

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 7<sup>th</sup> day of May, 2013 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:

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

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Craig Burnett,	Deputy Police Chief
Gil Rodriguez,	Fire Chief
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Doug Hill,	Public Services Director
Blaine Haacke,	General Manager, Power Department
Gilbert Gonzales,	Chief Building Official
Mike Dykman,	Battalion Chief
Rondi Knowlton,	Administrative Assistant
Doug Roberts,	Police Department
Roy Halford,	Police Department
Deven Higgins,	Police Department
Scouts	
Citizens	

**5. OPENING CEREMONIES**

Mr. Hales excused Mr. Brass from the meeting.

**5.1 Pledge of Allegiance-** Roseann Stam

**5.2 Approval of Minutes**

**5.2.1 None scheduled.**

**5.3 Special Recognition:**

**5.3.1 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah to designate and support the week of May 19-25, 2013 as Emergency Medical Services Week.**

Staff presentation: Mayor Snarr, Gil Rodriguez, Fire Chief, Mike Dykman, Battalion Chief.

Mayor Snarr read the Resolution in its entirety.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

Mayor Snarr turned the time over to Gil Rodriguez, Fire Chief and Mike Dykman, Battalion Chief.

Chief Rodriguez stated that years and years ago, when he got hired, Murray City had a lot of fires. The Fire Department went on a lot of calls for fires and service. Medical was just starting back then and it was an anomaly to be an EMT; but things have progressed. Thirty years later, medical calls take up about 70-80% of the Fire Departments calls. Without question, the Fire Department needs to be on top of it. Chief Rodriguez stated that just because he is the Fire Chief doesn't mean that is the only thing he does. He stated that having someone like Chief Mike Dykman as the EMS Battalion Chief is great. He does a great job. He understands it and he can work through it. He does things in fifteen minutes that would take Chief Rodriguez the whole day just to try to understand it.

Battalion Chief Dykman stated it says “one team one mission.” The Fire Department has quite a team and the team starts with the Mayor, the City Council, and those that support the Fire Department and their Emergency Medical Services. The City Council and Mayor make the real big decisions and it’s the Fire Department’s job to carry them out. They carry them out to the best of their abilities. Battalion Chief Dykman reiterated that the Fire Department considers the Mayor and City Council part of their team and thanked them for their support.

Battalion Chief Dykman mentioned some of the activities that will be going on through EMS Week. He mentioned the activities are listed on the City’s website and the update newsletter as well. During EMS Week, on the weekdays between 12:00 -1:00, the Fire Department crews will be at the Heritage Center conducting free blood pressure and blood sugar checks for senior citizens. The Fire Department has done this for a number of years and the senior citizens seem to appreciate it. Battalion Chief Dykman feels that the senior citizens are a population where they Fire Department can really make a difference and help. They are glad to be at the Heritage Center through EMS Week, and any other time they would like for them to be there. On Saturday May 25<sup>th</sup> between 11:00 – 2:00 there will be an annual EMS Week barbeque. The public is invited. You can come by and get a free hot dog or hamburger, soft drinks, and chips. This is a chance for the public to come meet with the Paramedics, take a look at some of their equipment, and talk about whatever. The Fire Department is very proud of what they do and they would love to have the public stop by. The barbeque will be at Fire Station #84 on 5900 South and 200 East. It’s on the old Cottonwood Hospital property on the southwest corner, kind of by McDonalds.

Battalion Chief Dykman wanted to make people aware that the Fire Department is kicking off a County-wide program called the Yellow Dot program. This is a national program that Tooele County has recently started doing. Salt Lake County will be next and eventually this program will be statewide. The Yellow Dot program is designed to help citizens be able to communicate if they are involved in an automobile accident. Basically, there is a folder that is put in the glove box and a yellow dot that is affixed to the vehicles rear window. If you are involved in an accident, the yellow dot clues in Paramedics that there is some kind of significant medical condition that they need to be aware of and they will take appropriate action. They will look for that documentation that was put together and put inside the glove box. This can be very helpful for diabetic situations, seizures, or any kind of medical condition. It is a very good program. More information is available at [www.utahyellowdot.com](http://www.utahyellowdot.com). The materials that are required for this program are at the Headquarters Fire Station throughout the year and they will also be available at all of the county libraries.

Mr. Stam asked if the Yellow Dot program is only for people who have a medical issue. He stated that if someone doesn’t have a medical condition, they could

change the color of the dot or something and that way the Paramedics would know that there are no allergies or anything they need to worry about.

Battalion Chief Dykman answered that they don't have anything like that and the reason why is because they don't anticipate getting 100% compliance with this. They want to make the program available to people who do have conditions and feel that they would need to pass that information on to the Paramedics. It's a way to make that information available. If there is no dot, they are not going to go look for it. They will take care of the patients, but they will not go look for additional information.

Battalion Chief Dykman noted that the program will involve training of the City's Paramedics so they are able to recognize the yellow dots and be aware of them. The Yellow Dot program is a big thing that is just getting started here. It has been very successful in Tooele County and it is just growing from there. The Fire Department is glad to be involved with it. There will be quite a bit of information about the program coming out in the media as it is a county-wide program. More information will be coming out as EMS Week gets closer. He thanked the City Council for their support saying that it humbles him to represent the City's Paramedics and what they do. They make a difference in people's lives every single day and they do it in a positive way. He is proud to be part of it.

Mr. Shaver asked what the age for seniors at the Heritage Center was.

Battalion Chief Dykman answered that anyone can go to the senior center, but he wasn't sure what age you had to be.

Mr. Stam said that he thought it was 55.

### **5.3.2 Swearing-In of new Murray City Police Officers Chaseton Lynn Smith, Quintin Stephen Grillone, and Heidi Marie Schultz.**

Staff presentation: Pete Fondaco, Police Chief

Chief Fondaco gave a little bit of background on each of the new officers before he called them up to get sworn in.

Chief Fondaco stated that Chase Smith used to be a Cadet for Murray City. The City hired him from the airport. When he was working as a Cadet for the City, he knew that eventually he would want to come and work here full-time. He told Chief Fondaco that was his goal. Now he will become the second Cadet that the City has hired as a full-time Police Officer. The first one was Assist Chief Craig Burnett who was a Cadet for the City back in 1978.

Quintin Grillone is from New Jersey. He graduated from Roxbury High School which was a rival school of Chief Fondaco's high school back in New Jersey.

Chief Fondaco stated that he graduated from West Morris High School. Mr. Grillone is straight out of the academy. Lieutenant Tom Martin attended Mr. Grillone's graduation the other day at Salt Lake Community College.

Heidi Schultz was hired from the Weber County Jail where she had just started. Ms. Schultz is also right out of the academy. Chief Fondaco invited the new Officers to come forward for their swearing in.

The swearing-in ceremony was performed by Jennifer Kennedy, City Recorder.

The new officers introduced their families.

