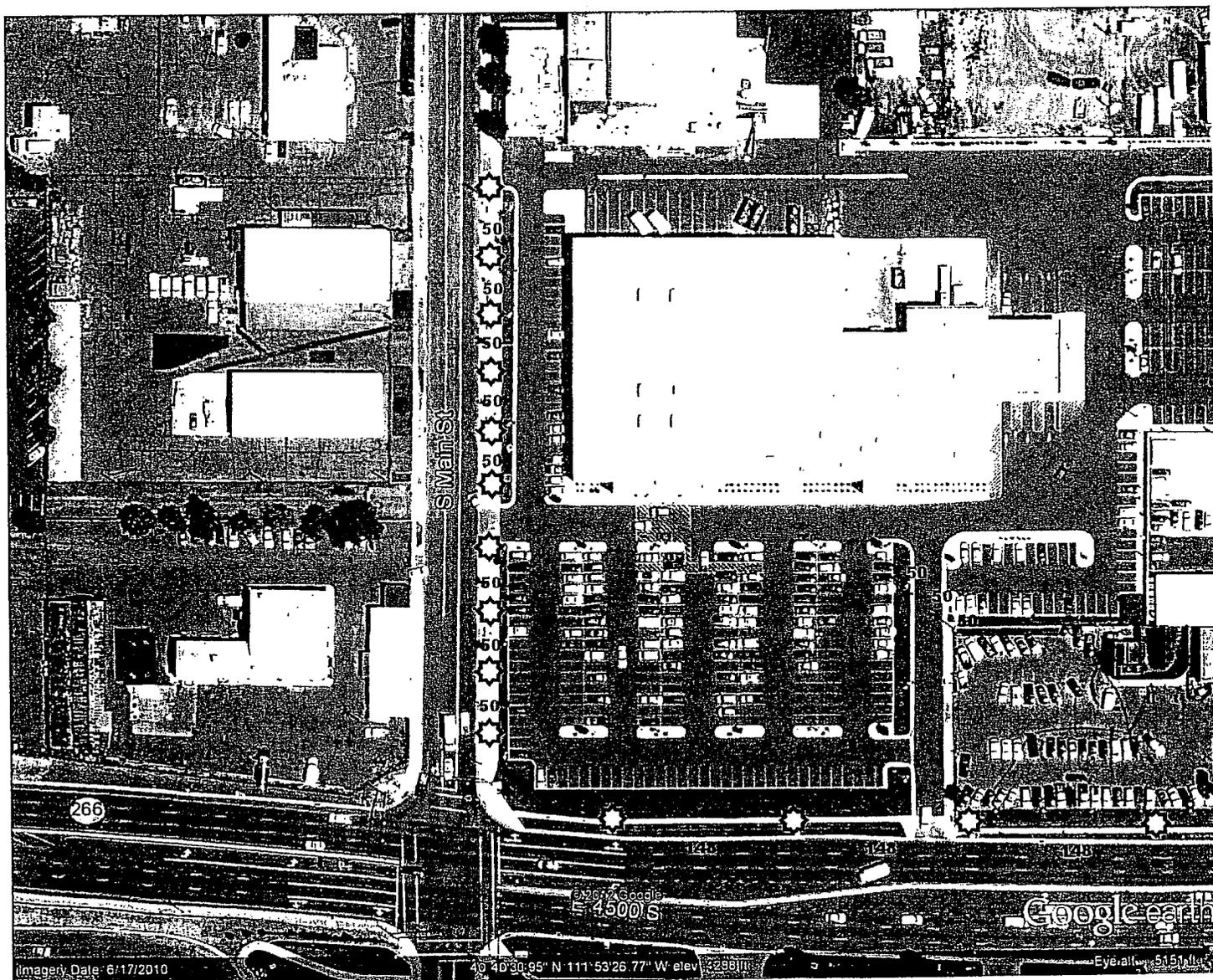
**Application:**  
All streets, and other approved locations



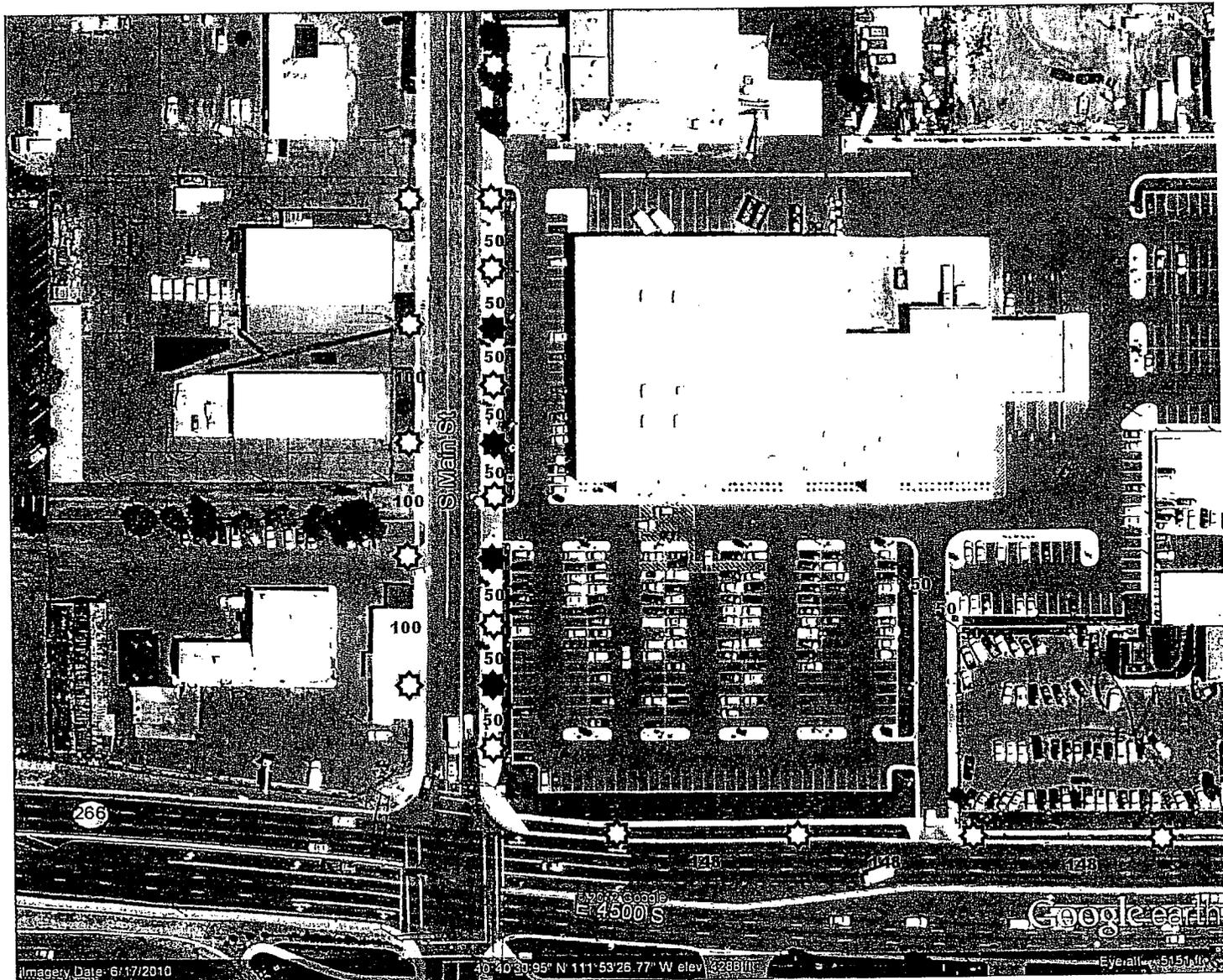
**Birkhill Apartments**  
**Street Light Spacing Proposal**  
**June, 2012**



# Current Deseret Industries Light Spacing

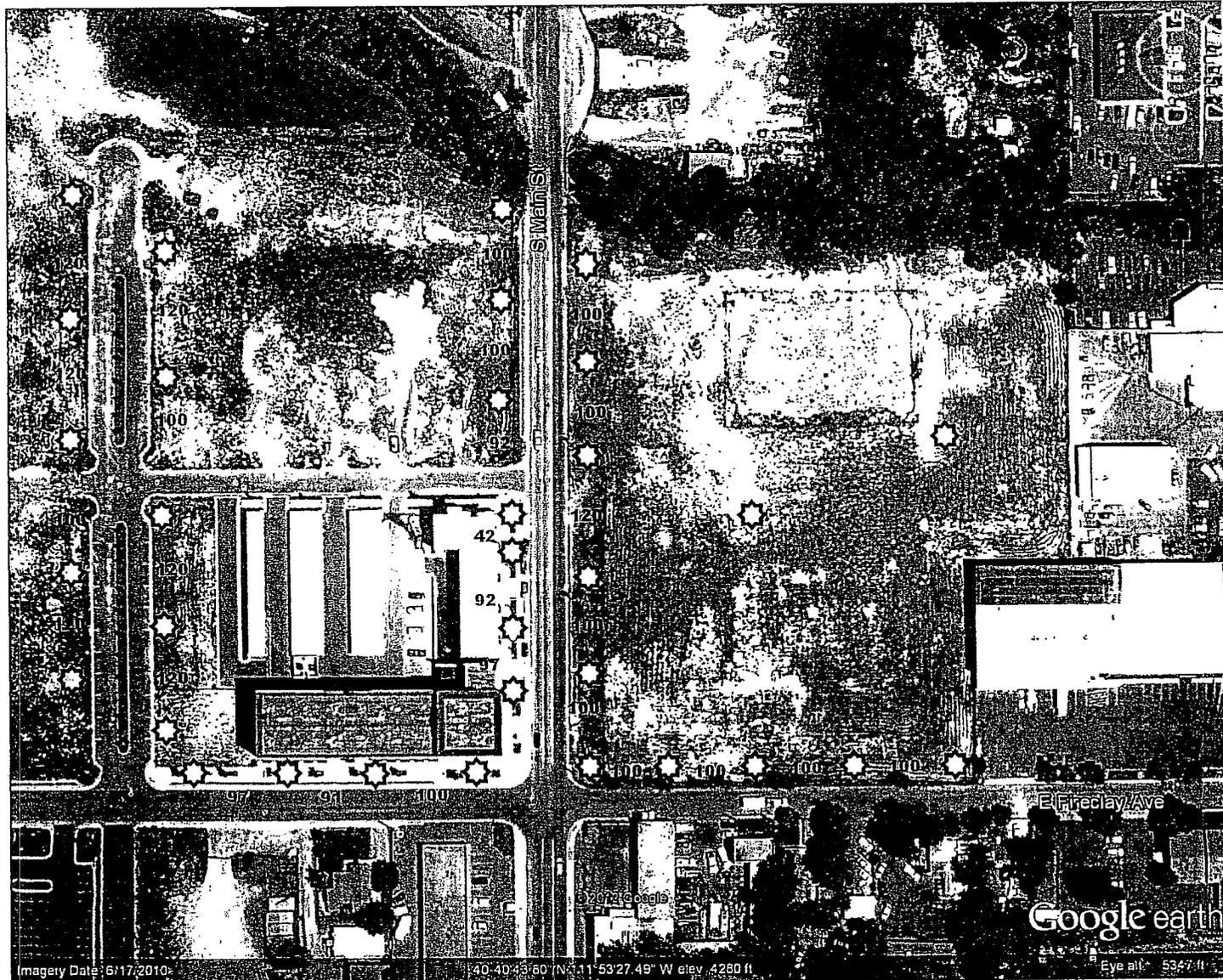


# Proposed Deseret Industries Spacing

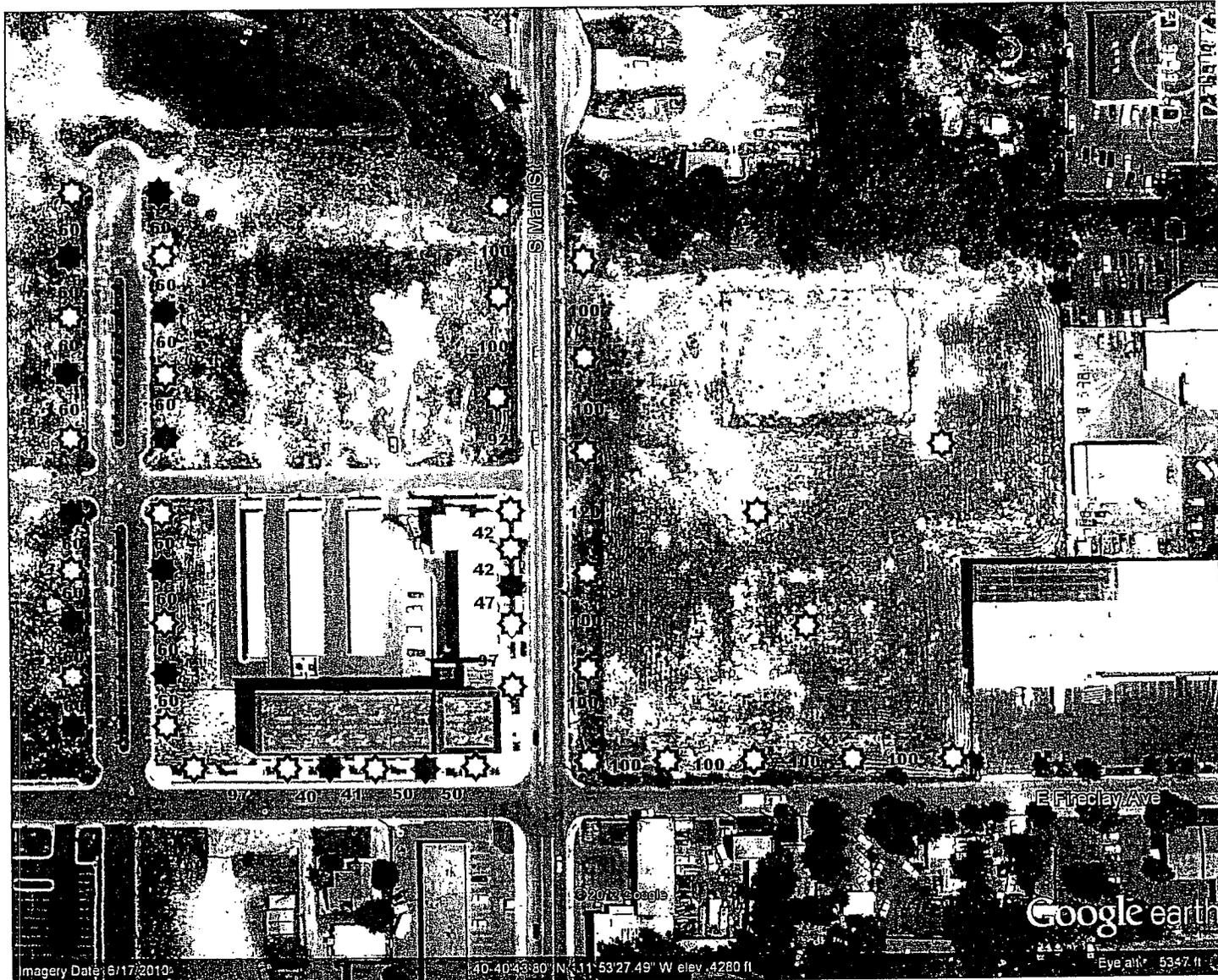




# Proposed Birkhill Street Light Spacing



# Removed Birkhill Street Lights



**P/C AGENDA MAILINGS**

"AFFECTED ENTITIES"

Updated 5/24/12

UDOT - REGION 2  
ATTN: MARK VELASQUEZ  
2010 S 2760 W  
SLC UT 84104

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
PO BOX 30810  
SLC UT 84130-0810

TAYLORSVILLE CITY  
PLANNING & ZONING DEPT  
2600 W TAYLORSVILLE BLVD  
TAYLORSVILLE UT 84118

WEST JORDAN CITY  
PLANNING DIVISION  
8000 S 1700 W  
WEST JORDAN UT 84088

CHAMBER OF COMMERCE  
ATTN: SCOTT BAKER  
5250 S COMMERCE DR #180  
MURRAY UT 84107

MURRAY SCHOOL DIST  
ATTN: PAT O'HARA  
147 E 5065 S  
MURRAY UT 84107

MIDVALE CITY  
PLANNING DEPT  
655 W CENTER ST  
MIDVALE UT 84047

SALT LAKE COUNTY  
PLANNING DEPT  
2001 S STATE ST  
SLC UT 84190

GRANITE SCHOOL DIST  
ATTN: KIETH BRADSHAW  
2500 S STATE ST  
SALT LAKE CITY UT 84115

UTAH POWER & LIGHT  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

QUESTAR GAS  
ATTN: KIM BLAIR  
P O BOX 45360  
SLC UT 84145-0360

COTTONWOOD IMPRVMT  
ATTN: LONN RASMUSSEN  
8620 S HIGHLAND DR  
SANDY UT 84093

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8215 S 1300 W  
WEST JORDAN UT 84088