The council congratulated the new officers.

Mr. Hales stated that the City appreciates them. It's amazing and a proud moment. He stated that the Council is excited to have the new officers on board.

Mr. Nicponski added that he felt that the most valuable tool for our City to remind the residents of our commitment to service is the police logo on the patrol cars and the paramedic symbol on the paramedic and fire trucks. It all comes home when you see those Paramedics roll up to a house or a police car roll up to give service. He stated that the Council appreciates them for what they are about to embark on. He also sent his appreciation out to the Paramedics and Fire Department.

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

Before the citizen comments started, Mr. Hales asked the Boy Scouts in attendance to introduce themselves.

Shannon Oveson, Miss Murray – 604 West 5900 South, Murray, Utah

Ms. Oveson stated that she wanted to come before the Council and talk about an event that she has going on this upcoming Friday. As Miss Murray, she has a platform. Her platform is, "Education: The Key to Opportunities." Throughout her year as Miss Murray, Ms. Oveson has been raising money to give a way for two different scholarships. One if for somebody who is just graduating from Murray High School and the other is for somebody who is a nontraditional student or somebody who wants to go back to school. Ms. Oveson has been putting together a huge fundraiser that will be going on this coming Friday and Murray High School at 7:00 p.m. It is a silent auction out in the commons and in the auditorium, there will be a fun variety show. Miss Utah is coming to host the event with Miss Murray. There are incredibly talented people coming. Ms. Oveson has received donations from a lot of Murray businesses such as Desert Star tickets. Brandon Burningham also donated a three hour limo ride and \$100.00 towards dinner. Ms. Oveson wanted to personally invite everyone to come to Murray High School at 7:00 p.m. on Friday.

Mr. Hales asked Ms. Oveson how her reign has been going over the past few months.

Ms. Oveson replied that she has been super busy with school, but the semester is finally over. She couldn't be happier. She stated that she got another 4.0 this semester. Now, she will be able to focus more on Miss Murray things. She stated that she hopes everyone can come to her fundraiser this Friday and said that it is only \$5.00 to get in. She added that it should be a family-fun event and encouraged people to bring everyone they know.

Citizen comment closed

## 7. CONSENT AGENDA

**7.1 Consider confirmation of the Mayor's new appointment of Karen E. Johnsen to the Murray City Ethics Commission in an At-Large position for a three-year term to expire February 19, 2016.**

**7.2 Consider confirmation of the Mayor's new appointment of Dana Dmitrich to the Murray Parks and Recreation Advisory Board in an At-Large position for a three-year term to expire January 17, 2016.**

Vote for both taken together.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

Mr. Stam said it is really nice to have people that are willing to step up and serve in the City and help the community out. That is one of the first things that got him involved other than coaching baseball. He spent nine years on the Parks and Recreation Committee which was a fun committee to be on. He told Ms. Dmitrich that she will enjoy serving on it as well. Mr. Stam said that the Ethics Commission is a new one so he did not have any experience on how that is going to be yet. He reiterated how nice it is to have people willing to help out and serve their community.

Mr. Shaver added to Ms. Dmitrich that he hopes she is very, very busy with her committee and told Ms. Johnsen that he hopes no one ever has to come before her.

## 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 a Resolution declaring the property located at approximately the southwest corner of 5900 South and 700 West, Murray City, Salt Lake County, State of Utah, as surplus.**

Staff presentation: Doug Hill, Public Services Director.

Mr. Hill stated that about thirty years ago Murray City purchased a piece of property to extend Green Oaks Drive to 700 West. There was a small parcel remnant of that parcel left over from that road extension. The parcel that the City currently owns is approximately 3,700 square feet which is a little less than 1/10 of an acre. The adjacent property owner, Mr. Jones, is looking to develop that piece of property adjacent to this remnant piece. He has asked that the City surplus this property. The process the City goes through whenever we have to dispose or get rid of a piece of property is to hold a Public Hearing, there will be appraisals of that property, and then the City would put the property up for sale. In this particular case, once the property is for sale, Mr. Jones could purchase that property at fair market value. It could then be added to help his development. Mr. Hill believes that Mr. Jones' plans are to put in some single family housing on that vacant piece of property. Mr. Hill is recommending the Council surplus this property.

Public Hearing opened for public comment.

Richard Hanson – 5269 Lucky Clover Lane, Murray, Utah

Mr. Hanson asked if this piece of property is landlocked or is it viable for anyone to purchase to develop independently.

Mr. Hill responded that the property is not landlocked; it is adjacent to Green Oaks Drive. It is accessible from the road. Mr. Hill stated that the City Attorney, Frank Nakamura can address the issue of is it available for anybody to purchase.

Mr. Nakamura stated that often they are available for anyone to purchase. However, if property is contiguous to another property owner, the City's policy allows for the contiguous property owner to purchase the property. It is a policy that the City has developed. It makes since in terms of that is usually what happens when there is a piece of property that is unusable. That is what the Council needs to decide tonight; whether or not the City can use this property. If the City cannot use it and there is a contiguous property owner, then the contiguous property owner has the opportunity to purchase that

property. If the property was located somewhere else or was a larger piece of property that the City decided it didn't need and surpluses, we could then put that out for bid. These pieces of property are contiguous because of something happening in terms of the road, like we took a piece of property for the road and did not utilize it all, we defer to the contiguous property owner.

Mr. Stam added that property is about five feet wide at one end and about ten feet wide at the other and about 80 feet long.

Mr. Nakamura added that usually these properties are irregular pieces. A lot of that results from the City purchasing them for roads or other infrastructure and end up not using it all. That is why the City allows them to go to the contiguous property owner.

Public comment closed.

Mr. Stam said that property has received many complaints from the neighbors for many years because the City does not do a very good job of maintaining it. There have been some members of the Parks and Recreation that go by and spray it for weeds and put bark on it to try to make it a little more presentable. This property is small enough that it can't be built upon. Nothing can happen to it and it would cost an awful lot of money to landscape and maintain the tiny space. This is going to allow the property to be developed and used and not be an eyesore.

Mayor Snarr stated that he had dealt with this for almost 16 years and he is happy to see it getting resolved. This has happened on numerous occasions. When the City realigned Vine Street with Cottonwood Street there was some excess property and the City worked out a deal to make everything work with the new Dialysis Center over there. This kind of thing happens to UDOT all the time. Particularly on major road projects where they actually have to take out the whole business. The best thing to do is to look at the adjoining businesses and see if they are interested in purchasing property; particularly if it is an irregular piece of property that is left or property that isn't large enough to develop. Otherwise, UDOT, which is funded by taxpayers, ends up picking up the tab to take care of it. In this case, the City has taken care of it. Now the property will go back on the tax rolls and it is a nice development that Mr. Jones plans on putting in there. These things work out for the betterment of the City. At the end of the day, the City doesn't have to spend the money to take care of it and we will get a little bit of property tax from the property now. It is a win-win deal. Rarely does anybody say they want to come and buy this property because it's really not a developable piece of property. Sometimes when other people buy it, they don't take care of it and the City has to go out and assess them a fine for not cutting down the weeds or spraying them. That is not a pleasant thing to do.

Mr. Hanson stated that this was brought up to him because of a piece of property that is adjacent to and backs his property. The property was a road that originally went through Applegate Condominiums and stopped at the end. Now it is weed infested on one side and he doesn't know who is responsible for taking care of the property. The whole thing

just gets worse, and worse, and worse. Mr. Hanson asked if it was the City's responsibility to take care of it or the people who live next to it.

Mayor Snarr answered that it is the responsibility of Applegate. He told Mr. Hanson that the reason that road didn't go through was because the neighbors protested that they did not want a cut through from their neighborhood for people to be able to take a short cut down through Applegate into the other neighborhood. The neighbors said that they did not want that street to go through. That happened almost 40 years ago.

Mr. Hanson asked what happens to properties that are owned by the City that no one takes care of.

### **8.1.2 Council consideration of the above matter.**

Mr. Shaver made a motion to adopt the Resolution.  
Mr. Nicponski 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

## **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 land use; amends the Zoning Map for property located at 5918 South 700 West, Murray City, Utah from A-1 (Agricultural District) to R-1-8 (Single-Family Low Density Residential District).**

Staff presentation: Tim Tingey, Administrative & Developmental Services Director.

Mr. Tingey stated this item was taken to the Planning Commission and a Public Hearing was held on April 4, 2013. The purpose was to rezone the property from Agricultural to Residential R-1-8. The General Plan supports that as it is consistent with the General Plan. The property is 2.4 acres and the new uses that will be allowed on that site are primarily residential with 8,000 square foot lots. Both the Planning Commission and staff are recommending approval of this change.

Mr. Shaver asked that with the purchase of the new property from Mr. Jones included, is that going to create a zoning issue because they won't be including this piece since it has not been purchased or designated as such.

Mr. Tingey answered that he does not believe it will create an issue. Where it is right-of-way, it is likely the City would have to look at it and see if it would have to be rezoned as well as part of this. They will need to look at legal descriptions on that.

Public Hearing opened for public comment.

No public comment was given.

Public comment closed.

**8.2.2 Council consideration of the above matter.**

Mr. Stam made a motion to adopt the Ordinance.  
Mr. Nicponski 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

**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 relating to land use; amends the General Plan from Residential Single-Family Low Density to Residential Business and amends the Zoning Map from A-1 (Agricultural District) to R-N-B (Residential Neighborhood Business) for the property located at approximately 6358 South 900 East.**

Staff presentation: Tim Tingey, Administrative & Developmental Services Director. (See Attachment 1 for the Map)

Mr. Tingey started by giving some background on this item. This was taken to the Planning Commission on March 21, 2013 and a Public Hearing was held. This

request is on the west side of 900 East. Mr. Tingey showed the property on a map. The property is currently zoned agricultural. This is different than a similar application that was brought to the City about a month ago. That application was for a property located on the east side of 900 East. The future uses for the properties on the east side of 900 East are for residential. The property on the other application was adjacent to the open space area and there were a lot of differences with the property on the east side of 900 East; primarily with the consistence, the location with Wheeler Farm and the General Plan has designated that as non-commercial. The west side of 900 East is much different. The areas on the west side allow for Residential Neighborhood Business; to allow properties to go from Agricultural to R-N-B. It is a transition zone. One of the challenges with this property is that it is one contiguous property. It is its own parcel; it is not split in the middle.

Mr. Tingey continued stating that when the General Plan was adopted, there were some difficulties created related to the property. It was split as far as the future land use; one portion being R-1-8 and the other portion being R-N-B. When you split a property like that it causes some challenges for the property particular with development. It creates different standards for development and it creates a whole different set of uses right adjacent on the same property. There are considerable issues that have to be addressed for development of a whole property like that when it has been split. At the time of the General Plan, Mr. Tingey does not know why the property was split, but it is not typical that that happens where you have one property split with two different zoning designations, two different standards, and a number of different land uses.

As this went to the Planning Commission, staff recommended approval of this change. Mr. Tingey would like to explain the reasons behind staff's decision. The first reason is because of the split in property; the different standards. For example, if you have to develop in the R-N-B and it is split like this property is, you have to create the buffering and the masonry walls. Basically all of the buffering elements have to be on the property line adjacent to a residential district. Those standards immediately kick in and it splits that property. The standards have to be applied right in the center of that property. In addition to that, one of the big issues with this site is there is an access control strip. So if someone owned this site and wanted to develop this property separately, that access control strip prevents any access on the north or west side of this property. The only access would be coming off of 900 East. If you were to develop this as residential on this side, the City does not allow for a private street, so you could not access it off of a private drive. You would have to access it off of these public streets. However, in doing that, it causes problems. There is an access control strip; there is no allowance for that. The only way they could do it is to create a public right-of-way through this to create R-N-B. In addition to that, in a Residential Neighborhood Business (R-N-B) district there are buffer and access control requirements. If this were all developed as Residential Neighborhood Business zoning, we would not allow for access coming off of these residential streets.

Access would have to come off of 900 East. Based on these things, staff feels that the R-N-B provides the buffer. There is an existing buffer with Glen Oaks Drive at least on the west side. Buffering is an important element related to this. There are also some existing buffers with R-N-B where you have a masonry wall required, some design standards with landscaping and other elements. Based upon all of that, staff recommended approval of R-N-B for the full property instead of splitting it with R-N-B and residential. There was deliberation after public input from the Planning Commission. They had concerns with this property having R-N-B going back as far as it does into the neighborhood. It was not unanimous, but they recommended denial of the request. Mr. Tingey has forwarded both the staff and the Planning Commission's recommendations to the Council.

Mr. Tingey showed the Council pictures of the west side of the property. He said if it was R-N-B, there would be a requirement for a masonry wall and a ten foot landscaping buffer as well. There would be limited access that would be allowed primarily because of the access control strip, but also staff would not ever recommend any additions or changes.

Mr. Hales asked if the County owns a portion of the strip.

Mr. Tingey replied that the County does own the access control strip and showed the Council where it was on the map. He also said that right now, there is no access allowed into those residential neighborhoods for this property.

Mr. Shaver verified that there was no access from the west or the north.

Mr. Tingey said that was correct.

Mr. Stam asked Mr. Tingey to explain the access control strip a little bit better. He asked if it can be changed if someone applied to do so since it is controlled by the County and not by Murray.

Mr. Tingey said that the access control strip is controlled by a different property owner. It is not the County and it is definitely not Murray. Often times it is a developer. When they develop a property, they will create an access control strip. What that does is pay for future access for development. It basically states that you have to go through that property owner to do what you want with the property as far as development. The County owns it, and Mr. Tingey isn't sure why they came under ownership. This was annexed property at one time. Right now, you couldn't develop on this property. They would have to either acquire that access control strip or get an agreement with the County. Mr. Tingey doesn't know how feasible it would be to get such an agreement with the County for this.