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT 84117

COTTONWOOD HEIGHTS CITY  
ATTN: PLANNING & ZONING  
1265 E FT UNION BLVD #250  
CTNWD HEIGHTS UT 84047

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

UTOPIA  
Attn: TOM MARRIOTT  
2175 S REDWOOD RD  
WEST VALLEY CITY UT 84119

UTOPIA  
Attn: JARED PANTIER  
2175 S REDWOOD RD  
WEST VALLEY UT 84119

**GENERAL PLAN MAILINGS:**  
(in addition to above)

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

WASATCH FRONT REG CNCL  
PLANNING DEPT  
295 N JIMMY DOOLITTLE RD  
SLC UT 84116

CANALS & DITCHES:

7 S. 5600 W.  
 BOX 704005  
 VALLEY CITY, UTAH 84170  
 TAX I.D.# 87-0217663

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 WWW.SLTTRIB.COM

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 WWW.MEDIAONEUTAH.COM

Deseret News  
 WWW.DESRETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	6/25/2012

**FILE COPY**

TOD,  
 street  
 lighting

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000801875 /
SCHEDULE	
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MURRAY CITY CORPORATION  
 NOTICE OF PUBLIC HEARING  
 NOTICE IS HEREBY GIVEN that on the 5th day of July, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City, Center 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to the consideration of a land use ordinance text amendment for the Transit-oriented Development District (TOD) Ordinance, Municipal Code Section 17.08.03 regarding the street lighting spacing requirements.  
 MURRAY CITY CORPORATION  
 Chad Wilkinson, Manager  
 Community & Economic Development  
 801875 FAX 801875

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN** that on the 5th day of July, 2012, at the hour of 6:30 p.m. of said day in the Council FOR **MURRAY CITY RECORDER**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON Start 06/24/2012 End 06/24/2012

SIGNATURE *[Signature]*

DATE 6/25/2012

**VIRGINIA CRAFT**  
 Notary Public, State of Utah  
 Commission # 581469  
 My Commission Expires  
 January 12, 2014

*[Signature]*

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"  
 PLEASE PAY FROM BILLING STATEMENT

Janet Lopez

---

**From:** Tim Tingey  
**Sent:** Friday, August 31, 2012 9:33 AM  
**To:** Hooper Knowlton III  
**Cc:** Janet Lopez  
**Subject:** RE: Council Information

Hooper, thank you for the information. I have forwarded it to the City Council. The meeting is next Tuesday September 4<sup>th</sup> at 6:30 p.m. at City Hall in the Council chambers. Please plan to attend.

Tim Tingey

Director

Administrative and Development Services

Murray City Corporation

5025 S. State Street

Murray, UT 84107

(801) 264-2680



**From:** Hooper Knowlton III [<mailto:hooper@theknowltongroup.com>]  
**Sent:** Friday, August 31, 2012 9:22 AM  
**To:** Tim Tingey  
**Subject:** Re: Council Information

Tim, attached is the photometric analysis as to the average Foot Candles generated by the existng light pole spacing on the west side of Main Street between Fireclay and Gilbride, and the average Foot Candles generated on the east side of Main Street with the spacing that we are suggesting at 100'.

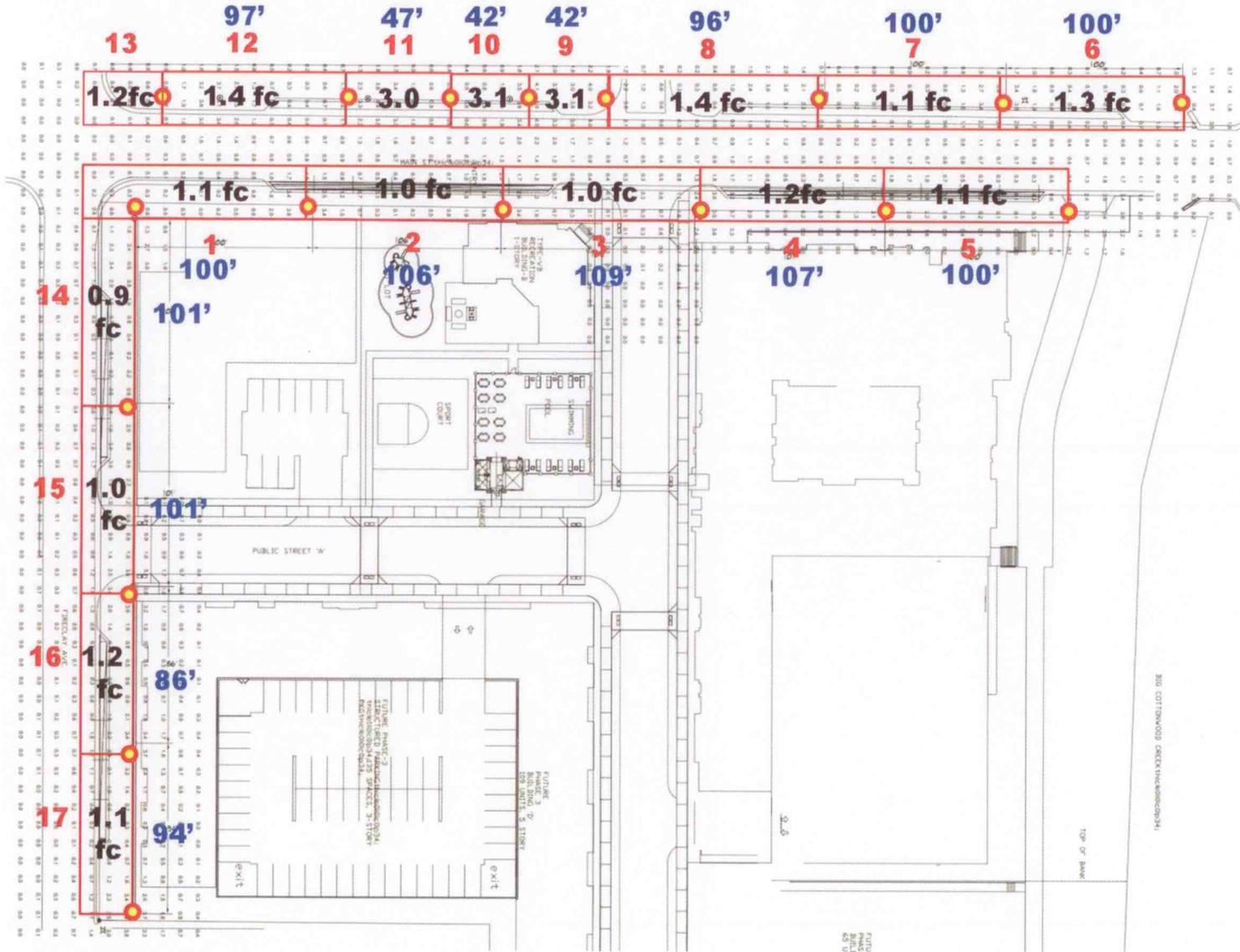
**Hooper Knowlton III**  
**The Knowlton Group**  
**1787 West 2320 South**  
**Salt Lake City, UT 84119**  
**Mbl: [801-918-4353](tel:801-918-4353)**  
**Email: [hooper@theknowltongroup.com](mailto:hooper@theknowltongroup.com)**

**IMPORTANT:** This information is CONFIDENTIAL and is intended only for the named addressee(s). This message may be protected by the attorney/client privilege. If the reader of this e-mail message is not an intended recipient (or the individual responsible for the delivery of this e-mail message to an intended recipient), please be advised that any re-use, dissemination, distribution or copying of this e-mail is prohibited. If you have received this e-mail message in error, please reply to the sender that you have received it in error and delete it. Thank you.

On Fri, Aug 31, 2012 at 7:58 AM, Tim Tingey <[ttingey@murray.utah.gov](mailto:ttingey@murray.utah.gov)> wrote:

Hooper, I am following up on the information on the lighting you were going to submit. I need the information this morning in order to get it to the Council. Please send it to me or drop by as soon as possible.

# BIRKHILL STREET LIGHT FOOT CANDLE ANALYSIS



Please see the following information:

eHow Foot Candles for Outdoor Activity

University of California, Berkeley Campus Lighting Standards

California State University, Fullerton Campus Lighting Levels

The Illuminating Engineering Society of North America is probably the best resource for lighting standards, although single user access to their handbook is \$250. Therefore; I hope the resources listed above will give you an idea of common standards in use.

eHowHome Design & DecoratingLamps & LightsLight FixturesFoot Candles for Outdoor Activity

## Foot Candles for Outdoor Activity

By Ian Farquharson, eHow Contributor

While a foot-candle may sound like a strangely shaped lighting appliance, it does in fact refer to a unit of illumination. One foot-candle equates to the illuminance of a point on a surface, at a distance of one foot from a light source of one candela intensity. Foot-candle measurements can have a use in designing the correct lighting requirements for outdoor areas. *Does this Spark an idea?*



### Other People Are Reading



[Outdoor Parking Lot Energy Efficient Lighting Solutions](#)



[How to Convert Lumens to Candles](#)

### Sports Areas

Many sports take place outdoors, and games played in the evening will require floodlights. Generally the recommended foot-candles for this activity will depend on skill level and spectator numbers. According to the Illumination Engineering Society ([ies.org](http://ies.org)), recreational and amateur sporting areas can work with a lower level, with foot-candle levels in the range 10 to 30 generally acceptable. For professional sports stadiums, the required level will more likely fall in the 100 to 150 level.

## → Parking Areas

Open car parking areas can use lighting for convenience and safety. The Dark Sky Society ([darksksociety.org](http://darksksociety.org)) indicates that an average level of 0.8 foot-candles should provide sufficient lighting, although the actual levels required can depend on a few factors, such as the area and crime levels. Gas stations will generally require greater lighting levels, and this can vary from around 2 foot-candles on the approach, to 5-foot-candles in the pump areas.

### Sponsored Links

#### Light Laboratory

LM79 Testing NVLAP Accredited Laboratory  
[www.lightlaboratory.com](http://www.lightlaboratory.com)

## → Walking Areas

Providing lighting in walking areas can make them safer for use, reducing the chances of an accident. Typical Illumination Engineering Society recommended minimum levels can vary from as low as 0.2 foot-candles for residential sidewalks, to around 0.9 foot-candles for commercial sidewalks. However, in areas where running is more likely, such as playgrounds, the recommended minimum level increases to around 5 foot-candles.

## Home Areas

Many homes can have outdoor living spaces, and this can include patios, porches and gazebos. Providing these with lighting can make them accessible in the evening hours. Depending on the use of these, acceptable lighting levels can range from around 1 foot-candle for resting areas, to 5 foot-candles for dining areas, and up to 20 foot-candles for reading areas. However, the Dark Sky Society indicates that foot-candle levels at property boundaries should not exceed 0.05, to avoid light trespass into adjacent properties.

## Work Areas

Various work activities can take place outdoors. Construction work usually requires a minimum of around 10 foot-candles, while other minimum recommended levels include 5 foot-candles for industrial yards, 100 foot-candles for car sales lots, and 20 foot-candles for loading/unloading platforms.

## General

A number of standards exist for recommended lighting levels, and most locations will have their own specific guidelines for foot-candle levels in outdoor areas.

Places to look to for guidance include the American National Standards Institute (ansi.org), the Illuminating Engineering Society, and state and local lighting guidelines.

Sponsored Links

**Utah AC Repair** [www.comfortchampions.com](http://www.comfortchampions.com)

Free Service Calls Save up to \$3400 Today

**Free Conversion Calculator** [Calculator.UtilityChest.com](http://Calculator.UtilityChest.com)

Calculators: Different Calculators For Every Situation - Free!

**Measurement of light** [www.gigahertz-optik.de](http://www.gigahertz-optik.de)

Quality light measurement equipment LED Tester, Radiometer, Photometer

**cool patios** [PatioMistingSystems.com](http://PatioMistingSystems.com)

Quality Misting Kits, Install Once! Free Misting System Design Guide.

## Related Searches

[Outdoor Lighting Design](#)

[Lighting Outdoor](#)

[Outdoor Lighting Fixture](#)

[Outdoor Patio Deck](#)

[Commercial Outdoor Lighting](#)

### More from eHow



**How to Convert Footcandles to Watts**



**How Many Recessed Lights Should Be in a Room?**

### More to Explore

When it comes to misting, you want to take a minimalist approach.

**Barefoot Running 101**  
(Equinox)



**How to Find the Right Shoe for Working Out**  
(mom.me)

What's this?

## References

[MTS: Footcandles and Lux for Architectural Lighting](#)

[Friesen: Recommended Outdoor Footcandle Levels](#)

[PRM: Sports Parks, Skateparks and Sports Fields](#)

[Dark Sky Society: Guidelines for Good Exterior Lighting Plans](#)

[Plant Care: Planning Outdoor Lighting Needs](#)

## Resources

[ANSI: American National Standards Institute](#)

[IES: Illuminating Engineering Society](#)

Photo Credit Siri Stafford/Photodisc/Getty Images

## More Like This



[Outdoor Parking Lot Energy Efficient Lighting Solutions](#)



[How to Convert Lumens to Candles](#)



[Hiking Foot Care](#)

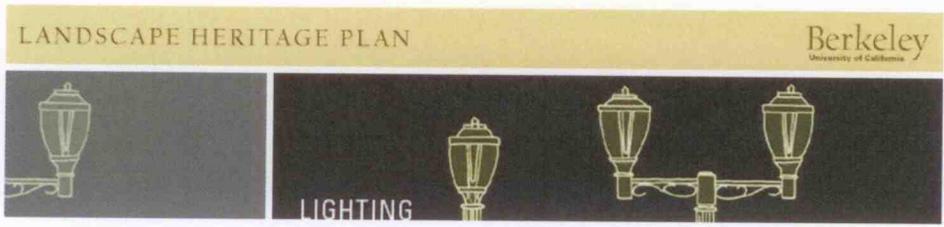
## Comments

## Featured Also Viewed

[How to Calculate Desired Foot Candles](#)

[How to Calculate Light Fixtures](#)

# University of California, Berkeley

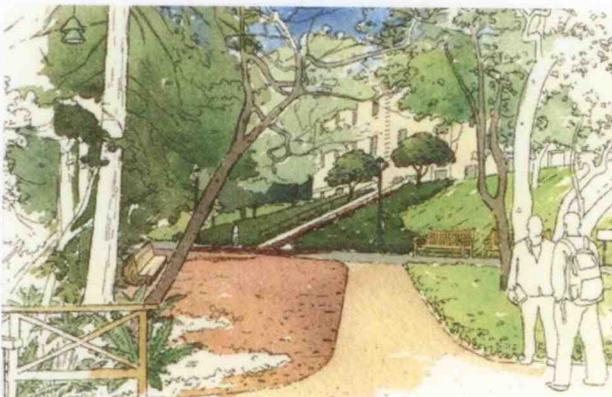


- About the Plan
- Historical Significance
- Implementation Concepts
- Landscape Guidelines
  - Landscape Goals
  - Use of Guidelines
  - Site Planning
  - Landscape Components
    - Planting
    - Paving Materials
    - Lighting
    - Pedestrian Barriers and Traffic Controls
    - Furnishings
    - Signage
- Download & Print

Three types of lighting occur within the Classical Core: the Campus Standard, Architectural, and Accent. The lighting concept for the Core provides safe levels of light on major circulation routes and plazas while preserving views of the neoclassical buildings and landscapes.

**Design Intent:**

- Consider the locations and intensity of light fixtures in context with trees and other site elements to help diminish their appearance in the open landscape.
- Incorporate lighting techniques to manage light pollution.
- Carefully integrate special use lights, such as the Architectural or Accent fixtures, into the landscape so as not to distract or diminish the historic value of the cultural landscape.



The Haviland Hall environs represent the merging of the Neoclassical and Natural landscape types.

**The vignette illustrates:**

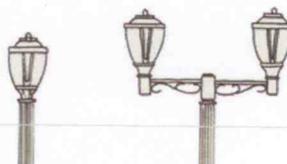
- Restoring views into woodlands along Strawberry Creek.
- Incorporating woodland plantings along creek and emphasize slope with formal arrangement of low shrubs and accent trees around stairs.
- Using Campus Standard light fixtures along path at base of slope and incorporating accent lights at creek crossings.
- Locating wood benches along path and sawn logs along woodland edge.

**Campus Standard (Back to Top)**



Double-Headed Light Fixture Primary Zone Diagram.

The Campus Standard is a single- or double-mounted tulip-shaped luminaire on a fluted pole with a decorative base cover. Most of those on campus are single headed fixtures. The Double-Headed Light Fixture Primary Zone Diagram illustrates the principle areas where the double-headed light standards are permitted.





Double-Headed Light Fixture Primary Zone Diagram.