Mr. Hales asked if it is a possibility down the road that they could access that.

Mr. Tingey clarified that Mr. Hales meant that the property owner would be able

to acquire the access control strip.

Mr. Hales said that was what he meant.

Mr. Tingey responded that it would be a possibility. He does not know what the County's thoughts are on that. He does not know if they would be willing to do that.

Mr. Hales asked if by doing that it would open up the property into the residential area.

Mr. Tingey said that with an R-N-B, the City would not allow access. The City's R-N-B Ordinance states that you limit access into these residential neighborhoods.

Mr. Hales asked if that would be the case even with the County owning it down the road.

Mr. Tingey responded it would be on the site itself.

Mr. Shaver added that if the property owner that wants to buy it, who is purchasing the property, if they wanted to open this up on the north or the west side, the City has an Ordinance that says no. As an R-N-B property you cannot do that.

Mr. Tingey responded that was correct. Mr. Tingey added that if a certain portion of the property was maintained as residential on the west side, they could access it if they buy that for residential development.

Mr. Shaver verified that would be the case if it was a split property.

Mr. Tingey said that was correct, if it was a split property.

Mr. Shaver asked a question about the split. He stated that Mr. Tingey is saying if we are moving A-1 to R-N-B and you are talking about it as if it is already zoned. The split creates a zone of two different types of zoning. Mr. Shaver said that he is confused. He wanted to know if we are moving the property from A-1 to R-N-B.

Mr. Tingey stated that the proposal is A-1 to R-N-B for the whole site. The General Plan states that the property is split with a portion of it being residential and a portion of it being R-N-B.

Mr. Stam asked if the General Plan is the future plan.

Mr. Tingey responded that it is for future land uses.

Mr. Nicponski asked if the Planning Commission's vote was split or unanimous.

Mr. Tingey answered that it was not unanimous. There was one that dissented, that did not vote with the rest.

Mr. Hales stated that the vote was 6-1.

Mr. Stam asked if the owner of this property wanted to split it and have half of it zoned one way and the other half zoned R-N-B, could he apply to do that.

Mr. Tingey replied that he could. What would happen is the portion that is being requested for R-N-B could be R-N-B and the other portion could be residential. Mr. Tingey noted that R-N-B does allow for residential uses. So if the entire property was zoned R-N-B they could locate residential structures on that back portion if they wanted to. With the General Plan it is to be R-N-B on that portion and residential, R-1-8, on the other portion.

Mr. Shaver asked if they would still have to have the buffer.

Mr. Tingey responded that on the R-N-B portion they would have to have a buffer. If this is the future zoning, if it was determined by the Council to keep this portion at R-N-B and the other portion at residential and they go through the processes for that, the buffer would have to occur. Mr. Tingey showed on the map where the buffering would need to be. He stated by doing that, the back portion of the property would not have any access unless it was to be addressed.

Mr. Stam stated that what Mr. Tingey was trying to refer to is if the entire property was zoned R-N-B and they decided to build residential on the back side, would they need a wall to separate the residential from the other because the zoning is R-N-B.

Mr. Tingey said they would not because the property is adjacent to future residentially zoned land.

Mr. Nicponski asked if the property surrounding this property was zoned R-N-B.

Mr. Tingey replied that land around the property was on the General Plan to be R-N-B. Some of it has already been rezoned R-N-B and there are existing structures. Mr. Tingey noted that there are height restrictions for the R-N-B areas. They are lower than a residential zoning district. They are 20 feet where a residential structure can be 35 feet. In an R-N-B you can go as high as 30 feet with the Planning Commission's approval. It would still have to be lower than a residentially zoned property.

Mr. Shaver said that one of the concerns they have as a Council, that they have addressed several issues regarding, is the access and the traffic. They don't want

traffic going into the residential area. They want the traffic coming off of 900 East rather than going through the residential properties in order to enter into a business or a commercial area.

Mr. Tingey stated that the intent of the ordinance for R-N-B is to limit that access.

Mr. Stam verified that what Mr. Tingey was saying is there could not be any access from any road except 900 East on that property.

Mr. Tingey answered at this point that is correct.

Mr. Stam continued saying that if this property is developed as R-N-B there would be no access to the property except 900 East.

Mr. Tingey said that is correct. The intent is that but it is not set in stone that you cannot have an access. Mr. Tingey continued saying that with the intent of the R-N-B staff would never recommend approval of having any access into these residential neighborhoods. The intent is not there for that. You want to limit the impacts into the residential neighborhood. That is what you want to limit. Access would cause a problem with that. Therefore, there would never be any recommendation from his office for that.

Mr. Nicponski asked Mr. Tingey to repeat what the General Plan use is for this property.

Mr. Tingey answered that the General Plan use for the front portion of this property is to be Residential Neighborhood Business (R-N-B). The area to the back of the property is to be Residential Single Family (R-1-8).

Mr. Nicponski asked how many units could there be on this property.

Mr. Tingey answered that on this site you could get one or two possibly even three units. He wasn't sure of the exact acreage of this particular area of the property so it is difficult to say. He added that you have to have a minimum lot size of 8,000 square feet and he believes there is more than 16,000 square feet there.

Mr. Hales asked if the applicant would like to comment.

Travis Maughan, Applicant - 2505 East Parleys Way, Salt Lake City, Utah

Mr. Maughan stated that he is one of the applicants and he felt that Mr. Tingey did an excellent job of presenting it. Mr. Maughan knows that there will be some dissenting conversations here tonight based on the conversations that they had at the Planning Commission. He reinforced that there are a lot of protections in place for this neighborhood with the R-N-B and with the protection strip. He knows he

is not allowed to talk about what they want to put there, but he shares the neighbor's values and wants to protect their neighborhood as well.

Public Hearing opened for public comment.

Jake Zollinger - 873 Southwood Drive, Murray, Utah

Mr. Zollinger stated that there are three homes to the north. Mr. Zollinger moved there in 1983. In 1987, when he was a Scout Master, he looked across there and had his scouts clean that strip of land up. On both the north and west side it was a dump yard. There were big gobs of cement from construction people who had dumped it there, car fenders, and even posts from the pioneer days. The County called Mr. Zollinger and offered to give him that strip of grass, both on the north and west side. He thought about what he could do with it. He thought about putting storage sheds in there or maybe put an RV or two on the property. He then decided it wouldn't be a very neighborly thing to do to his neighbors on Southwood and Glen Oaks Drive for obvious reasons. These people have lived here for 40 or 50 years and it's an attractive neighborhood and residential community. Mr. Zollinger cleaned up the property with the scouts. He worked with Murray City to put sod and a sprinkler system in. Then he personally maintained it for a couple of years, mowed and kept it up.

Mr. Zollinger made that decision. He could have had that property and today, if he had it, maybe he would have a bigger dog in the fight here tonight. He will defer to some of his neighbors who are better spoken than he is, particularly Gary Weston who is an attorney who deals with these types of things and has lived in the neighborhood longer than Mr. Zollinger has.

David Kirk - 825 Southwood Drive, Murray, Utah

Mr. Kirk has been a resident of Murray City for over 30 years. He likes the neighborhood; it has a great feel to it. The Master Plan was designed to keep and maintain or enhance the integrity of the neighborhood and Glen Oaks with the extension of R-1-8 to be on the Glen Oaks portion of that. Under the City's regulation, there is ample space for two homes. The citizens measured it and there are roughly 190 feet. Regulation states you have to have 80 feet interior and 90 feet corner lot plus the part that could probably be surplus from the County and purchased by someone who wanted to develop it. Personally, Mr. Kirk would like to see homes on this property. It would improve and keep the flavor of the neighborhood. Many of the neighbors have suffered with an ugly, unpainted barn for years and years. Mr. Kirk thanked a couple of the neighbors for putting siding on and painting that barn. By doing that, it has reduced what was somewhat of an eyesore in the neighborhood.

Mr. Kirk reiterated that both he and the other neighbors would like to see homes in this area. They have discussed it in the past. He feels that there is more than enough space to still put a nice vision clinic on the east portion of that property.

Mr. Kirk also wanted to mention that there were approximately 20 neighbors in the neighborhood that signed various forms of a petition to protest the changing of that entire parcel to R-N-B.

Mr. Hales asked Mr. Kirk if he is recommending a split.

Mr. Kirk responded that he is absolutely recommending a split.

Susan Holman - 774 Southwood Drive, Murray, Utah

Ms. Holman said that she has had a particular interest in this property for years along with Mr. Zollinger because her son was one who did the Eagle project. They did a petition of the neighborhood where they had the sidewalk put in under the Safe Sidewalks program, they had the irrigation ditch put underground and the sod was put in on the west side of the property.

The neighbors went to the County on that property and discovered that Easement. The Easement is only one foot or one yard all the way around the property. That part was owned by the County. There are certain islands in there that were owned by the County and the City owned most of the rest of the property.

Three of Ms. Holman's sons along with Mr. Zollinger maintained that property for almost seven years. They maintained it from the time her son did his Eagle project until Mayor Snarr came into office. Mayor Snarr was the first Mayor that would allow the City to maintain the property.

Ms. Holman feels that when they did the Safe Sidewalks with the City and they looked at the property, everything made since for it to be housing than to be a business back that far. The County had told her that any time after 20 years somebody could petition and request that access to be opened up. Nobody ever did that because the Cracraft's owned the property. Ms. Holman recommends housing in the back of the property. She feels that could easily be part of the neighborhood because Art Cracraft's house is part of the neighborhood. The new houses could be a continuance of that. She feels the business could be put on the front of the property. The rest of the businesses on that street only go back as far as that line in the neighborhood and Ms. Holman doesn't see why any other business should extend further. She's sure they property owner can get some money out of the property selling part of it as lots because there are so few of those in Murray City.

Kyle Miller – 4885 South 900 East, Murray, Utah

Mr. Miller has been a member of Murray City for his entire life. He is a Principal Broker for Miller and Company Real Estate. Mr. Miller noted that this was one property at the time it was listed. The residential scenario came to light literally days before the zoning meeting. His General Manager met with Ray Christensen on two or three occasions and it was just one parcel, there never was a residential contingency. Mr. Miller feels that something emerged at the eleventh hour and he is not sure what it was. Whatever

happened might be important or it might not, but he wanted to make that point because if we were just defining what the highest and best use is to market the property what we are talking about would make perfect sense. However, the property has been sold. The purchaser is in the room, the sellers are in the room, the architect is in the room and there is a lot of expenditure laid out to get this development off the ground based on the information the real estate company had from Murray City.

Mr. Miller told the people of Southwood that he understands exactly what they are saying and he would probably be saying the exact same thing they are if he were in their neighborhood. It is the unknown that everyone is concerned with. What if what was going to be proposed or that is proposed, is better that if there were two unknown houses going in? In other words: basically a park-like atmosphere. A better environment than the neighbors have been looking at the whole time they have lived there. A new wall; it would be a nice, crisp environment.

Mr. Miller commented that Mr. Tingey did an excellent job pointing out a couple of points about the business application in terms of the height. It is a lower height by five or ten feet than a standard residential, and that's if they don't get a variance to put a bigger home in there to block views. There would be a protective strip and a low impact doctor's environment.

Mr. Miller stated that the point is that this would be a low-impact environment. They had many offers from people who wanted high density in there. There were a lot of different offers generated. Mr. Miller feels that if the neighbors were to ask what would be the perfect situation to put in that spot, this particular offer that is before the Council right now would be what they would choose.

Gary Westin – 809 Southwood Drive, Murray, Utah

Mr. Westin lives about 100 yards west of where this property is. He said there are two things to keep in mind. Why is it that the City Planning and Zoning is more interested in supporting this particular developer than supporting the residents that are there in that subdivision? Everything Mr. Westin has heard is about why we need to develop it this way or we can't develop it. Obviously the City is not about what is the best development of a particular buyer of property, but what works best for the continuity of the community in that particular area. Mr. Westin feels that Mr. Miller said it best when he said if he lived in the Southwood subdivision he would feel like the rest of us do.

Mr. Westin continued saying that Glen Oaks Drive has absolutely no commercial business or office space on it. The people who live there do not want the residential nature and circumstance of their subdivision impeded by commercial or industrial. If you look along 900 East, everyone knows full well 900 East is going to go into offices. That is what it is going to be and that is what it should be. None of that that extends to the north and none of that that extends to the South comes down on Glen Oaks Drive. They don't want it to do that.

Mr. Westin feels the answers are very simple. Number one, the north side of the property where the big park is when you come in on Southwood is Salt Lake County property. What Mr. Zollinger and Ms. Holman didn't tell you is that there was a trash pile so they all got together and put in the lawn and took care of it. One day they went to Mayor Snarr and asked if he could do something about that. The City took over the maintenance and mowing of that lawn. They have taken care of it for years and years, it's a beautiful place. It is owned by Salt Lake County. Whether it was a protective strip originally intended by the developer, no one knows, but Salt Lake County has the title.

When you go around to the west side of this property, the property that is on the east side of Glen Oaks Drive, there is a protective strip there also. It is about three feet wide, again owned by Salt Lake County. Everyone knows that Salt Lake County doesn't want to own non-revenue producing property that is in Murray. The owner of this property now is certainly going to go to Salt Lake County, knock on their door and say I'll take over that grass strip and have it part of my property and develop and maintain it. Salt Lake County will jump up and say that is fantastic. They will do the same thing down the west line. Right now there is a protective strip in place which means you can't get a curb cut; Murray City won't permit it across that protective strip from the north or the south. The owner of this property can do away with the protective strip. By just going to the County and asking for it he is going to get it. Then he can put those two or three lots, which he can probably turn into an R-1-10 flag lot for two lots. When he puts that in there, then he's got his curb cuts and he can make it work.