The Campus Standard is a single- or double-mounted tulip-shaped luminaire on a fluted pole with a decorative base cover. Most of those on campus are single headed fixtures. The Double-Headed Light Fixture Primary Zone Diagram illustrates the principle areas where the double-headed light standards are permitted.



Single and double-headed Campus Standard light fixtures.

**Design Intent:**

- Use Campus Standard fixtures along roads, walks, paths, in parking areas, and in pedestrian plazas.
- Meet the following foot-candle illumination level objectives: 1.0 ft/c in parking lots, near night entries to buildings, bus stops, and campus entries, and 0.5 ft/c on walks and paths.
- Use standard campus paint color (Elephant's Breath).
- Recommended Spacing:
  - 50 feet on center near entries and parking
  - 70 feet on center along walks and paths
  - 70-100 feet on center for double-headed fixtures

**Manufacturer:**

Sentry Electric, Freeport, NY

**Model:**

Pole: SCI-NY20, cast iron, 13-foot length

Luminaries: SBP - Battery Park, 175-watt metal halide, type 3 or 5 distribution, photocell control

Crossarm for double-headed fixtures: SAL-WB-T

**Webpage:**

[www.sentrylighting.com](http://www.sentrylighting.com)

## Campus Lighting Levels

The following are EH&IS recommended lighting levels using Illuminating Engineering Society (IES) guidelines:

### Classrooms

50 to 100 foot-candles, depending upon need. Recommended light level is 70 foot-candles as measured on top of student desks.

### Offices

50 to 150 foot-candles, depending upon need. Recommended light level is 70 foot-candles as measured on the top of desks. Higher levels of light needed because of more difficult work should be achieved by supplementary sources such as desk lamps.

### Hallways, stairs, and public assembly areas

10 foot-candles is the recommended light level for all these high traffic areas. No part of these public areas should have a light level lower than 2 foot-candles.

### Building entrances

5 foot-candles is the recommended light level for the outside area of building entrances.

### → Outdoor walkways

One foot-candle is the recommended light level for all parts of outdoor walkways and other public foot traffic areas.

### → Parking Surface Lots

One foot-candle is the recommended light level for all parking lot areas.

### Parking Structure

Five foot-candle is the recommended light level

Revised: 9/23/2004 TW

**Public  
Hearing #2**

# MURRAY CITY CORPORATION

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 4<sup>th</sup> day of September, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold a Public Hearing.

The purpose of this hearing is to receive public comment concerning a request to amend the Zoning Map for the property located at approximately 170 West Winchester Street, Murray, Utah from Residential Single-family (R-1-8) to Residential Neighborhood Business (R-N-B).

DATED this \_\_\_\_\_ day of August, 2012.

MURRAY CITY CORPORATION

---

Jennifer Kennedy  
City Recorder

DATES OF PUBLICATION: August 19, 2012

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO ZONING; AMENDS THE ZONING MAP FOR PROPERTY LOCATED AT APPROXIMATELY 170 WEST WINCHESTER STREET, MURRAY CITY, UTAH, FROM R-1-8 (SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT) to R-N-B (RESIDENTIAL NEIGHBORHOOD BUSINESS DISTRICT). (Amy & Dusten Moore.)

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL AS FOLLOWS:

WHEREAS, the owner of the real property located at approximately 170 West Winchester Street, Murray, Utah, has requested a proposed amendment to the zoning map to designate the property in an R-N-B zone district; and

WHEREAS, it appearing that said matter has been given full and complete consideration by the Murray City Planning and Zoning Commission; and

WHEREAS, it appearing to be in the best interest of Murray City and the inhabitants thereof that the proposed amendment of the zoning map be approved.

NOW, THEREFORE, BE IT ENACTED:

*Section 1.* That the Zoning Map and the zone district designation be amended for the following described property located at approximately 170 West Winchester Street, Murray, Utah, from the R-1-8 (Single-Family Low Density Residential) zone district to the R-N-B (Residential Neighborhood Business) zone district:

See the legal description attached as Exhibit "A" which is hereby incorporated by reference as if fully set forth herein.

Parcel No. 1: 21-24-253-013

Parcel No. 2: 21-24-253-015

*Section 2.* This Ordinance shall take effect upon the first publication and filing of copy thereof in the office of the City Recorder of Murray City, Utah.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
James A. Brass, Chair

ATTEST:

\_\_\_\_\_  
City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_ day of \_\_\_\_\_, 2012.

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Daniel C. Snarr, Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
City Recorder

**EXHIBIT A**  
**(Legal Description)**

## PARCEL AREA:

### Parcel 1:

Commencing 18.19 chains West and 9.5 chains North and South 85o West 49 feet from the Southeast corner of the Northeast quarter of Section 24, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 85o West 113.83 feet; thence North 0o55' West 256.27 feet; thence South 88o15' East 111.73 feet; thence South 1o22' East 116.13 feet; thence South 88o21'31" East 2.09 feet; thence South 1o17' East 125 feet to the point of beginning.

Excepting therefrom that portion along the South lying within the bounds of Winchester Street / 6400 South Street. Further excepting therefrom:

Commencing 18.19 chains West and 9.50 chains North and South 85o West 159.83 feet from the Southeast corner of the Northeast quarter of Section 24, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 85o West 3 feet; thence North 0o55' West 128.17 feet; thence South 2o15'25" East 127.99 feet to the point of beginning.

### Parcel 2:

Commencing 18.19 chains West and 9.50 chains North and South 85o West 159.83 feet and North 2o15'25" West 256.27 feet from the Southeast corner of the Northeast quarter of Section 24, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 88o15' East 3 feet; thence South 0o55' East 128.10 feet; thence North 2o15'25" West 128.28 feet to the point of beginning.

AMY & DUSTEN MOORE – 170 West Winchester Street – Project #12-90

Amy and Dusten Moore were the applicants present to represent this request. Joshua Beach reviewed the location and request for a zone map amendment from R-1-8 (Single-Family Residential) zoning district to R-N-B (Residential Neighborhood Business) zoning district for the property addressed 170 West Winchester Street. The property is located on the north side of Winchester, and the west side of I-215. The request for the zone map amendment from single family residential to residential neighborhood business is consistent with the direction of the General Plan and zoning for these properties. A variety of permitted uses are allowed in the R-N-B zone including single family dwellings that meet the requirement of the R-M-10 zone, duplexes that meet the requirement of the R-M-10 zone, residential facility for persons with a disability, residential facility for the elderly as well as other low scale, low intensity types of land uses. The uses should all "fit" in the neighborhood and exude a distinct residential feel. These uses include offices, neighborhood serving commercial uses such as beauty and barber shops, florists and similar uses. Conditional uses include banks, schools, small scale restaurants and minor retail. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Change.

Amy Moore, 700 East 5600 South, stated that she has reviewed the staff recommendations.

The meeting was opened for public comment.

Brian DeMann, 194 West Winchester, indicated he is a nearby resident. Mr. DeMann asked what things can happen with a zone change and what will be allowed as well as the requirements that come along with this zone change (i.e. landscaping, fencing, privacy issues, etc.).

Mr. Harland stated that a written comment was submitted by Mr. Rackley, 160 West Winchester, which is next door to the subject property. Mr. Rackley's memo questioned the development that could occur if the zone change is approved and indicated concerns about security, noise, lighting and interference with his property.

Mr. Beach stated that currently the R-1-8 zone allows for single family homes, residential facilities for people with disabilities, residential facilities for elderly persons, charter schools, residential childcare facilities, and group instruction. Other compatible uses require a Conditional Use Permit such as schools, churches, libraries, parks, playgrounds, telephone exchange stations, telephone relay towers, and other types of telephone communication. With a zone change to R-N-B a variety of permitted uses are allowed such as single family dwellings that meet the requirement of the R-M-10 zone, duplexes that meet the requirement of the R-M-10 zone, residential facility for persons with a disability, residential facility for the elderly as well as other low scale, low intensity types of land uses. The uses should all "fit" in the neighborhood and exude a distinct residential feel. In the residential business zone any use that goes in is subject to the Planning Commission for approval. These uses include offices, neighborhood serving commercial uses such as beauty and barber shops, florists and

similar uses. Conditional uses include banks, schools, small scale restaurants and minor retail.

Mr. Markham asked if there were conditions that apply to the construction of businesses that would work in this zone. Mr. Beach stated that there are height restrictions, lot coverage requirements, landscaping standards, parking standards, setbacks, etc. Mr. Markham mentioned that when he had worked for the city he remembered something about low profile buildings were preferred in this type of zoning to act as a transitional buffer from a busy street into the neighborhood. Mr. Wilkinson commented that the standards include limits on height, buffering, landscaping and mitigating conditions may be added per the Planning Commission's approval. There are some protections for adjacent residential zoning uses. It is in the General Plan that over time this property would transition into R-N-B zoning.

Mr. DeMann stated that he has lived on Winchester for 26 years and has seen many changes. He does feel that some of the commercial changes have benefitted the neighborhood and have proven to be positive. As the next door neighbor he wants to not only understand, but have input on what goes in such as landscaping, parking, etc. He stated he does not want to have the property end up where it is a backhoe or dump truck parking area. He asked about the hours of operation and about the security situation and who should he be working with on these issues. Mr. Harland indicated that this proposal is for a zone change only. However, the next issue on the agenda pertains to what type of business will be allowed on that property and the applicants are also asking for a dance studio to be allowed in the R-N-B zoning district. Mr. Harland also noted that anything that is commercial related needs to be approved by the Planning Commission through the review of plans and conditions. Mr. Harland stated those issues will be addressed in conjunction with the Conditional Use Permit application process.

The public comment portion of the meeting was closed.

Mr. Woodbury commended Mr. DeMann for attending the meeting, asking questions and taking ownership of the neighborhood. Mr. Woodbury also made note that the purpose of the R-N-B zoning is to enhance the neighborhood. The job of staff and the commission is to make sure that the proposed project is following all the ordinances and codes necessary to do just that.

Mr. Black made a motion to forward a recommendation of approval to the City Council for the requested Zone Change from R-1-8 to R-N-B for the property addressed 170 West Winchester Street. Ms. Daniels seconded the motion.

Call vote recorded by Mr. Wilkinson.

- A \_\_\_\_\_ Jim Harland
- A \_\_\_\_\_ Karen Daniels
- A \_\_\_\_\_ Ray Black
- A \_\_\_\_\_ Phil Markham
- A \_\_\_\_\_ Vicki Mackay
- A \_\_\_\_\_ Scot Woodbury

Motion passed, 6-0.

AMY & DUSTEN MOORE – Text Amendment to the R-N-B Zone to allow a Dancing School Land Use – Project #12-89

Amy and Dusten Moore are the applicants present to represent this request. Joshua Beach reviewed the request for an ordinance text amendment to add land use 6835, Dancing Schools, as a permitted use in the R-N-B zoning district. The zoning ordinance currently does not allow for dancing schools in the R-N-B zone. The Murray City Standard Land Use Code does include a category of land uses under the heading of "6830: Special Training and Schooling" related to special types of schools. The applicant has requested to include 6835 in order to provide dancing school opportunities in the city of Murray. Since the use is not allowed in the R-N-B zoning district, the city is unable to issue a business license at this time. Land use code "6834: Art, drama and music schools" is a permitted use in the zone. Due to the similarity of the use it is unclear why dancing schools were not included as an allowed or conditional use in the R-N-B zone when the code was originally adopted. The R-N-B zoning district provides standards to mitigate adverse impacts. These standards will apply to any development proposed and will address building design, setbacks, etc. With the change to the request recommended by staff, the amendment is consistent with the Goals and Policies of "Chapter 8: Economic Development" of the General Plan. Specific goals and policies contained in Chapter 8 that are addressed by the proposed amendment include:

- Goal: To attract new businesses to Murray City
- Goal: Expand the types of businesses available in Murray City

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would allow land use 6835: Dance Schools to be located in the R-N-B zoning district.

Amy Moore, 700 East 5600 South, stated she has had a dance studio in Murray for the last 11 years. She stated that the existing garage on the property will suit the needs for the dance studio. She stated that they offer classes for ages pre-school to 15 years old in ballet, jazz and hip hop and the dance school performs throughout the community.

Ms. Daniels asked Ms. Moore if her current dance studio is in a residential area. Ms. Moore responded in the affirmative and made note that there have not been any complaints from neighbors for her existing dance studio. She stated the reason they are considering the move would be for more space.

Mr. Woodbury asked Ms. Moore how many classes she offers and how many students does she currently have. Ms. Moore responded that she holds classes in the evenings on week days, generally from 3-9pm and is also open on Saturdays.

**TO: Murray City Planning Commission**  
**FROM: Murray City Community & Economic Development Staff**  
**DATE OF REPORT: July 13, 2012**  
**DATE OF HEARING: July 19, 2012**  
**PROJECT NAME: Amy and Dusten Moore**  
**PROJECT NUMBER: 12-90**  
**PROJECT TYPE: Zoning Change Amendment**  
**APPLICANT: Amy and Dusten Moore**  
**PROPERTY OWNER: Larry Brimhall**  
**PROPERTY ADDRESS: 170 West Winchester Street**  
**SIDWELL #: 21-24-253-013 & 21-24-253-015**  
**ZONE: R-1-8**  
**PROPERTY SIZE: .66 Acres**

**I. REQUEST:**

The applicant is requesting a zone map amendment from R-1-8 to R-N-B for the property addressed 170 West Winchester Street.

**II. BACKGROUND**

Site Location/Detail

The property is located on the north side of Winchester, and the west side of I 2-15.

Surrounding Land Use & Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Parking Lot	M-G-C
South	Office, Residence	R-N-B, R-1-8
East	Residence	R-1-8
West	Day Care, Residence	R-N-B, R-1-8

## Allowed Land Uses

**Existing:** The existing R-1-8 zone allows for single family homes, residential facilities for people with disabilities, residential facilities for elderly persons, charter schools, residential childcare facilities, and group instruction. Other compatible uses require a Conditional Use Permit such as schools, churches, libraries, parks, playgrounds, telephone exchange stations, telephone relay towers, and other types of telephone communication.

**Proposed:** A variety of permitted uses are allowed in the R-N-B zone including single family dwellings that meet the requirement of the R-M-10 zone, duplexes that meet the requirement of the R-M-10 zone, residential facility for persons with a disability, residential facility for the elderly as well as other low scale, low intensity types of land uses. The uses should all "fit" in the neighborhood and exude a distinct residential feel. These uses include offices, neighborhood serving commercial uses such as beauty and barber shops, florists and similar uses. Conditional uses include banks, schools, small scale restaurants and minor retail.

### **III. PUBLIC INPUT**

A mailing was sent on July 10, 2012 to the surrounding property owners in the area. As of the date of this report, we have not received phone calls and written comments from residents in the area.

### **IV. GENERAL PLAN ANALYSIS**

The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan for the subject properties has been identified as residential neighborhood business and the existing use of the property is single family residential which is compatible with the R-N-B zone uses. The zone change from R-1-8 (single family residential) to R-N-B (residential neighborhood business) is consistent with the Murray General plan. The R-N-B zoning district has several standards that mitigate impacts to adjoining uses such as increased setbacks, limits on hours of operation, limits on height, design of buildings, additional landscaping etc. These standards will be required of any commercial use on the property.

### **V. CITY DEPARTMENT REVIEW**

The Murray Fire Department noted that the property will be required to install a paved driveway for fire access.

## **VI. FINDINGS**

### **A. Is there need for change in the General Plan and the proposed zoning at the subject location for the neighborhood or community?**

The request for the General Plan amendment and zone change from single family residential to residential neighborhood business is consistent with the direction of the General Plan and zoning for these properties. The residential use of the property is consistent with the zoning and can remain provided it meets the requirements of the R-M-10 zone.

### **B. If approved, how would the range of uses allowed by the Zoning Ordinance blend with surrounding uses?**

The General Plan anticipates that the property will transition to R-N-B over time. The proposed zone change is consistent with the General Plan future land use map.

### **C. What utilities, public services, and facilities are available at the proposed location? What are or will be the probable effects the variety of uses may have on such services?**

The subject area is located in a developed part of the City and is served by all utilities, public services and facilities.

## **VII. CONCLUSION**

- i. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.**
- ii. The requested change has been carefully considered based on characteristics of the site and surrounding area and policies of the General Plan.**
- iii. The change to R-N-B is consistent with the General Plan future land use map.**
- iv. The types of uses allowed in the R-N-B zoning district are compatible with the surrounding uses and is consistent with the General Plan.**

## VIII. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Change.

\\DMS2\DMSDOCS\HTLTR\PLTR\PROD\PZ2012\P0004397.DOC

# Site Information





July 10, 2012

## NOTICE OF PUBLIC HEARING

This notice is to inform you of a Planning Commission Hearing scheduled for Thursday, July 19, 2012, at 6:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street.

Dusten & Amy Moore are requesting a zone change map amendment from R-1-8 to R-N-B located at the property addressed 170 West Winchester Street. See the attached plan. This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call Ray Christensen with the Murray City Community Development office., at 801-270-2420, or e-mail to [rchristensen@murray.utah.gov](mailto:rchristensen@murray.utah.gov).

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 OR CALL RELAY UTAH AT #711.



# **Application Materials**

#12-90

# ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

- Zoning Map Amendment
- Text Amendment
- Complies with General Plan
  - Yes  No

Subject Property Address: 170 West Winchester Street

Parcel Identification (Sidwell) Number: 21-24-253-013 + 21-24-253-015

Parcel Area: see attached Current Use: Single Family

Existing Zone: R-1-S Proposed Zone: R-N-B w/ land use code 6835 dancing school

Applicant Name: Amy + Dustin Moore

Mailing Address: 700 E 5100 S

City, State, ZIP: Murray UT 84107

Daytime Phone #: 801-201-7773 amy Fax #: \_\_\_\_\_

Business Name (If applicable): \_\_\_\_\_

Property Owner's Name (If different): Winchester, LLC

Property Owner's Mailing Address: 1787 E Ft. Union Blvd

City, State, Zip: Cottonwood Hts, UT 84121

Daytime Phone #: 801-556-8563 Fax #: \_\_\_\_\_

Describe your reasons for a zone change (use additional page if necessary):

see attached

\_\_\_\_\_

\_\_\_\_\_

Authorized Signature: Amy Moore Date: 27 June 2012

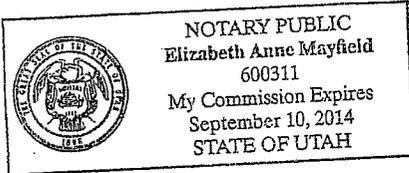
Property Owners Affidavit

I (we) Larry Brinkhall, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

[Signature]  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 27 day of June, 2012



Elizabeth Anne Wpytel  
Notary Public  
Residing in St. George, Utah  
My commission expires: 9/10/14

Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me

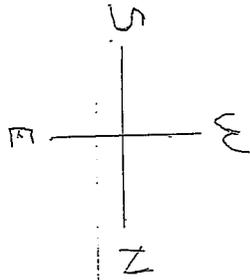
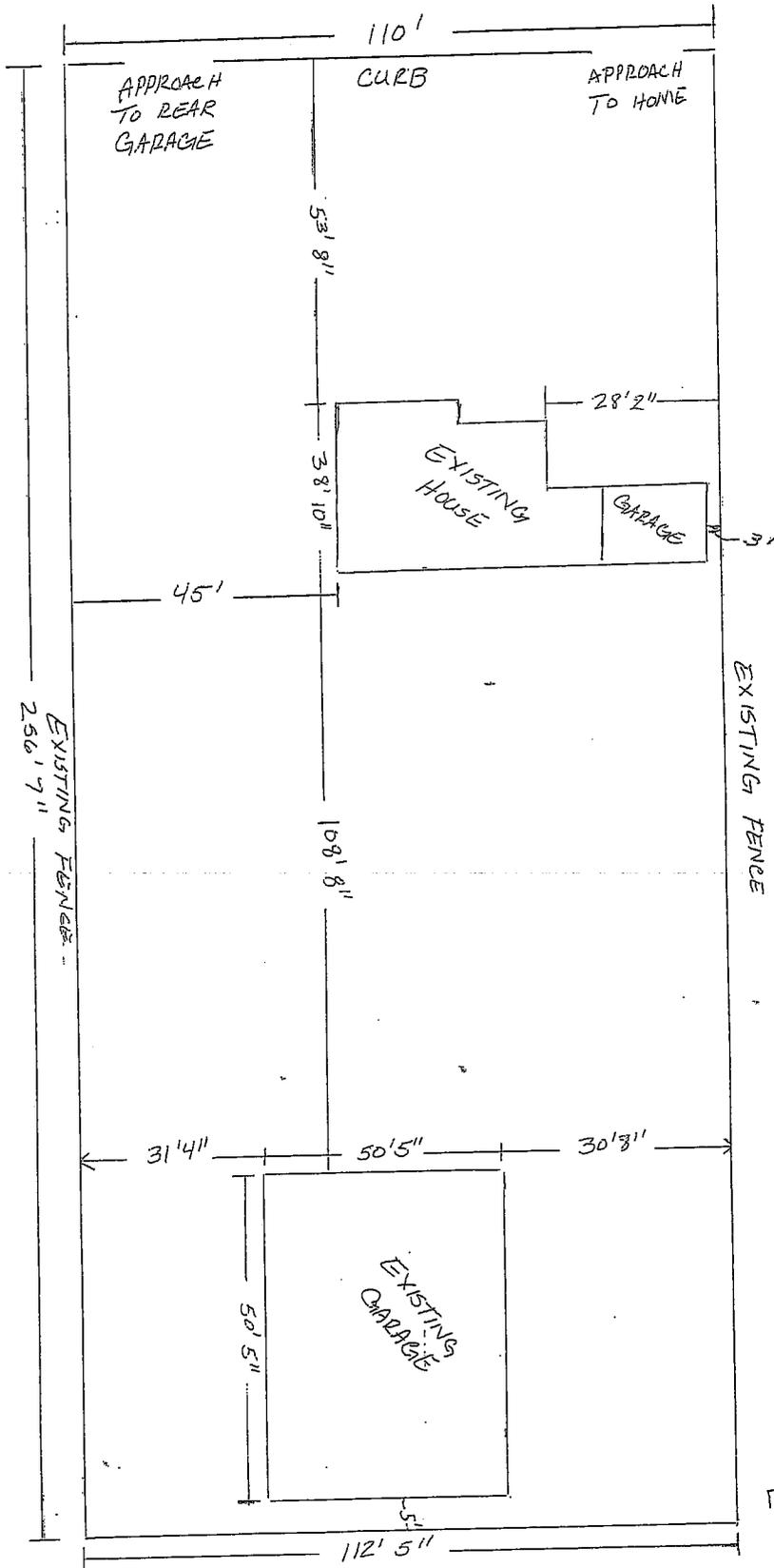
\_\_\_\_\_ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

\_\_\_\_\_  
Notary Public  
Residing in \_\_\_\_\_  
My commission expires: \_\_\_\_\_

WINCHESTER

170 West WINCHESTER

SITE PLAN 1" = 20' SCALE



1-215 PROPERTY

My name is Amy Toponce Moore, I am a mother of two, and the Found Owner and Artistic Director of Studio 56 Dance Center. I have been studying dance for 29 years and teaching dance for 17 years. Opening a studio has been a dream since I was a young dancer. I always told myself it wasn't if it was when. I have been doing my dream job for myself now for 11years. Studio 56 Dance Center was established in July of 2001, when I was 21 years of age. On most days we are operating 10hrs a day. We offer ballet, jazz and hip hop from the age of preschool-15yrs.

We pride on offering classes for all ages; the one thing we are not proud of is our limited class schedule. If you are a parent seeking a class for a preschool aged student we have so much to offer you. If you are a parent seeking something for your older child, I cross my fingers and hope you can fit into the one or two classes we offer for your child. I have enjoyed the journey thus far and am eager to expand and continue to spread my love for the art of dance.

My application today is for the property at 170 W Winchester in hopes for it to be considered for R-N-B with a land use code of 6835 for a dancing school. On the property there is an existing 50x50 garage that would allow me to start immediately. In addition I would need to improve the property with paved parking and landscaping. I feel that this area would be an ideal location for such a program. Parents would feel comfortable bringing their student to a location that is nestled into a neighborhood.

**Note**

---

Application to add ordinance 6835 to RNB zoning. Dance studio (6835) is very similar to current approved ordinance of 6834 (art, drama and music schools ) which is already included in permitted uses of RNB zone.

This request is regarding parcels: **21-24-253-013** and **21-24-253-015**

## PARCEL AREA:

### Parcel 1:

Commencing 18.19 chains West and 9.5 chains North and South 85o West 49 feet from the Southeast corner of the Northeast quarter of Section 24, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 85o West 113.83 feet; thence North 0o55' West 256.27 feet; thence South 88o15' East 111.73 feet; thence South 1o22' East 116.13 feet; thence South 88o21'31" East 2.09 feet; thence South 1o17' East 125 feet to the point of beginning.

Excepting therefrom that portion along the South lying within the bounds of Winchester Street / 6400 South Street. Further excepting therefrom:

Commencing 18.19 chains West and 9.50 chains North and South 85o West 159.83 feet from the Southeast corner of the Northeast quarter of Section 24, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 85o West 3 feet; thence North 0o55' West 128.17 feet; thence South 2o15'25" East 127.99 feet to the point of beginning.

### Parcel 2:

Commencing 18.19 chains West and 9.50 chains North and South 85o West 159.83 feet and North 2o15'25" West 256.27 feet from the Southeast corner of the Northeast quarter of Section 24, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 88o15' East 3 feet; thence South 0o55' East 128.10 feet; thence North 2o15'25" West 128.28 feet to the point of beginning.



MURRAY CITY CORPORATION  
COMMUNITY & ECONOMIC DEVELOPMENT

Daniel C. Snarr, Mayor

Tim Tingey, Director

801-270-2420 FAX 801-270-2414

July 10, 2012

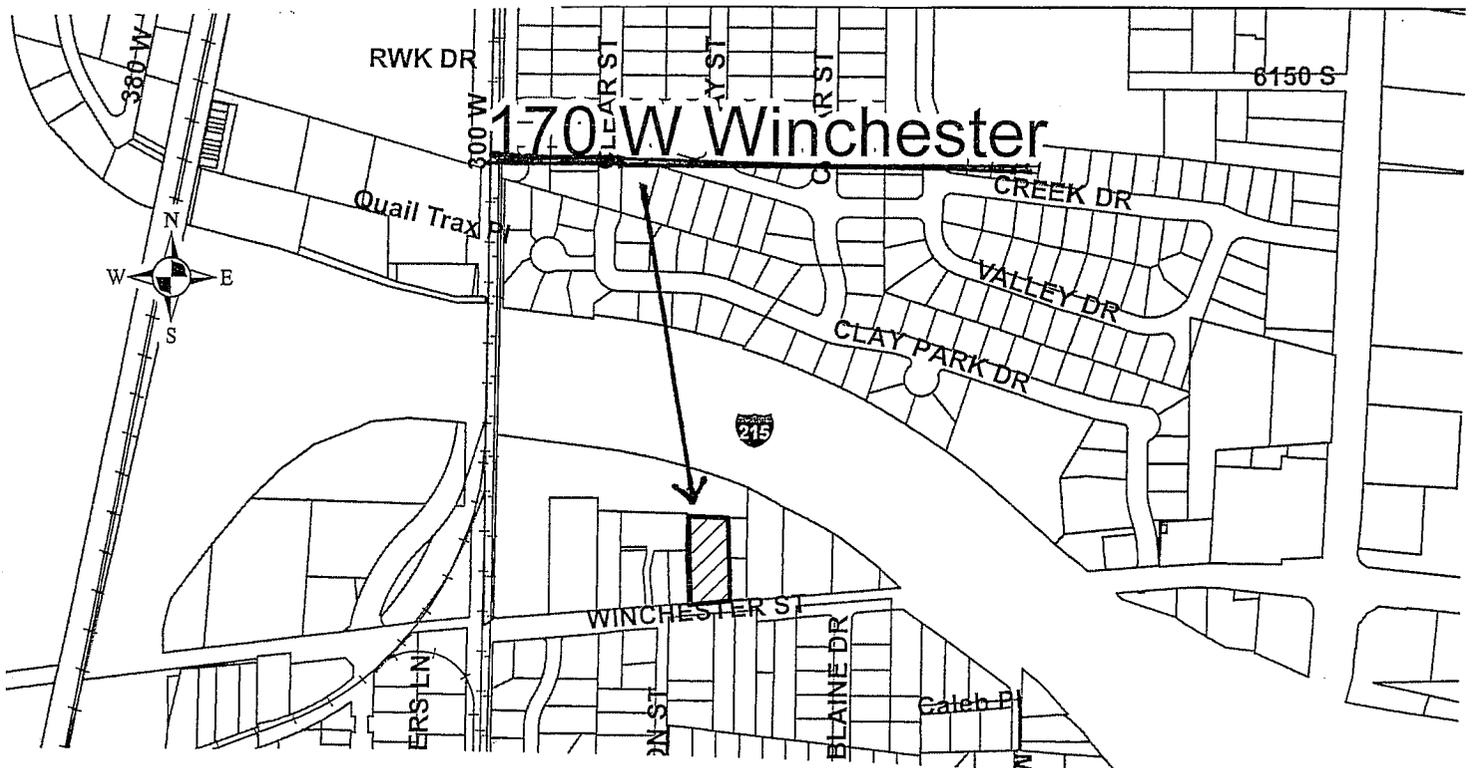
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Dusten & Amy Moore are requesting a zone change map amendment from R-1-8 to R-N-B located at the property addressed 170 West Winchester Street. See the attached plan. This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call Ray Christensen with the Murray City Community Development office., at 801-270-2420, or e-mail to [rchristensen@murray.utah.gov](mailto:rchristensen@murray.utah.gov).

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**From:** Tony Rackley [mailto:tkrackley@hotmail.com]  
**Sent:** Tuesday, July 17, 2012 9:31 AM  
**To:** Ray Christensen  
**Subject:** Rezoning at 170 West Winchester

Ray

If you could read this or let the board see this at the hearing on Thursday for the Rezoning change. I will be at work.

I live on the east side of the proposed property rezoning, at 160 west winchester, I don't object to a business going into this residential neighborhood, but its in our backyards, noisy, A quiet business would be good. I would like to see it put in right, fence, lighting, maintained,

I would like to see a masonry wall or post and panel wall put up because;

- 1- My bedroom is right next to the driveway into the garage or now maybe business, and i sleep days account of working as a locomotive engineer for the railroad I work at different hours of the day and night,
- 2-with all the people and exposure it needs to be done for security, there will be constant cars in and out until 10 pm at night, people talking, yelling, starting cars, trucks, diesel vehicles, motorcycles in and out all times of the day and evening.
- 3-The crime rate has tripled in the area because of light rail, (check my address with the police and burglaries or up and down winchester st) we need security from mostly homeless people trying to find a place to sleep, stuff is being taken all the time, fridge raided on my patio, coming into my house, the police have been called many times.
- 4-there are homes that border the dance studio, or proposed dance studio, it will be noisy constant music for the dancing?, it will exposé our back yards, we still live there residentially, want it quiet, to have family time without allot of noise, without fear more people running around in our back yards, a parking lot of cars in and out constantly running into the fences when snowy,

The owner Mr Brimhall has had 3 to 4 large bus type buses in and out of here at all times of the day and night, dump truck a tractor, trailers, and many people in and out. he has used it as a storage unit for large bus type motor homes, it wakes me and the family up when he comes in and stops to open his gate, bus running, back up beepers going off, hooking up his jeep or driving into park his or everyone else who does the same things before they park stuff in his garage. it hard to sleep, its noisy, people and back up beepers on there cars and motor homes , I have told him (mr Brimhall) and the city if they want to use is commercially they need to put up a sound fence, 6 to 8 foot so i cant hear it! to no avail, he is selling it as commercial and its still residential, lets make it be done right, sound wall, lighting, asphalt driveway, lawn and trees, if we want it cleaned up and nice, it must be done right the first time, because the next owners down the line will put in something different and it will already be rezoned, leaving us with a property rezoned that wasn't done the right way.