The neighbors want homes there. Everything at the front of the property should be rezoned from A-1 into permitting offices to go in there. That is what 900 East has to be developed for, everyone understands that. The neighbors want two zones, they want a buffer. On that rear line of every property that is on the east of Glen Oaks Drive, they want the property line to be followed. They want residential whether it is R-1-8 or R-1-10 for the two lots that will now face on Glen Oaks Drive and the rest to be office. That makes sense. The City says the problem with that is you have to have a buffer. The buffer is no big deal. What the owner of this property can do is go ahead and divide it. They can divide the property and cut off the half that is going to be the residential portion. It can be deeded to a strong buyer, given a brand new legal description, and dedicated that particular way. They can ask Murray City's Planning and Zoning to give them a flag lot for two houses.

The neighbors in the subdivision will love that. They feel that maintains the integrity of the subdivision. It maintains the circumstance that was there when they moved in and invested. They want it to stay that way. There is just no reason to do it other than that. It permits the developer to go ahead with the rest of that property to the east and develop it and put his clinic in.

Mr. Westin noted that he sat on the Planning and Zoning Commission for Murray City years ago. He became very attentive to a particular issue. Once you rezone into an area and you permit a commercial business encroachment in that area and it is along a main thoroughfare like 900 East, you can predict problems in five to seven years. Eventually

the owner of that property will come knocking on Planning and Zoning's door and say we have a problem. That ninety degree turn in and out of our property off of 900 East is creating safety problems on 900 East. That is a main thoroughfare. The owner of the property will then ask the City to accommodate them for safety purposes in giving them a cut onto Glen Oaks Drive or onto Southwood Drive so we no longer have that safety problem.

No one can make that request now. No one would be attentive to it; there would not be a listening ear. In five or six years from now, when they come upon a safety issue, all of the sudden there is attention and there is a listening ear. The neighbors are concerned about that. They don't want a change. They believe this good developer can have what he wants; he can have his cake and eat it too. The neighbors want to have two houses on the back portion of the property that is next to Glen Oaks Drive to maintain the residential integrity of their subdivision. That is all they are asking for and that is what the Planning and Zoning Commission determined was best also.

Mr. Westin mentioned that he thought no one voted against this on the Planning and Zoning Commission. He thought one was an abstention rather than a 'no' vote.

Art Cracraft – 6371 South Glenoaks Street, Murray, Utah

Mr. Cracraft stated that his dad owned that property and now it belongs to him, his two brothers, and his sister and they are trying to sell it. He lives next door to the property. All of the neighbors have lived there for 30 to 40 years. When Mr. Cracraft's family moved there in 1959, it was a dirt road. The last light on 900 East was 4500 South. You can see how things have changed. People in the subdivision did not like that his dad had a few chickens because they squawked. So his dad thought since this property was agricultural, he could get horses, cows and pigs. He could have got a lot of stuff in there, but he didn't do it. The reason he didn't is because he wanted to be a good neighbor. Mr. Cracraft's dad was a good neighbor. The neighbors had to look at a barn, one of the few remaining barns in Murray that belonged to his dad. If they would have had a Planning and Zoning Commission meeting when they built the subdivision there and his dad would have went and said this is all horses and cows, we don't want any houses out here, these people wouldn't live back there. Times change and it is a 1 ½ acre property. Are you going to tie two zones in a 1 ½ acre property?

Tim Busch - 784 East Southwood Drive, Murray, Utah

Mr. Busch stated that most of the people in attendance tonight are his neighbors. He is relatively new to Utah. He has lived here for four years now and plans to live here another 40 years. He plans to be like the rest of his neighbors. He likes Murray. He came here from Knoxville, Tennessee and Pooler, Georgia. He came here because he loves Murray, this place is awesome. The neighborhood is incredible. He owns his own small business and understands that. Where his and about 90% of the neighbors problems is, is they don't want to see a business come in. He agrees with a previous speaker who made a very valid point and that was the fact that once you let the slippery slope occur, all of

the sudden you could have a gas station in ten years. He doesn't know where this goes. He wants to see his neighborhood that they bought a house in and enjoy, love, send their kids to school in and go to church in, to be a neighborhood. He doesn't mind an office and he doesn't care whether it is going to be a doctor's office, tomorrow it could be a realtor office and the next day it could be something else. Mr. Busch's issue is he wants residential houses in the neighborhood. All of the area around them is that way. This property that is zoned correctly right now should be something that consists of a house inside of a neighborhood, not something else. That is the main reason they moved here. His wife spent six months looking for a house in the neighborhood they got because of this. They went to Murray because they love Murray. Ultimately his and the neighbors point, which is valid, all they want to see is houses. You have sufficient land to create anything. Several of these lots have large complexes just to the north of this property and they work great and then there are houses in the neighborhood. They should have something like that where they have plenty of space, we leave the subdivision as a subdivision, our kids can ride their bikes in it and everything is like it is supposed to be. You shouldn't have any office into a subdivision like that.

Greg Barber – 4885 South 900 East, Murray, Utah

Mr. Barber represents the buyer in this transaction. Mr. Barber said that they started the discussion today with an issue with a piece of land that the City now has turned to surplus land because they had some plans that the neighbors blocked and it thwarted what the City had in mind. Now you have surplus property. We have had neighbors stand up and an attorney but their opinions are their opinions. The recommendations that they have seen are recommendations by professionals who have thought through this process. The point of the R-N-B is to create a buffer. With the full plat the intention of the buyer is to create a park-like place. The buyer's intention is not to create a building with asphalt parking all around it. It is to create a space conducive to healing. Where people can sit in an office and see foliage. That is what attracted him to this lot was the park-like nature of the lot.

The City has protected the neighbors by making it an R-N-B where there could not be any future development. There is a lot of conjecture and speculation about what is going to happen in ten years, that there will be a gas station there, and it is all speculation. If you look at the facts and what the Planning Commission has said, it is factual, it is designed to make a buffer and it makes a lot of sense. Mr. Barber can see that they are going down the same road that they had to deal with earlier today.

Fabiola Busch - 784 East Southwood Drive, Murray, Utah

Ms. Busch stated they are new to the neighborhood. Like her husband (Tim Busch) said, she found this neighborhood. She fell in love with the neighborhood and waited until something came up for sale. She loved that the neighborhood was child safe. Her kids could ride their bikes; they take their dog for a walk and visit with neighbors. She doesn't want to see a big cement wall but up along this property. There would be no neighbors to visit. They are concerned with traffic and graffiti. Once you start putting up walls you

might get graffiti. This just is not what the neighborhood is about. It is about people that love to walk. Southwood Park is in their neighborhood so they already have greenery to go to. What Ms. Busch is hearing from everybody is that they are not opposed to having development on 900 East. They know that is what it is going towards and they are okay with it. They don't want the part on Glen Oaks, into their neighborhood, to be a business. They are trying to protect their neighborhood.