Thank you

Tony Rackley  
801 243 3444

4770 S. 5600 W.  
P.O. BOX 704005  
WEST VALLEY CITY, UTAH 84170  
FED.TAX I.D.# 87-0217663

The Salt Lake Tribune  
www.sltrib.com

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A NEWSPAPER AGENCY COMPANY  
www.mediaone.com

Deseret News  
www.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER,  5025 S STATE, ROOM 113  MURRAY, UT 84107	9001341938	7/9/2012

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000805466 /
SCHEDULE	
Start 07/08/2012	End 07/08/2012
CUST. REF. NO.	
PC 071912	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
27 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD CHARGES
TOTAL COST	
50.36	

FILE COPY

Rezone  
170W Wind

MURRAY CITY CORPORATION  
NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN that on the 19th day of July, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and approving a Zoning Map Amendment from R-1-B to R-1-N-8 for the property located at 170 W Winchester St. in Murray City, Salt Lake County, State of Utah.  
MURRAY CITY CORPORATION  
Glad Wilkinson, Manager  
Community & Economic Development  
805466 UPRXL

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 19th day of July, 2012, at the hour of 6:30 p.m. of said day in the Council FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON

Start 07/08/2012

End 07/08/2012

SIGNATURE

*[Handwritten Signature]*

DATE

7/9/2012

VIRGINIA CRAFT  
Notary Public, State of Utah  
Commission # 581469  
My Commission Expires  
January 12, 2014

*[Handwritten Signature: Virginia Craft]*

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"  
PLEASE DO NOT REMOVE FROM BEING STATEMENT

Moore  
170 W Winchester rezone  
PC 07/19/12

BROWN, HEATHER &  
179 W WINCHESTER ST  
MURRAY UT 84107

DEMANN, BRYAN &  
194 W WINCHESTER ST  
MURRAY UT 84107

DENNING, KYLE R &  
111 W WINCHESTER ST  
MURRAY UT 84107

HOLSTEN, BARBARA  
6441 S JEFFERSON ST  
MURRAY UT 84107

JACKSON, MATTHEW K &  
198 W WINCHESTER ST  
MURRAY UT 84107

LAKEY, JAMES E &  
139 W WINCHESTER ST  
MURRAY UT 84107

OLSEN, BRAD & VELIA; JT  
1744 E 11400 S  
SANDY UT 84092

RACKLEY, TONY K  
160 W WINCHESTER ST  
MURRAY UT 84107

SORENSICS PROPERTY  
180 W WINCHESTER ST  
MURRAY UT 84107

BUTTERFIELD, CARRIE J  
9860 OQUIRRH VIEW DR  
EAGLE MOUNTAIN UT 84005

DEMANN, BRYAN &  
194 W WINCHESTER ST  
MURRAY UT 84107

ERICKSON INVESTMENTS, L L C  
4294 S 615 E  
MURRAY UT 84107

HUME, RYAN C & SARA J; JT  
9570 HAWKSTONE WAY  
PARKER CO 80134

JENSEN, ALICE K  
6430 S JEFFERSON ST  
MURRAY UT 84107

MEZA, GUSTAVO  
6426 S BLAINE DR  
MURRAY UT 84107

RACKLEY, TONY K  
160 W WINCHESTER ST  
MURRAY UT 84107

RED SKY DEVELOPMENT LLC  
9131 S MONROE PLAZA WY #B  
SANDY UT 84070

SORENSICS PROPERTY  
180 W WINCHESTER ST  
MURRAY UT 84107

BARLOW, MARGIE R  
201 W WINCHESTER ST  
MURRAY UT 84107

CASTLEBERRY, RICHARD E &  
7080 S 2400 W  
WEST JORDAN UT 84084

DEMANN, BRYCE &  
190 W WINCHESTER ST  
MURRAY UT 84107

ERICKSON, GARY L &  
2017 W 12310 S  
RIVERTON UT 84065

JACKSON, MATTHEW K &  
198 W WINCHESTER ST  
MURRAY UT 84107

JONES, CLARENCE L & ROENE S  
6440 S JEFFERSON ST  
MURRAY UT 84107

NELSON, TAYLOR S  
6436 S BLAINE DR  
MURRAY UT 84107

RACKLEY, TONY K  
160 W WINCHESTER ST  
MURRAY UT 84107

RED SKY DEVELOPMENT LLC  
9131 S MONROE PLAZA WY #B  
SANDY UT 84070

TIBOLLA, JOHN E &  
135 W WINCHESTER ST  
MURRAY UT 84107

TIBOLLA, JOHN E & LUCILE M  
135 W WINCHESTER ST  
MURRAY UT 84107

UTAH TRANSIT AUTHORITY  
3600 S 700 W  
WEST VALLEY UT 84119

UTAH TRANSIT AUTHORITY  
3600 S 700 W  
WEST VALLEY UT 84119

WINCHESTER, LLC  
1787 E FORT UNION # 110A  
COTTONWOOD HTS UT 84121

WINCHESTER, LLC  
1787 E FORT UNION BLVD  
COTTONWOOD HTS UT 84121

**P/C AGENDA MAILINGS**

"AFFECTED ENTITIES"

Updated 5/24/12

TAYLORSVILLE CITY  
PLANNING & ZONING DEPT  
2600 W TAYLORSVILLE BLVD  
TAYLORSVILLE UT 84118

MURRAY SCHOOL DIST  
ATTN: PAT O'HARA  
147 E 5065 S  
MURRAY UT 84107

GRANITE SCHOOL DIST  
ATTN: KIETH BRADSHAW  
2500 S STATE ST  
SALT LAKE CITY UT 84115

COTTONWOOD IMPRVMT  
ATTN: LONN RASMUSSEN  
8620 S HIGHLAND DR  
SANDY UT 84093

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT 84117

UTOPIA  
Attn: TOM MARRIOTT  
2175 S REDWOOD RD  
WEST VALLEY CITY UT 84119

**GENERAL PLAN MAILINGS:**

(in addition to above)

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

UDOT - REGION 2  
ATTN: MARK VELASQUEZ  
2010 S 2760 W  
SLC UT 84104

WEST JORDAN CITY  
PLANNING DIVISION  
8000 S 1700 W  
WEST JORDAN UT 84088

MIDVALE CITY  
PLANNING DEPT  
655 W CENTER ST  
MIDVALE UT 84047

UTAH POWER & LIGHT  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8215 S 1300 W  
WEST JORDAN UT 84088

COTTONWOOD HEIGHTS CITY  
ATTN: PLANNING & ZONING  
1265 E FT UNION BLVD #250  
CTNWD HEIGHTS UT 84047

UTOPIA  
Attn: JARED PANTIER  
2175 S REDWOOD RD  
WEST VALLEY UT 84119

WASATCH FRONT REG CNCL  
PLANNING DEPT  
295 N JIMMY DOOLITTLE RD  
SLC UT 84116

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
PO BOX 30810  
SLC UT 84130-0810

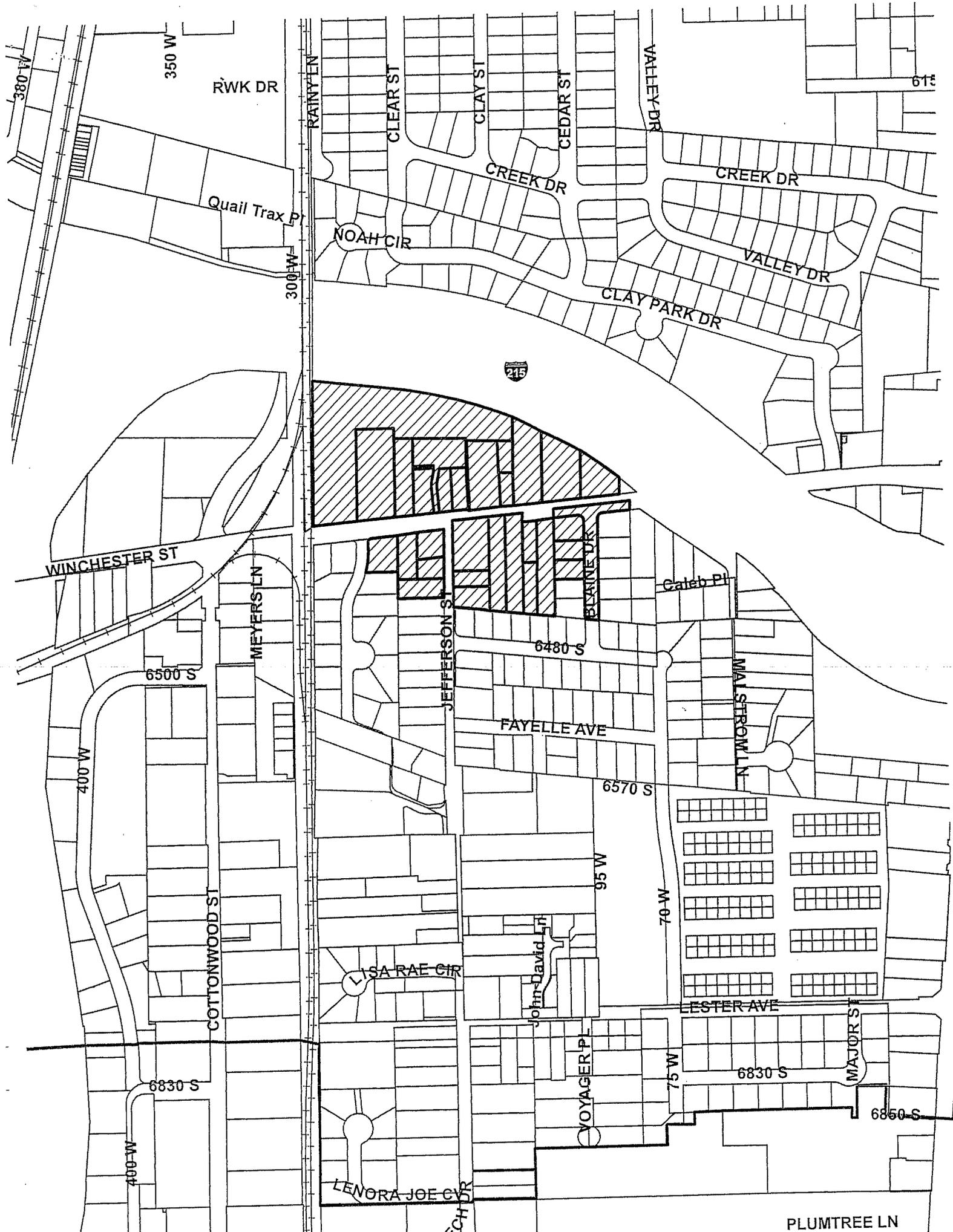
CHAMBER OF COMMERCE  
ATTN: SCOTT BAKER  
5250 S COMMERCE DR #180  
MURRAY UT 84107

SALT LAKE COUNTY  
PLANNING DEPT  
2001 S STATE ST  
SLC UT 84190

QUESTAR GAS  
ATTN: KIM BLAIR  
P O BOX 45360  
SLC UT 84145-0360

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070



380 W  
350 W  
RWK DR  
RAINEY LN  
CLEAR ST  
CLAY ST  
CEDAR ST  
VALLEY DR  
61E  
CREEK DR  
CREEK DR  
VALLEY DR  
NOAH CIR  
CLAY PARK DR  
300 W  
215  
WINCHESTER ST  
MEYERS LN  
6500 S  
400 W  
JEFFERSON ST  
BLAINE DR  
Caleb Pl  
6480 S  
FAYELLE AVE  
6570 S  
70 W  
95 W  
LISA RAE CIR  
John David Ln  
VOYAGER PL  
75 W  
6830 S  
6850 S  
COTTONWOOD ST  
MAJOR ST  
MAJSTROM LN  
LEORA JOE CKR  
PLUMTREE LN

**Public  
Hearing #3**

# Murray City Corporation

## NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that on the 4<sup>th</sup> day of September, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing to consider a land use code text amendment adding dancing schools (Land Use Code 6835) as a use in the R-N-B (Residential Neighborhood Business) zone and classifying said use as a permitted use.

The purpose of this public hearing is to receive public comment concerning the proposed land use code text amendment as described above.

DATED this \_\_\_\_\_ day of August, 2012.

MURRAY CITY CORPORATION

---

Jennifer Kennedy  
City Recorder

DATE OF PUBLICATION: August 19, 2012

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 17.140.020 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO PERMITTED USES IN THE RESIDENTIAL NEIGHBORHOOD BUSINESS DISTRICT (RNB). (Amy & Dusten Moore.)

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this ordinance is to amend Section 17.140.020 of the Murray City Municipal Code relating to permitted uses in the Residential Neighborhood Business District.

*Section 2. Amendment to Section 17.140.020 of the Murray City Municipal Code.* Section 17.140.020 of the Murray City Municipal Code shall be amended to read as follows:

**17.140.020: PERMITTED USES:**

A. All uses and structures contained herein are listed by number as designated in the standard land use code published and maintained by the community development division.

B. The following uses are permitted in the R-N-B zone:

Use No.    Use Classification

1111    Single-family dwelling (subject to meeting the requirements of the R-M-10 zone).

1121    Two-family dwelling (duplex) (subject to meeting the requirements of the R-M-10 zone).

1210    Residential facility for persons with a disability (see chapter 17.36 of this title).

1210    Residential facility for the elderly (see chapter 17.32 of this title).

4800    Utilities (lines and rights of way only, except 4840, 4850).

4923    Travel agencies.

5991    Florists.

5996    Optical goods, eyeglasses.

6140    Insurance carriers, agents, brokers, and services.



ATTEST:

\_\_\_\_\_  
City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_ day of \_\_\_\_\_, 2012.

MAYOR'S ACTION:

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Daniel C. Snarr, Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_

Motion passed, 6-0.

AMY & DUSTEN MOORE – Text Amendment to the R-N-B Zone to allow a Dancing School Land Use – Project #12-89

Amy and Dusten Moore are the applicants present to represent this request. Joshua Beach reviewed the request for an ordinance text amendment to add land use 6835, Dancing Schools, as a permitted use in the R-N-B zoning district. The zoning ordinance currently does not allow for dancing schools in the R-N-B zone. The Murray City Standard Land Use Code does include a category of land uses under the heading of “6830: Special Training and Schooling” related to special types of schools. The applicant has requested to include 6835 in order to provide dancing school opportunities in the city of Murray. Since the use is not allowed in the R-N-B zoning district, the city is unable to issue a business license at this time. Land use code “6834: Art, drama and music schools” is a permitted use in the zone. Due to the similarity of the use it is unclear why dancing schools were not included as an allowed or conditional use in the R-N-B zone when the code was originally adopted. The R-N-B zoning district provides standards to mitigate adverse impacts. These standards will apply to any development proposed and will address building design, setbacks, etc. With the change to the request recommended by staff, the amendment is consistent with the Goals and Policies of “Chapter 8: Economic Development” of the General Plan. Specific goals and policies contained in Chapter 8 that are addressed by the proposed amendment include:

- Goal: To attract new businesses to Murray City
- Goal: Expand the types of businesses available in Murray City

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would allow land use 6835: Dance Schools to be located in the R-N-B zoning district.

Amy Moore, 700 East 5600 South, stated she has had a dance studio in Murray for the last 11 years. She stated that the existing garage on the property will suit the needs for the dance studio. She stated that they offer classes for ages pre-school to 15 years old in ballet, jazz and hip hop and the dance school performs throughout the community.

Ms. Daniels asked Ms. Moore if her current dance studio is in a residential area. Ms. Moore responded in the affirmative and made note that there have not been any complaints from neighbors for her existing dance studio. She stated the reason they are considering the move would be for more space.

Mr. Woodbury asked Ms. Moore how many classes she offers and how many students does she currently have. Ms. Moore responded that she holds classes in the evenings on week days, generally from 3-9pm and is also open on Saturdays.

Ms. Mackay made mention of a letter that was received from a neighbor that was concerned because he sleeps during the day. Ms. Mackay asked if the students are dropped off by the parents or if the parents stay. Ms. Moore responded that as of now, parents just drop the children off. She also stated that due to the amount of space there is, they should be able to meet parking needs as well as have some sort of round-about driveway.

The meeting was opened for public comment.

Jerry Toponce, 1391 North Main, stated he is the father of Amy Moore. He stated that he built the dance studio at Amy's current home. He stated that over the 11 years of having the dance business at their present location they have had zero complaints. He stated that Mr. DeMann's comments have been well accepted by Ms. Moore, her husband and himself. The property will allow them to put a driveway in on the east side parking on the west side of the property and landscape throughout. The students that come to the dance studio do not have driver's licenses, so there will not be any student parking. One of the stipulations at the studio is that parents are not allowed to stay and watch as it is a distraction to the students. The dance studio would implement the same policy at this property. In the past the dance studio has provided a small viewing room where people could come in and look through one day a month, but that has had very limited use. The use of the property keeps in line with a residential neighborhood. The students are young girls ranging from 3-15 years of age. With all the other options they have looked at over the last 11 years, the only thing they have been able to find in order to expand have been properties located in industrial areas, but for them that is not an ideal location in respect to traffic, the children's safety, etc. He stated children will not be running around the property or lingering after hours. The way the dance studio operates at this time is, when the class is over, the instructor walks the kids (3-12 year olds) out until the students are picked up. The same scenario would play out at this location. They plan on having the proper number of parking spaces that zoning requires which would include 1 space per employee.

Brian DeMann, 194 West Winchester, stated he is a nearby resident and he feels the dance studio sounds like a good idea from what he's heard and he would appreciate if the potential new owners would come by his house and to discuss his concerns. Mr. Harland pointed out that projects like this usually work better when the applicants talk to neighbors in the area and work out any issues they may have.

RaeLene Felkner, 165 West Winchester, stated she lives directly across the street. She asked about the plans are for the existing home on the property.

Larry Brimhall, resident of Washington City, stated he is the current owner of the property. He stated it is his understanding that the current tenant will be moving and the house will be occupied by the new owner.

Mr. Woodbury made a motion to forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would allow land use 6835: Dance Schools to be located in the R-N-B zoning district. Ms. Daniels seconded the motion.

Call vote recorded by Mr. Wilkinson.

A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Ray Black  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Vicki Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 6-0.

LAND USE ORDINANCE TEXT AMDNEMENT – Landscaping Amendments to Chapter 17.68 – Project #11-28

Chad Wilkinson reviewed the proposed text amendments to Murray City Municipal Code Section 17.68.040 relating to landscaping requirements in the M-G-C zone and Municipal Code 17.68.060 and Municipal Code Section 16.16.140 relating to landscaping requirements in the residential zones. The proposed ordinance amendment for Municipal Code Section 17.68.040 will provide for an alternative landscaping option in a manufacturing zone for xeriscaping plant materials which will allow for better water efficiency on the site. Municipal Code 17.68.060 deals with amendments to residential landscaping and regulates trees and plants in park strip areas and prohibits paving over the park strip area. Municipal Code Section 16.16.140 relates to landscaping requirements for subdivisions in residential zones and proposes changes to clarify requirements and modifies text to be consistent with changes in Title 17 of Municipal Code. Based on the above finding, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the Municipal Code Section 17.68.040, Section 17.68.060 and Section 16.16.140 regarding landscaping regulations.

Mr. Wilkinson provided proposed text for the landscaping ordinance. He state that one of the concerns is how to enforce these regulations and keep things consistent. The other concern is that there are several different varieties of park strips in existence now.

Mr. Beach stated that staff has re-vamped the residential park strip ordinance. Prior to occupancy, landscaping must be approved with the development plans. Currently staff is working on how to enforce existing, non-conforming and non-compliant residential park strips. Items that have been addressed are: should the ordinance restrict what is allowed in the park strips, can there be flexibility in certain materials that are allowed, the city does not want to require a park strip if there is not one already there, and limiting the coverage amount of concrete or black top to 10-25%.

Mr. Harland asked for suggestions on how to enforce existing park strips that have large boulders and trees. Ms. Daniels commented on commercial park strips and if the city would be able to require a landscaping plan when an application is made for a Conditional Use Permit or a business license. Mr. Markham made note that other

**TO: Murray City Planning Commission**

**FROM: Murray City Community & Economic Development Staff**

**DATE OF REPORT: July 13, 2012**

**DATE OF HEARING: July 19, 2012**

**PROJECT NAME: Dancing Schools Amendment**

**PROJECT NUMBER: 12-89**

**PROJECT TYPE: Ordinance Text Amendment**

**APPLICANT: Amy and Dusten Moore**

**ZONE: R-N-B**

**I. REQUEST:**

The applicant is requesting an ordinance text amendment to add land use 6835 Dancing schools as a permitted use in the R-N-B zoning district.

**II. DISCUSSION**

The zoning ordinance currently does not allow for dancing schools in the R-N-B zone. The Murray City Standard Land Use Code does include a category of land uses under the heading of "6830: Special Training and Schooling" related to special types of schools. **(See the attached Page 68 from the Standard Land Use Code)**. The applicant has requested to include 6835 in order to provide dancing school opportunities in the city of Murray. Since the use is not allowed in the R-N-B zoning district, the city is unable to issue a business license at this time.

It is unclear why dancing schools were not included as an allowed or conditional use in the R-N-B zone when the code was originally adopted. Land use code "6834: Art, drama and music schools" is a permitted use in the zone, and it is unclear why dancing schools were not included in the zone due to the similarity of the use. The R-N-B zoning district provides standards to mitigate adverse impacts. These standards will apply to any development proposed and will address building design. Setbacks, etc.

With the change to the request recommended by staff, the amendment is consistent with the Goals and Policies of "Chapter 8: Economic Development" of the General Plan. Specific goals and policies contained in Chapter 8 that are addressed by the proposed amendment include:

- Goal: To attract new businesses to Murray City
- Goal: Expand the types of businesses available in Murray City

### III. FINDINGS AND CONCLUSION

- i. The proposed amendment is consistent with the policies of the Economic Development Chapter of the General Plan.
- ii. Allowing dancing schools zone will provide expansion opportunities for existing businesses in the City.
- iii. Allowing for dancing schools on site will protect the health, safety, and welfare of Murray residents.

### IV. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would allow land use 6835: Dance Schools to be located in the R-N-B zoning district.

6750 Military Bases and Reservations (Facilities Used  
By Regular Military Units, the Reserves and National  
Guard.)

- 6751 Military training bases.
- 6752 Military defense installations.
- 6753 Military storage depots and transportation centers.
- 6754 Military maintenance centers.
- 6755 Military administration or command centers.  
(Includes recruiting centers.)
- 6756 Military communication centers.
- 6757 General military base.
- 6758 Military airfield.
- 6759 Other military bases and reservations, NEC.

6770 Indian Reservations

- 6770 Indian reservations.

6800 EDUCATIONAL SERVICES

6810 Nursery, Primary, and Secondary Education

- 6811 Kindergarten schools.
- 6812 Elementary schools.
- 6813 Junior High schools.
- 6814 Senior High schools.
- 6815 Day Nursery - child care center.
- 6816 Denominational and sectarian schools (combined grades).
- 6817 Schools for handicapped including blind.
- 6819 Military academies.

6820 University, College, Junior College, and Professional  
School Education

- 6821 Universities and colleges.
- 6822 Junior colleges or community college.
- 6823 Professional schools. (Any school which is of college degree level including nurses, preparatory, seminaries, etc.)

6830 Special Training and Schooling

- 6831 Vocational or trade schools. (Including flying, data processing, practical nurses, etc.)
- 6832 Business and stenographic schools.
- 6833 Barber and beauty schools.
- 6834 Art, drama and music schools.
- 6835 Dancing schools.
- 6836 Driving schools.

# **Application Materials**

#12-89

# ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

Zoning Map Amendment

Text Amendment

Complies with General Plan

Yes  No

Subject Property Address: 170 West Winchester Street

Parcel Identification (Sidwell) Number: 21-24-253-013 + 21-24-253-015

Parcel Area: see attached Current Use: Single family

Existing Zone: R-1-8 Proposed Zone: R-N-B w/ Landuse code 6835 dancing school

Applicant Name: Amy + Dustin Moore

Mailing Address: 700 E 5100 S

City, State, ZIP: Murray UT 84107

Daytime Phone #: 801-201-7773 Amy Fax #:

Business Name (If applicable): \_\_\_\_\_

Property Owner's Name (If different): Winchester, LLC

Property Owner's Mailing Address: 1787 E Ft. Union Blvd

City, State, Zip: Cottonwood HTS, UT 84121

Daytime Phone #: 801-556-8563 Fax #:

Describe your reasons for a zone change (use additional page if necessary):

see attached

Authorized Signature: Amy Moore Date: 27 June 2012

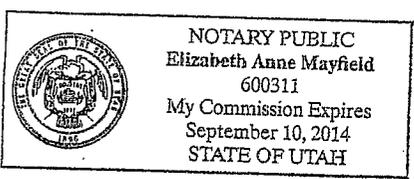
Property Owners Affidavit

I (we) Elizabeth Boekholder, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application; that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

[Signature]  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 28 day of June, 2012.



Elizabeth Anne Mayfield  
Notary Public  
Residing in St. George, Utah  
My commission expires: 9/10/14

Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

\_\_\_\_\_  
Notary Public  
Residing in \_\_\_\_\_  
My commission expires: \_\_\_\_\_

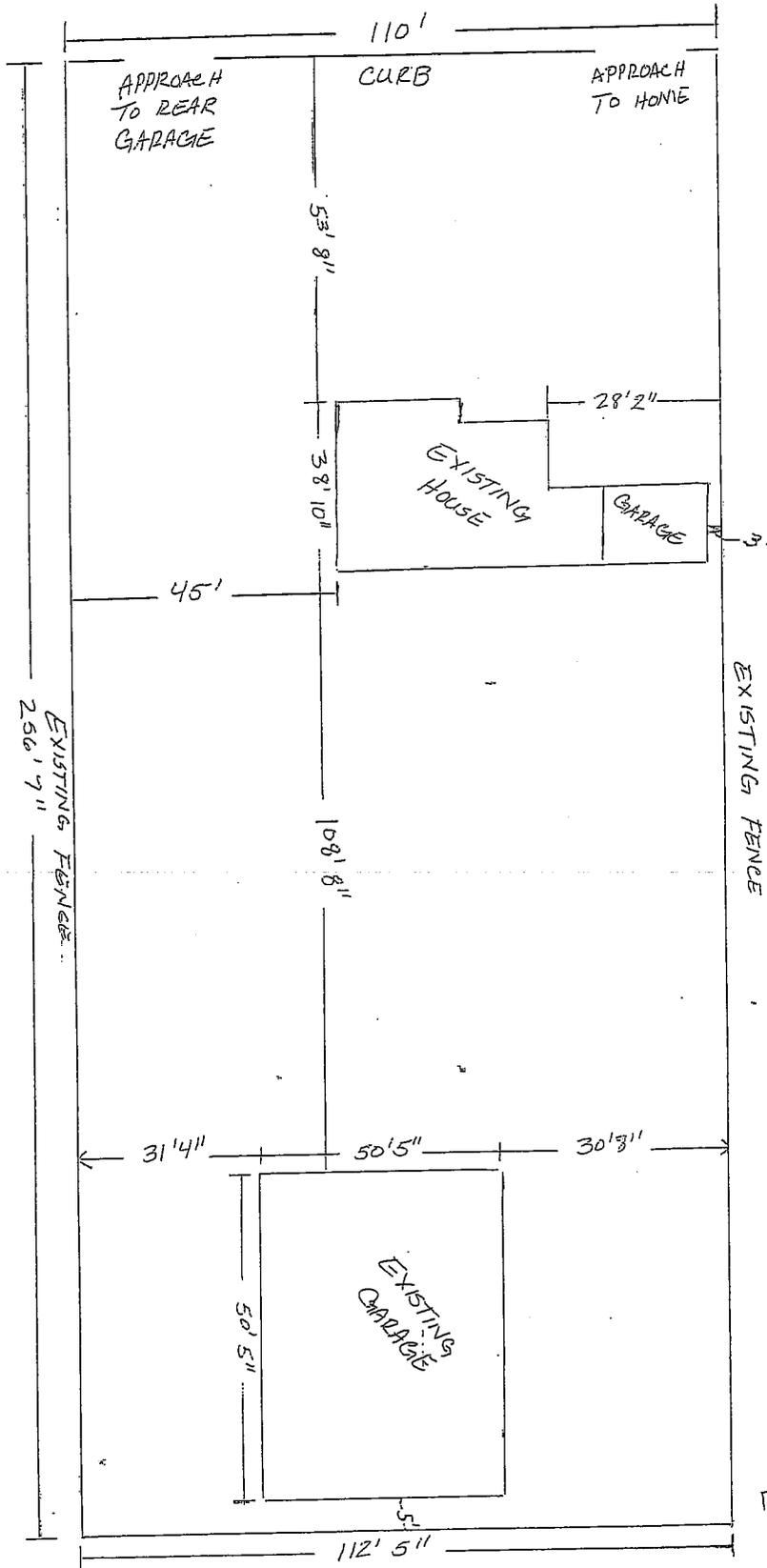
My name is Amy Toponce Moore, I am a mother of two, and the Found Owner and Artistic Director of Studio 56 Dance Center. I have been studying dance for 29 years and teaching dance for 17 years. Opening a studio has been a dream since I was a young dancer. I always told myself it wasn't if it was when. I have been doing my dream job for myself now for 11years. Studio 56 Dance Center was established in July of 2001, when I was 21 years of age. On most days we are operating 10hrs a day. We offer ballet, jazz and hip hop from the age of preschool-15yrs.

We pride on offering classes for all ages; the one thing we are not proud of is our limited class schedule. If you are a parent seeking a class for a preschool aged student we have so much to offer you. If you are a parent seeking something for your older child, I cross my fingers and hope you can fit into the one or two classes we offer for your child. I have enjoyed the journey thus far and am eager to expand and continue to spread my love for the art of dance.

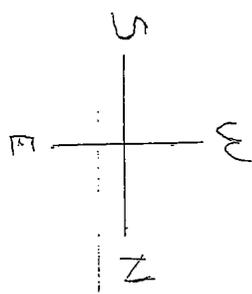
My application today is for the property at 170 W Winchester in hopes for it to be considered for R-N-B with a land use code of 6835 for a dancing school. On the property there is an existing 50x50 garage that would allow me to start immediately. In addition I would need to improve the property with paved parking and landscaping. I feel that this area would be an ideal location for such a program. Parents would feel comfortable bringing their student to a location that is nestled into a neighborhood.

WINCHESTER

170 West WINCHESTER



EXISTING FENCE



SITE PLAN

1" = 20'

SCALE

1-2-15  
PREP BY

**Note**

Application to add ordinance 6835 to RNB zoning. Dance studio (6835) is very similar to current approved ordinance of 6834 (art, drama and music schools ) which is already included in permitted uses of RNB zone.

This request is regarding parcels: 21-24-253-013 and 21-24-253-015

## PARCEL AREA:

### Parcel 1:

Commencing 18.19 chains West and 9.5 chains North and South 85o West 49 feet from the Southeast corner of the Northeast quarter of Section 24, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 85o West 113.83 feet; thence North 0o55' West 256.27 feet; thence South 88o15' East 111.73 feet; thence South 1o22' East 116.13 feet; thence South 88o21'31" East 2.09 feet; thence South 1o17' East 125 feet to the point of beginning.

Excepting therefrom that portion along the South lying within the bounds of Winchester Street / 6400 South Street. Further excepting therefrom:

Commencing 18.19 chains West and 9.50 chains North and South 85o West 159.83 feet from the Southeast corner of the Northeast quarter of Section 24, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 85o West 3 feet; thence North 0o55' West 128.17 feet; thence South 2o15'25" East 127.99 feet to the point of beginning.

### Parcel 2:

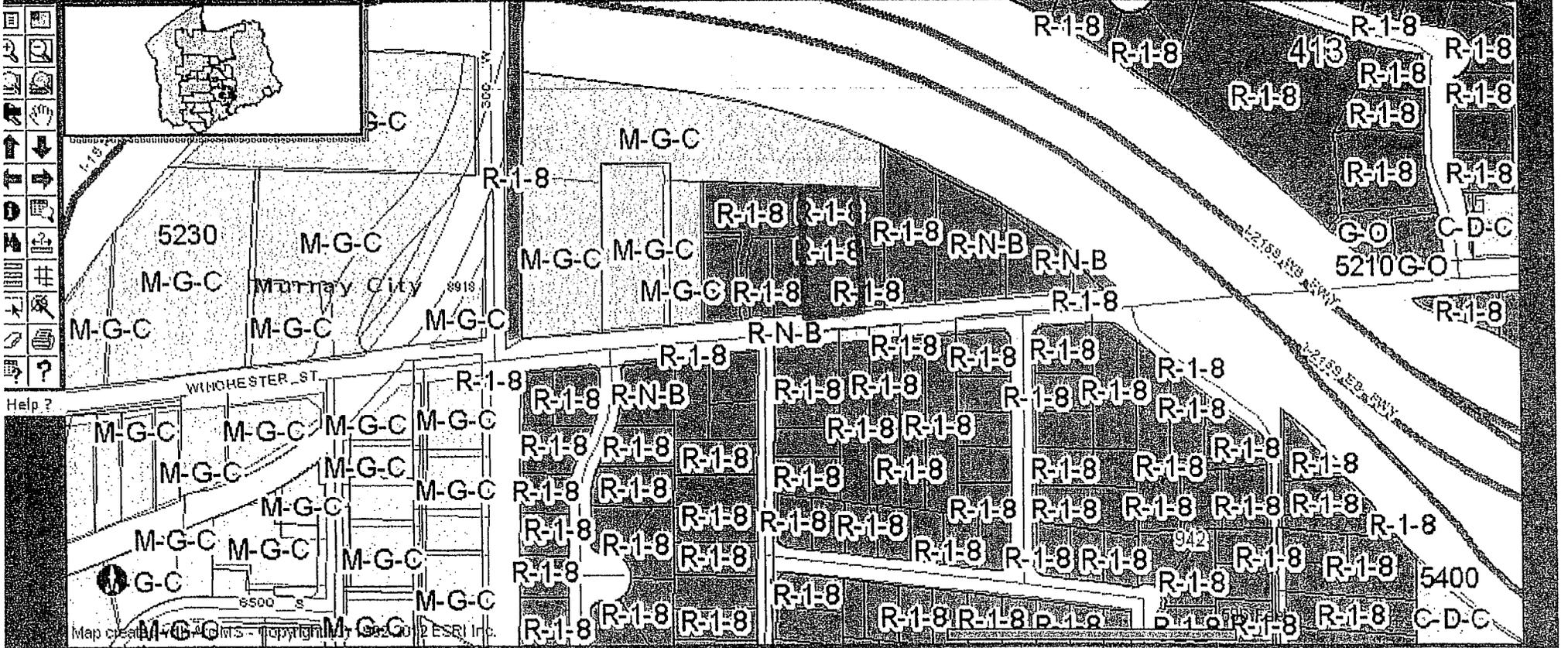
Commencing 18.19 chains West and 9.50 chains North and South 85o West 159.83 feet and North 2o15'25" West 256.27 feet from the Southeast corner of the Northeast quarter of Section 24, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 88o15' East 3 feet; thence South 0o55' East 128.10 feet; thence North 2o15'25" West 128.28 feet to the point of beginning.