Greg Low - 6186 South 725 East, Murray, Utah

Mr. Low has lived in this neighborhood for 20 years. He wanted to give a little bit of background on himself. He served on the Planning Commission for two terms. During that time, they had trouble along 900 East, Winchester, and some of those streets because they used to be residential. Ninth east used to be all homes with people living in them. Eventually the homes became blighted and undesirable. The challenges of 900 East were a problem. So R-N-B was done as a way to make a better use of the land that would have somebody taking care of it. Homes would not sell on those streets. The General Plan considered as a way to accommodate that, they would make it R-N-B.

However, the original use and the desired use is R-1-8. Mr. Low is disappointed that the Planning Commission voted in favor of this amendment. Sometimes the staff of the Planning Commission, he feels, gives too much deference to business and development and not enough deference to the citizens that are in the area. The citizens don't have the money and the big stick. There is enough room for two lots on the west side of this 1 ½ acre parcel. That would leave one acre for the R-N-B use. However, on the other streets along 900 East, Holly and Silver Shadow for example, when there are homes that face the residential street and not 900 East, they do remain very viable and valuable and maintained and look nice.

Mr. Low disagrees with some of his predecessors who spoke at the podium in that he doesn't think the parcel should be split. He thinks the whole parcel should be R-1-8. He thinks the area along Southwood is a very viable option to put homes in. Two to four homes would fit on that property facing Southwood and they would be very viable homes. There has been development on 900 East by David Godfrey about five doors south of this subject property where he put in three very nice homes that enter off of 900 East. The homes have functioned well and are viable. This does not have to be R-N-B to have somebody take care of it and make it viable.

Secondly, as has been stated before, they had trouble on the Planning Commission in the old days, where somebody comes in and wants to have a rezoning or some other change in the plan for a use and then that use falls through. It all sounded good to begin with but it falls through. It may not change in ten years, it may change this year or next week. Then the property is zoned something that no one wants. As said before, he is sure the County would be happy to give up this land. Mr. Low is not sure why they even have it; he cannot see a purpose as to why they would care to keep that land. Mr. Tingey indicated that the code restricts R-N-B from having curb cuts or entrances into neighborhoods. But again, those things are all pushed. Developers and property owners

that want to sell for commercial use push and push and push and push until the staff, the Commission, the Council and the neighbors get tired of pushing back. It eventually goes through and you end up with an undesirable use. Mr. Low is asking the Council to not amend the plan and possibly even reconsider the plan to make the whole parcel be residential use and not have it be R-N-B at all. Residential use would be viable on Southwood all the way to 900 East as long as the residential driveways faced onto Southwood.

Mr. Tingey said he needed to clarify a couple of things. On the ordinance that the Council has in front of them and on the agenda item, the language includes this from R-1-8 to R-N-B. It should say A-1 (Agricultural) to R-N-B. Mr. Tingey wanted to make sure that is clarified. With this ordinance, whatever the council decides, that would need to be clarified depending upon what happens. Mr. Tingey added one further clarification. The recommendation of the Planning Commission was to deny this request. He wants to make sure that is understood as some of the comments indicated that wasn't the case. The Planning Commission recommended denying their request; staff recommended approval.

Mr. Shaver asked Mr. Tingey what A-1 usage would include. The way the property is zoned right now, the General Plan may say R-N-B and R-1-8, but that is not what the zoning is. Right now the property is zoned A-1. So what use could this property owner, the one who owns the property now, what could they do with an A-1 property?

Mr. Tingey responded that with A-1 they could have a variety of things. They could have residential on a one acre lot. So they could have one single-family home on a one acre lot. There could be some agricultural type uses like fields for crops and things such as that. There could be animals as well.

Mr. Shaver asked what the total acreage of this property is. He wondered if it was about five. So they could actually have five single-family homes.

Mr. Tingey said not quite that amount because there would have to be some consideration for roads and driveways.

Mr. Hales again asked Mr. Tingey what the acreage of the property is.

Mr. Tingey replied the acreage of the property is 1.6.

Mr. Shaver commented then they could have one home on the property, which is what is there now, plus some other out structures.

Mr. Tingey said that was correct.

Mr. Shaver continued by asking if the R-N-B would allow residential and business in joint on that property.

Mr. Tingey said that you could have that.

Mr. Nicponski asked Mr. Tingey why the deviation from the General Plan. In the General Plan wasn't this property zoned both commercial and residential?

Mr. Tingey answered that the map actually shows the General Plan of the future land use. The future land use is Residential Neighborhood Business (R-N-B) on the front portion and the back portion being Residential Single-Family. Mr. Tingey asked Mr. Nicponski if he was asking about the deviation as far as the recommendation.

Mr. Nicponski stated that was what he was asking.

Mr. Tingey continued saying the reason staff is recommending this is because when you have one lot and you have two types of uses that split that lot, it causes problems for development. It causes problems for the types of uses and it is really not compatible together when you have two types of uses because of the different standards. In addition to that, with the access control strip, staff felt that there is buffering with streets in place adjacent to residential areas with the exception of this property.

Mr. Stam asked a question relating to the use of the property. He asked if the new owner wanted to put residential on the back and he wanted to come in and have that zoned residential in the back, could he divide the lot and develop it that way by bringing that fourth to the City.

Mr. Tingey replied that he could. The R-N-B though, allows for single-family. So if it is all zoned R-N-B he could still split it off on the back and have residential if he wanted to.

Mr. Stam replied that with R-N-B he would not have to do that.

Mr. Tingey stated that if the property is R-N-B he can do both or just have it be residential.

Mr. Shaver clarified for everyone that what is on the property is not a decision the Council gets to make. That is not what the issue is. The Council cannot tell a homeowner what they can and cannot do on their property other than what the zoning is. They cannot tell a property owner they can only do this on that property. The Zoning Ordinance creates that. That is not something the Council gets to do. They don't get to tell the current property owner you have to put residences on the back of your property.

Mr. Shaver continued saying that if the neighbors want to go to the property owner and talk with him about what he wants to do with that property; they are welcome to do so. But that is not a choice the Council gets to make. The Council only gets one choice. They either decide to go from A-1 to R-N-B or they leave it the way it is. That is the only choice before them this evening. They don't get to choose to do this part of it this and this part of that, they only get one choice. Mr. Shaver reiterated the choice is to go from A-1 to R-N-B or leave it as A-1. He asked Frank Nakamura, City Attorney, if he had explained that correctly.