**PARCEL AREA:**

170 WEST WINCHESTER  
MURRAY, UTAH 84107

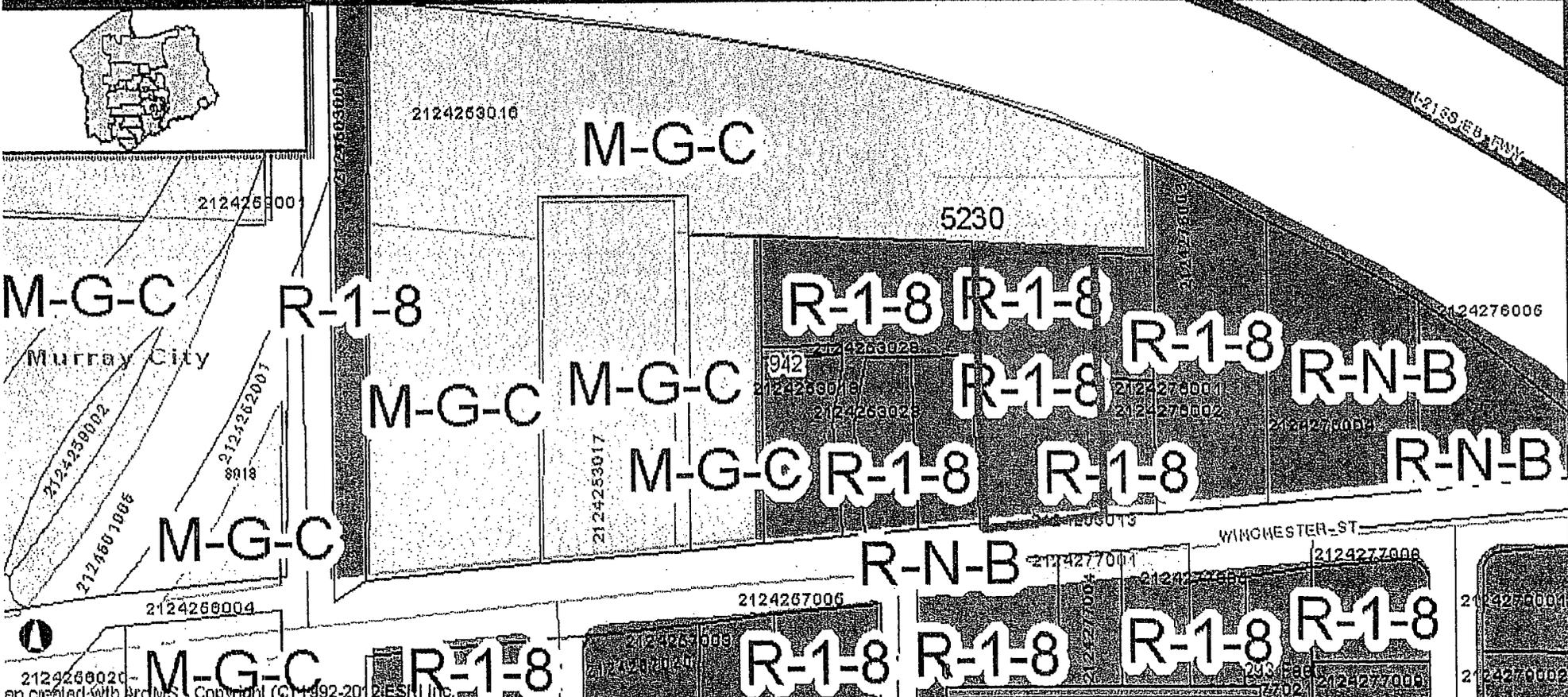
Highlighted in pink

Consist of 2 parcels, page 3 shows small sliver in pink



Help ?

21242530130000	Legal Description	Ske
	Parcel	Land
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Int Map  
 (to display on Map)

Create Print Page

Click on "Create Print Page" to open a new Browser window with the Map Image, Overview Map Image, and Legend displayed. You can then use the File/Print menu item to send the display to your printer.

21242530150000



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Murray City

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113 Feet

Map created with ArcIMS - Copyright (C) 1992-2012 ESR, Inc.

Parcel's Current tax year 0

ec	link	parcel_id	property_t	prop_locat	neighborho	Acres	nbhd	zip_code	City
	Details	21242530150000	957	170 W WINCHESTER ST	942	0.01	942	94107	Murray City

## **PROPOSED ZONE**

## 17.140.010: PURPOSE OF PROVISIONS:

The purpose of the residential neighborhood business zone is to provide a variety of mixed use, low scale, low intensity residential, commercial, office and business operations as appropriate transition between high traffic arterial streets to adjacent residential neighborhoods. The zone should share design characteristics with nearby residential uses, provide a good neighborhood "fit" and exude a distinct residential character. Where possible, existing homes should be preserved and converted to appropriate uses. Where this is not possible, or where existing structures and site conditions are prohibitive, two (2) or more lots can be consolidated to meet the intent of this land use. The number of curb cuts providing access should be minimized and parking consolidated where possible. It is also intended to encourage the assemblage of properties in a unified plan with a coordinated harmonious development which will promote outstanding design without unsightly and unsafe strip commercial development. (Ord. 07-30 § 2)

## 17.140.020: PERMITTED USES:

A. All uses and structures contained herein are listed by number as designated in the standard land use code published and maintained by the community development division.

B. The following uses are permitted in the R-N-B zone:

Use No.    Use Classification

1111    Single-family dwelling (subject to meeting the requirements of the R-M-10 zone).

1121    Two-family dwelling (duplex) (subject to meeting the requirements of the R-M-10 zone).

1210    Residential facility for persons with a disability (see chapter 17.36 of this title).

1210 Residential facility for the elderly (see chapter 17.32 of this title).□□

4800 Utilities (lines and rights of way only, except 4840, 4850).□□

4923 Travel agencies.□□

5991 Florists.□□

5996 Optical goods, eyeglasses.□□

6140 Insurance carriers, agents, brokers, and services.□□

6150 Real estate and related services.□□

6221 Portrait photography.□□

6230 Beauty and barber services, including retail sales of related products.□□

6511 Physicians' offices.□□

6512 Dental offices.□□

6519 Other medical, paramedical and health services.□□

6520 Legal services.□□

6530 Engineering, architectural and planning services.□□

6591 Accounting, bookkeeping and income tax services.□□

6593 Art and design studios.□□

6597 Business and management consulting services.□□

6817 Residential facility for persons with a disability.□□

6834 Art, drama and music schools.

6835 Dance Instruction

□□ Accessory uses, buildings and structures which are customarily incidental to the above and do not substantially alter the character of the principal use or structure. Location of accessory structures is the same as that found in residential zoning districts. (Ord. 07-30 § 2)

### **17.140.030: CONDITIONAL USES:**

The following uses and structures are permitted in the R-N-B zone only after a conditional use permit has been approved by the planning commission and subject to the terms and conditions thereof:

<u>Use No.</u>	<u>Use Classification</u>
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1210	Bed and breakfast homestay.
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5494	Delicatessen, and lunch facilities without drive-through access and with limited hours.
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5494	Health foods, and lunch facilities without drive-through access and with limited hours.
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5931	Antiques.
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5940	Books, stationery, art and hobby supplies.
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5995	Gift shop and boutiques.
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6111	Banking and credit union services.
------	------------------------------------

6122	Credit services.
------	------------------

6296	Tanning, sauna, massage salon.
------	--------------------------------

6720	Protective functions and related activities.
------	--

6811	Kindergarten schools.
------	-----------------------

6812	Elementary schools.
------	---------------------

- 6813 Junior high schools.
- 6814 Senior high schools.
- 6815 Residential childcare facility.
- 6816 Denominational and sectarian schools.
- 6911 Churches, synagogues, temples and missions.
- 6931 Business associations.
- 6931 Professional membership organizations.
- 6950 Political and civic organizations.
- 6961 Nonprofit organizations.

Accessory uses, buildings and structures which are customarily incidental to the above and do not substantially alter the character of the principal use or structure. Location of accessory structures is the same as that found in residential zoning districts. (Ord. 07-30 § 2)

**17.140.040: PLANNING COMMISSION APPROVAL**

**REQUIRED:** 

All commercial structures constructed in this zone require a conditional use permit approved by the planning commission. (Ord. 07-30 § 2)

**17.140.050: HOURS OF OPERATION:** 

Commercial uses shall not be open for business before seven o'clock (7:00) A.M. or after ten o'clock (10:00) P.M. (Ord. 07-30 § 2)

**17.140.060: AREA AND WIDTH REGULATIONS:** 

None, except as required by the planning commission for conditional use permit. (Ord. 07-30 § 2)

**17.140.070: FRONT YARD REGULATIONS:** 

The minimum depth of the front yard shall be twenty feet (20') from the property line or street right of way. (Ord. 07-30 § 2)

**17.140.080: REAR YARD REGULATIONS:** 

The minimum depth of the rear yard shall be twenty feet (20') from the property line. (Ord. 07-30 § 2)

**17.140.090: SIDE YARD REGULATIONS:** 

The minimum side yard shall be eight feet (8'). On corner lots, the side yard which faces on the street shall not be less than twenty feet (20'). (Ord. 07-30 § 2)

**17.140.100: HEIGHT REGULATIONS:** 

No commercial building shall be erected to a height greater than twenty feet (20'), unless authorized by a conditional use permit by the planning commission, except in no case shall the planning commission allow a building height greater than thirty feet (30').

Residential buildings shall comply with the height regulations of the R-1-8 zoning district. No residential building shall contain less than one story. (Ord. 07-30 § 2)

**17.140.110: FENCING REGULATIONS:** 

Where the site abuts a property that the general plan projects as residential land use, a six foot (6') high solid masonry wall shall be located on the property line. All fencing must comply with the city fence ordinance. (Ord. 07-30 § 2)

**17.140.120: REFUSE CONTAINER ENCLOSED:** 

Commercial uses in this zone which have or use a refuse container shall enclose the container with a six foot (6') solid barrier fence. All containers must comply with requirements found in section 17.76.170 of this title. (Ord. 07-30 § 2)

**17.140.130: LANDSCAPING:** 

- A. Ten feet (10') of landscaping shall be required along all frontage areas not occupied by drive accesses.
- B. All landscaping areas shall be planted with live plant material as approved by the city forester, and include a permanent automatic irrigation system, or appropriate plazas and/or courtyards, as approved. The owner, tenant, and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.
- C. Landscaping adjacent to a residential zoning boundary line will require a minimum landscaping buffer of ten feet (10') in width from the boundary line on the commercial side of the property excluding the fence, and curb wall if located adjacent to off street parking.
- D. Fifteen percent (15%) of the total site shall be landscaped.
- E. Landscaped areas shall comply with safety considerations for intersecting streets and clear visibility.
- F. Parking lots shall be landscaped to break up large areas of hard surfacing. (Ord. 07-30 § 2)

#### **17.140.140: LIGHTING:**

The maximum height of lighting shall be eighteen feet (18') unless the planning commission requires a lower height as part of the conditional use review. The light shall be low intensity, shielded from uses on adjoining lots, and be directed down and away from adjacent property in a residential zone or adjacent residential use. All parking lighting, except those required for security, must be turned off one hour after the end of business hours. The exception for security

lighting applies to twenty five percent (25%) of the total lighting used, unless the planning commission approves a higher percentage as part of the conditional use approval. (Ord. 07-30 § 2)

**17.140.150: NOISE:** 

The noise level emanating from any use or operation shall not exceed the limits of the health department regarding noise control. For purposes of compliance with health noise regulations, all properties located in this zone shall be considered residential. (Ord. 07-30 § 2)

**17.140.160: SCREENING:** 

- A. All ground mounted mechanical equipment including, but not limited to, heating and air conditioning units, shall be completely screened from surrounding properties by an opaque fence or wall.
  
- B. The design of all roof appurtenances including, but not limited to, heating and air conditioning units and any other mechanical equipment shall be approved by the planning commission to minimize visibility from on site parking areas, adjacent streets and residential property. (Ord. 07-30 § 2)

**17.140.170: ODOR:** 

No use shall be permitted which creates odor in such quantity as to be readily detectable beyond the boundaries of the site. (Ord. 07-30 § 2)

**17.140.180: DESIGN CONSIDERATIONS:** 

In order to meet the purposes of this chapter the planning commission shall consider the following prior to approval of any plan:

- A. Where possible and appropriate, combine existing lots to provide sufficient area and space for new development.

- B. Provide on site improvements and appropriate buffering to adjacent properties and uses.
- C. The development shall have a residential character defined by appropriate density, massing, building materials, texture, style and rooflines. Generally, roofs shall be of gable construction to provide a residential feel. Flat and mansard roofs will not be allowed in this zone except by conditional use approval.
- D. Applicants shall present building materials, colors, elevations and buffering schemes for planning commission approval. Bright or flashy colors will not be allowed on structures or signs. Color shades shall blend into the neighborhood and unify the development. Building materials shall either be similar to the materials in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible.
- E. Building materials shall not create excessive glare from glass, metal or other reflective surfaces. (Ord. 07-30 § 2)

**17.140.190: CONSISTENCY WITH GENERAL PLAN:** 

Mixed development uses shall be consistent with the general plan of the city. (Ord. 07-30 § 2)

**17.140.200: PARKING REGULATIONS:** 

- A. When the office uses or net usable square footage is unknown, off street parking will be calculated at one parking stall for each two hundred (200) square feet of net office area or retail floor area.

- B. All medical, dental and related office uses will require one off street parking stall for each two hundred (200) square feet of net usable office area.
- C. All other office uses will be calculated at the ratio of four (4) off street parking stalls for each one thousand (1,000) square feet of net usable floor area or as determined by the planning commission.
- D. Retail use parking shall be calculated at the rate of one parking space for each two hundred (200) square feet of net floor area.
- E. Off street parking will not be permitted in any fire lane, aisle space or front yard setback areas except as allowed by this chapter.
- F. All other parking and access regulations apply as found in the off street parking chapter 17.72 of this title. (Ord. 07-30 § 2)

### **17.140.210: SIGN REGULATIONS:**

In the residential neighborhood business (R-N-B) zone, on premises signs are permitted as follows:

- A. Detached: Only ground/monument signs are allowed and shall comply with regulations found in section 17.48.240 of this title.
  1. A detached on premises sign for each developed parcel not exceeding one-half ( $1/2$ ) square foot of sign area for each linear foot of street frontage, and may not exceed fifty (50) square feet of total sign area.
  2. Minimum sign setback is two feet (2') from property line.

3. The distance between detached signs on the same parcel may not be less than two hundred feet (200').

B. Attached: Attached signage may not exceed a total area of two (2) square feet of sign area for each linear foot of building frontage.

C. Prohibited: Off premises signs are not allowed. (Ord. 07-30 § 2)

4770 S. 5600 W.  
P.O. BOX 704005  
WEST VALLEY CITY, UTAH 84170  
FED.TAX I.D.# 87-0217663

The Salt Lake Tribune  
www.sltrib.com

MEDIA One  
A NEWSPAPER AGENCY COMPANY  
www.mediaoneutah.com

Deseret News  
www.deseretnews.com

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	7/9/2012

**FILE COPY**  
Add

Dance studios in RNB

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000805468 /
SCHEDULE	
Start 07/08/2012	End 07/08/2012
CUST REF NO	
Dance Studios	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
26 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC CHARGES	AD CHARGES
TOTAL COST	
48.68	

MURRAY CITY CORPORATION  
NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN that on the 19TH day of July, 2012, at the hour of 6:30 p.m. of said day in the Council Chamber of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing of the proposed rezoning of the subject property from its present use to a use of dance studios to the RNB zoning district (Residential Neighborhood Business) as shown on the attached plat.

MURRAY CITY CORPORATION  
Chad Wilkinson, Manager  
Community & Economic Development  
805468 UPAXLP

AFFIDAVIT OF PUBLICATION

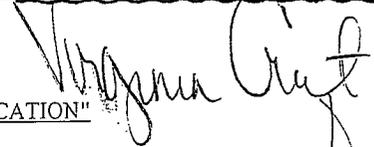
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN** that on the 19TH day of July, 2012, at the hour of 6:30 p.m. of said day in the Council FOR **MURRAY CITY RECORDER**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON Start 07/08/2012 End 07/08/2012

SIGNATURE 

DATE 7/9/2012

 **VIRGINIA CRAFT**  
Notary Public, State of Utah  
Commission # 581469  
My Commission Expires  
January 12, 2014



THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"  
PLEASE PAY FROM BILLING STATEMENT

**P/C AGENDA MAILINGS**  
"AFFECTED ENTITIES"  
Updated 5/24/12

UDOT - REGION 2  
ATTN: MARK VELASQUEZ  
2010 S 2760 W  
SLC UT 84104

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
PO BOX 30810  
SLC UT 84130-0810

TAYLORSVILLE CITY  
PLANNING & ZONING DEPT  
2600 W TAYLORSVILLE BLVD  
TAYLORSVILLE UT 84118

WEST JORDAN CITY  
PLANNING DIVISION  
8000 S 1700 W  
WEST JORDAN UT 84088

CHAMBER OF COMMERCE  
ATTN: SCOTT BAKER  
5250 S COMMERCE DR #180  
MURRAY UT 84107

MURRAY SCHOOL DIST  
ATTN: PAT O'HARA  
147 E 5065 S  
MURRAY UT 84107

MIDVALE CITY  
PLANNING DEPT  
655 W CENTER ST  
MIDVALE UT 84047

SALT LAKE COUNTY  
PLANNING DEPT  
2001 S STATE ST  
SLC UT 84190

GRANITE SCHOOL DIST  
ATTN: KIETH BRADSHAW  
2500 S STATE ST  
SALT LAKE CITY UT 84115

UTAH POWER & LIGHT  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

QUESTAR GAS  
ATTN: KIM BLAIR  
P O BOX 45360  
SLC UT 84145-0360

COTTONWOOD IMPRVMT  
ATTN: LONN RASMUSSEN  
8620 S HIGHLAND DR  
SANDY UT 84093

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8215 S 1300 W  
WEST JORDAN UT 84088

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT84117

COTTONWOOD HEIGHTS CITY  
ATTN: PLANNING & ZONING  
1265 E FT UNION BLVD #250  
CTNWD HEIGHTS UT 84047

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

UTOPIA  
Attn: TOM MARRIOTT  
2175 S REDWOOD RD  
WEST VALLEY CITY UT 84119

UTOPIA  
Attn: JARED PANTIER  
2175 S REDWOOD RD  
WEST VALLEY UT 84119

**GENERAL PLAN MAILINGS:**  
(in addition to above)

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

WASATCH FRONT REG CNCL  
PLANNING DEPT  
295 N JIMMY DOOLITTLE RD  
SLC UT 84116

**Public  
Hearing #4**

## MURRAY CITY CORPORATION

### NOTICE OF PUBLIC HEARING

Notice is hereby given that on September 4, 2012, beginning at 6:30 p.m. of said day in the Council Chambers of the Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing on and pertaining to the following proposed amendments to the City's 2012-2013 Fiscal Year Budget:

1. Carry forward from the Fiscal Year 2011-2012 General Fund Budget to the Fiscal Year 2012-2013 General Fund Budget \$3,577 for a business license study.
2. Appropriate within the General Fund \$2,214,309 to pay Utah Transit Authority for improvements on the Cottonwood and Winchester Street intersection and increase the General fund by \$2,214,309 as reimbursement from the Utah Department of Transportation.
3. Appropriate \$200,000 from unrestricted Reserves within the General Fund to pay Utah Transit Authority for interest on improvements for the Cottonwood and Winchester Street intersection.
4. Appropriate \$124,836 from Class C Restricted Reserves within the General Fund to reimburse Utah Transit Authority for design work of the Cottonwood and Winchester Street intersection.
5. Appropriate \$105,908 from Class C Restricted Reserves within the General Fund to reimburse Utah Transit Authority for utility relocations at the Cottonwood and Winchester Street intersection.
6. Appropriate \$105,000 from Class C Restricted Reserves within the General Fund to fund Mulch/Concrete for the Cottonwood and Winchester Street intersection.
7. Increase General Fund revenue by \$97,409 due to a recalculation of the Property Tax Revenue. Appropriate \$97,409 to Miscellaneous Services within the General Fund.
8. Increase the Solid Waste Fund by \$254,902 as additional revenue. Appropriate \$159,815 within the Solid Waste Fund to operating expenses.

9. Transfer back to Reserves \$95,087 within the Solid Waste Fund.

The purpose of the hearing is to receive public comment concerning the proposed amendments to the City's 2012-2013 Fiscal Year Budget.

Dated \_\_\_\_\_, 2012.

MURRAY CITY CORPORATION

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Jennifer Kennedy, City Recorder

DATE OF PUBLICATION:

# Murray City Municipal Council Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)

FY 2012 Budget Carryforward & Budget Opening

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

Financial Sustainability

3. **MEETING, DATE & ACTION:** (Check all that apply)

Council Meeting OR  Committee of the Whole

Date requested **9/4/2012**

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy? **YES**

Resolution (attach copy)

Has the Attorney reviewed the attached copy? **—**

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? **YES**

Appeal (explain)

Other (explain)

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

Prior year budget, Class C reserves, General Fund reserves

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

*Memos and Ordinance*

6. **REQUESTOR:**

Name: Justin Zollinger

Title: Finance Director

Presenter: Justin Zollinger

Title: Finance Director

Agency: Murray City

Phone: 801-264-2669

Date: 8/13/2012

Time: 5:00 PM

7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director:

Date: 8/13/2012

Mayor:



Date: 8/13/2012

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

9. **NOTES:**



# MEMO

**To:** Council

**From:** Justin Zollinger, Finance Director

**Cc:** Mayor Daniel C. Snarr  
Jan Wells, Chief of Staff  
Frank Nakamura, City Attorney  
Doug Hill, Public Services  
Tim Tingey, ADS Director

**Date:** August 3, 2012

**Subject:** Fiscal Year 2012 Budget Rollover & Budget Opening

---

I am requesting that the following unspent FY2012 budget funds for the Business License Fee Study be rolled over to FY2013.

010-0101-401.31-14	Business License Study	3,577
--------------------	------------------------	-------

In addition to the above rollover request, I am recommending that the following be added to the FY2013 budget for the Cottonwood Street and Winchester Street Intersection Project closeout. As you recall, at the time I prepared the FY2013 budget, these costs were not available.

- |  |           |
|--|-----------|
| 1. UTA ROW Reimbursement   | 2,214,309 |
| a. This is both a revenue and expense as Murray City will make the payment to UTA and will be reimbursed by UDOT |           |
| 2. UTA interest payment-Cottonwood Street  | 200,000   |
| 3. UTA Reimbursement-Cottonwood Street Design-Class C  | 124,836   |
| 4. UTA Reimbursement-Utility Relocations-Class C   | 105,908   |
| 5. Mulch/Concrete -Class C   | 105,000   |

State law requires cities to budget what is levied not what is collected.

010-0000-311.10-00	Property Tax Revenue	97,409
010-0407-412.-62-10	Misc Services	97,409



MURRAY CITY CORPORATION  
FINANCE & ADMINISTRATION

## Memo:

**To:** City Council  
**From:** Justin Zollinger, Finance Director  
**Date:** July 30, 2012  
**Subject:** Solid Waste Budget Opening

This memo is to provide budget information for the Solid Waste Budget Opening:

### Revenue

Dispose Fees	254,902
Use of Reserves	-95,087

### Expenses

Regular Employees	29,094
Overtime	5,000
Temporary Employees	15,000
Social Security	2,226
Group Insurance	175
Retirement	5,889
Workers Compensation	317
Waste Collection	50,000
Recycling	16,000
Equipment Maintenance	8,000
Fuel	6,000
Miscellaneous Services	5,000
Reserve Increase	17,114

These budget increases adjust for the August rate change.

<b>Solid Waste Budget Opening for Rate Change</b>			
	<b>Adopted Budget</b>	<b>Amended Budget</b>	<b>Budget Opening</b>
056-0000-374.10-00 SOLID WASTE / WASTE COLLECT/DISPOSE FEE	900,000.00	1,154,902.00	254,902.00
056-0000-374.40-00 SOLID WASTE / GREEN WASTE TRAILER FEES	12,000.00	12,000.00	0.00
056-0000-374.60-00 SOLID WASTE / ROLL OFF DUMPSTER FEES	20,000.00	20,000.00	0.00
056-0000-374.80-00 SOLID WASTE / INTEREST REVENUE	1,000.00	1,000.00	0.00
056-0000-374.90-00 SOLID WASTE / MISC REVENUE			0.00
056-0000-394.00-00 OTHER REVENUE / USE OF RESERVES	95,087.00	0.00	-95,087.00
<b>Total Budgeted Revenue</b>	<b>1,028,087.00</b>	<b>1,187,902.00</b>	<b>159,815.00</b>
056-5601-561.11-10 REGULAR EMPLOYEES	0.00	29,094.00	29,094.00
056-5601-561.11-15 OVERTIME	0.00	5,000.00	5,000.00
056-5601-561.11-20 TEMPORARY EMPLOYEES	0.00	15,000.00	15,000.00
056-5601-561.13-10 SOCIAL SECURITY	0.00	2,226.00	2,226.00
056-5601-561.13-11 GROUP INSURANCE	0.00	175.00	175.00
056-5601-561.13-12 RETIREMENT	0.00	5,889.00	5,889.00
056-5601-561.13-13 WORKERS COMPENSATION	0.00	317.00	317.00
056-5601-561.62-40 SUNDRY EXPENSES / WASTE COLLECTION	500,000.00	550,000.00	50,000.00
056-5601-561.62-41 SUNDRY EXPENSES / WASTE DISPOSAL	190,000.00	190,000.00	0.00
056-5601-561.62-42 SUNDRY EXPENSES / RECYCLING COLLECTION	184,000.00	200,000.00	16,000.00
056-5601-561.62-43 SUNDRY EXPENSES / ROLL OFF DUMPSTERS	20,000.00	20,000.00	0.00
056-5601-561.62-61 SUNDRY EXPENSES / CREDIT CARD FEES	3,500.00	3,500.00	0.00
056-5602-562.21-50 EQUIPMENT MAINTENANCE	0.00	8,000.00	8,000.00
056-5602-562.21-51 FUEL	0.00	6,000.00	6,000.00
056-5602-562.21-90 MATERIALS & SUPPLIES / SMALL EQUIPMENT	0.00	0.00	0.00
056-5602-562.21-95 MATERIALS & SUPPLIES / REFUSE CONTAINERS	50,000.00	50,000.00	0.00
056-5602-562.51-10 OTHER CHARGES / INSURANCE	4,559.00	4,559.00	0.00
056-5602-562.62-10 MISCELLANEOUS SERVICES	3,000.00	8,000.00	5,000.00
056-5602-562.94-00 RESERVE INCREASE	0.00	17,114.00	17,114.00
056-5602-562.98-00 ADMINISTRATION FEE	73,028.00	73,028.00	0.00
<b>Total Budgeted Expense</b>	<b>1,028,087.00</b>	<b>1,187,902.00</b>	<b>159,815.00</b>

Description	Current	2013	% Increase
	Rate	Proposed Rate	
Garbage Fee	8.00	10.00	25%
Extra Garbage Can Fee	5.50	6.85	25%

Revenue Year	2012	2013	2013
	Budget	Budget	Budget
		(Proposed)	(Amended)
056-0000-374.10-00 DISPOSE FEE	780,000	900,000	1,154,902
056-0000-374.40-00 GREEN WASTE TRAILER FEES	12,000	12,000	16,215
056-0000-374.60-00 ROLL OFF DUMPSTER FEES	25,000	20,000	21,120
056-0000-374.80-00 INTEREST REVENUE	2,000	1,000	1,265
056-0000-374.90-00 MISC REVENUE			386
	819,000	933,000	1,193,889

	2012	2013	2013
	Budget	Budget	Budget
		(Proposed)	(Amended)
056-5601-561.11-10 SALARY+BENEFITS*			38,000
056-5601-561.11-15 OVERTIME*			5,000
056-5601-561.11-20 TEMPORARY EMPLOYEES*			15,000
056-5601-561.51-12 BAD DEBT EXPENSE			
056-5601-561.62-40 WASTE COLLECTION	535,000	500,000	550,000
056-5601-561.62-41 WASTE DISPOSAL	190,000	190,000	190,000
056-5601-561.62-42 RECYCLING COLLECTION	184,000	184,000	200,000
056-5601-561.62-43 ROLL OFF DUMPSTERS	36,500	20,000	20,000
056-5601-561.62-61 CREDIT CARD FEES	3,500	3,500	3,500
056-5602-562.21-50 EQUIPMENT MAINTENANCE*			8,000
056-5602-562.21-51 FUEL*			6,000
056-5602-562.21-90 SMALL EQUIPMENT			
056-5602-562.21-95 REFUSE CONTAINERS	30,000	50,000	50,000
056-5602-562.31-32 CITY HALL			
056-5602-562.31-35 BILLING & TREASURER			
056-5602-562.31-36 PUBLIC WORKS			
056-5602-562.51-10 INSURANCE	2,000	4,559	4,559
056-5602-562.62-10 MISCELLANEOUS SERVICES	3,000	3,000	8,000
056-5602-562.92-00 OPERATIONAL TRANSFERS*			
056-5602-562.94-00 RESERVE INCREASE			
056-5602-562.98-00 ADMINISTRATION FEE	73,030	73,028	73,028
	1,057,030	1,028,087	1,171,087
	-238,030	-95,087	22,802

\*New Accounts

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2012 - 2013

PREAMBLE

On June 19, 2012, the Murray City Municipal Council adopted the City's budget for Fiscal Year 2012 - 2013. It has been proposed that the Fiscal Year 2012 - 2013 budget be amended as follows:

1. Carry forward from the Fiscal Year 2011-2012 General Fund Budget to the Fiscal Year 2012-2013 General Fund Budget \$3,577 for a business license study.
2. Appropriate within the General Fund \$2,214,309 to pay Utah Transit Authority for improvements on the Cottonwood and Winchester Street intersection and increase the General fund by \$2,214,309 as reimbursement from the Utah Department of Transportation.
3. Appropriate \$200,000 from unrestricted Reserves within the General Fund to pay Utah Transit Authority for interest on improvements for the Cottonwood and Winchester Street intersection.
4. Appropriate \$124,836 from Class C Restricted Reserves within the General Fund to reimburse Utah Transit Authority for design work of the Cottonwood and Winchester Street intersection.
5. Appropriate \$105,908 from Class C restricted reserves within the General Fund to reimburse Utah Transit Authority for utility relocations at the Cottonwood and Winchester Street intersection.
6. Appropriate \$105,000 from Class C Restricted Reserves within the General Fund to fund Mulch/Concrete for the Cottonwood and Winchester Street intersection.
7. Increase General Fund revenue by \$97,409 due to a recalculation of the Property Tax Revenue. Appropriate \$97,409 to Miscellaneous Services within the General Fund.

8. Increase the Solid Waste Fund by \$294,902 as additional revenue. Appropriate \$159,815 within the Solid Waste Fund to operating expenses.
9. Transfer back to Reserves \$97,087 within the Solid Waste Fund.

Section 10-6-128 of the Utah Code states that the budget for the City may be amended by the Murray City Municipal Council following a duly noticed public hearing. Pursuant to proper notice, the Murray City Municipal Council held a public hearing on September 4, 2012, to consider the proposed amendments to the Fiscal Year 2012 - 2013 budget. After considering public comment, the Murray City Municipal Council wants to amend the Fiscal Year 2012 - 2013 budget.

BE IT ENACTED by the Murray City Municipal Council as follows:

*Section 1. Purpose.* The purpose of this Ordinance is to amend the City's Fiscal Year 2012 - 2013 budget.

*Section 2. Enactment.* The City's Fiscal Year 2012 - 2013 budget shall be amended as follows:

1. Carry Forward from the Fiscal Year 2011-2012 General Fund Budget to the Fiscal Year 2012-2013 General Fund Budget \$3,577 for a business license study.
2. Appropriate within the General Fund \$2,214,309 to pay Utah Transit Authority for improvements on the Cottonwood and Winchester Street intersection and increase the General fund by \$2,214,309 as reimbursement from the Utah Department of Transportation.
3. Appropriate \$200,000 from unrestricted Reserves within the General Fund to pay Utah Transit Authority for interest on improvements for the Cottonwood and Winchester Street intersection.
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6. Appropriate \$105,000 from Class C Restricted Reserves within the General Fund to fund Mulch/Concrete for the Cottonwood and Winchester

Street intersection.

7. Increase General Fund revenue by \$97,409 due to a recalculation of the Property Tax Revenue. Appropriate \$97,409 to Miscellaneous Services within the General Fund.
8. Increase the Solid Waste Fund by \$254,902 as additional revenue. Appropriate \$159,815 within the Solid Waste Fund to operating expenses.
9. Transfer back to Reserves \$95,087 within the Solid Waste Fund.

*Section 3. Effective Date.* This Ordinance shall take effect on first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 4<sup>th</sup> day of September, 2012.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
James A. Brass, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy  
City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Daniel C. Snarr, Mayor

ATTEST:

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Jennifer Kennedy  
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the \_\_\_ day of \_\_\_\_\_, 2012.

---

Jennifer Kennedy, City Recorder

**Mayor's  
Report  
and Questions**

**Adjournment**