Mr. Nakamura responded that Mr. Shaver was correct. He also addressed Mr. Stam's question stating that they can come back and rezone the A-1 to an R-1-8, but that would be at a later date. You cannot presume that the Council would vote for that, but you could come back and ask for that.

Mr. Nicponski added that another option would be to stay consistent with the General Plan.

Mr. Stam said that what Mr. Nicponski is saying is that the General Plan has this property scheduled right now that somebody would eventually develop this property and put residential on the backside and R-N-B on the front. That is what the General Plan future use is right now.

Mr. Hales asked if that can be voted that way. He asked Mr. Stam if that was what he was saying.

Mr. Stam answered that the Council cannot vote that way.

Mr. Hales clarified that their vote is to say 'aye' or 'nay' to what the City has proposed.

Mr. Stam commented that if the owner of the property wanted to divide the property and come back and ask for that zoning as the General Plan describes, he could do that.

Mr. Shaver stated that right now it wouldn't be necessary. In other words if the Council approves R-N-B he wouldn't have to come back before the Council because it would already be zoned for residential based on specific lot size. So he could put on that back end, on the west side, he could build residences if the Council approves an R-N-B

Mr. Shaver continued saying that is the issue in his mind. If the Council approves R-N-B the owner could, if he so chose, to put residences on the west end, if they approve R-N-B. If not, then the zoning stays A-1 and it is designated the way Mr. Tingey has explained this evening.

Mr. Stam said that is correct. It will stay A-1 until someone else comes forward with a plan to either split it or change it to something else.

Mr. Nicponski added that the recommended future use was the split; the residential and the business split. So they would be able to do that regardless of what the Council believed.

Mr. Shaver said that the current property owner would have to come back and say he wants to do this and this, like the General Plan says. It would have to be at a different time and not at this session.

Jarred Cameron – 7533 South Lincoln Street, Midvale, Utah

Mr. Cameron has a vested interest in this outcome. Mr. Cameron stated that the Council has already answered a couple of his questions as they have been talking this evening. His question is how deep is the total depth of this property from 900 East all the way to the back to Glen Oaks Drive and how wide is the property from Southwood going south. He believes Mr. Tingey would be the best person to answer this question.

Mr. Cameron's second question was is it possible to only zone to a certain depth which the Council was just speaking of, and, if the Council was to deny the applicants request for the entire piece of property right now, can the applicant turn in another zoning request for the lesser portion that would only include to the depth of what is future zoned for R-N-B. His final question is what makes it a reasonable depth to be a future zone. In other words, what does the City have future zoned for that depth away from 900 East. Mr. Cameron also asked if the applicant will have to wait an entire year to turn in another zoning request. To his knowledge, if the applicant gets denied tonight, they have to wait an entire year unless it is a substantially different plan from the previous zoning request.

Mr. Cameron stated that the question he wants answered more than anything is how deep is the total property that could be zoned from what the City has versus what the applicant is actually going for. What are the two different depths and the width?

Mr. Nicponski deferred the question to Mr. Tingey.

Fabiola Busch - 784 East Southwood Drive, Murray, Utah

Ms. Busch stated that multiple times it has been said that they can see what the developer has planned. She asked what the process is for the neighbors to get to see what the developer is doing. Ms. Busch also asked when the neighbors would get to see what they are doing.

Mr. Shaver responded that he thinks that part of the issue is what is being planned on the property is not what is before the Council so that is not an answer they can give Ms. Busch. Mr. Shaver continued saying that if someone owns property and it was zoned appropriately, they would not have to show the neighbors what they were developing. Unfortunately that is just the way it is. With a zone change, yes, the City has to make notice and that is probably why most everyone is here tonight.

Mr. Stam mentioned that the Council has seen a plan of what the developer wants to put on the property. It's not like they haven't seen it. But, just because the developer has shown the Council what they intend to do, doesn't mean that is what is going to end up going in there. When the Council looks at it they have to look at what all the possibilities are.

Susan Holman - 774 Southwood Drive, Murray, Utah

Ms. Holman asked what all can go into an R-N-B because she thought it could be

businesses, but that it could also be duplexes up to a certain number. That is another issue she wanted to bring up.

Public comment closed.

Mr. Tingey stated the dimensions of this lot are approximately 351 feet from east to west and the width is approximately 190 feet. Mr. Tingey did not know the exact depth, but he believed it was about 250 feet. As far as the depth of the property, this is from the General Plan. The City can have GIS address this and get exact measurements. Mr. Tingey pointed out on the map the area that has a future land use of R-N-B.

Mr. Tingey mentioned some of the uses that would be allowed in a Residential Neighborhood Business. These are not all of the uses that would be allowed, but some of them. They include single-family and two-family dwellings; office uses; florists; and photograph studio. Other uses you can have via getting a Conditional Use Permit include bed and breakfast; home-stay; delicatessen lunch facilities; gift shop, book, art, and hobby supplies; banking services; churches; and schools. These are in general the types of uses that are allowed. They are considered low-impact commercial uses.

Mr. Shaver asked Mr. Tingey to explain Conditional Use Permits.

Mr. Tingey replied that Conditional Use Permits are permits that need to be acquired because a particular use is not allowed outright. The property owners have to go through a process to the Planning Commission and get approval. This process includes getting public input and there can be additional conditions to address those issues.

Mr. Tingey added that if it is a commercial facility it has to go through a Conditional Use Permit in an R-N-B zone. Single or two-family dwelling would not have to go through the process.

Mr. Nakamura asked Mr. Tingey to explain the options for this property that are available. Mr. Nakamura is concerned that there is some confusion. This property is currently zoned as A-1. So there are various options here in regards to zoning all of the property R-N-B or leaving it consistent with the General Plan which would leave part of the property R-N-B. He wanted Mr. Tingey to go through the options one more time.

Mr. Hales stated that would be helpful because they were saying earlier that it would have to be one way or the other.

Mr. Tingey stated that the request is for the full property to go R-N-B. That is one option that the Council can make a decision on tonight.

Mr. Hales verified that option is what City staff has recommended.

Mr. Tingey replied that was what staff is recommending. Mr. Tingey continued saying the other option would be to rezone the front portion of the property, consistent with the

General Plan, to Residential Neighborhood Business (R-N-B). At minimum, that is probably something that the applicant would probably be interested in. That way, if they did want to facilitate a project, they could move forward with it. They could do that and then come back at a future time and request this second portion as Single-family Residential if that is what they want to do.

Mayor Snarr asked if they have to have a legal description that says this property is already split that way. That is an arbitrary boundary. If you went down to the Recorder's office and asked to look at the plat for this property, they are going to say it is all one zone, it is A-1. They will also say it is under the ownership of the Cracraft family.

Mayor Snarr stated that his concern is where is the real boundary is because it is an artificial boundary and there is not a legal description that divides that property currently. If we don't do this and do it right, it can be challenged by somebody.

Mr. Nakamura said that what Mr. Tingey is pointing out under the options, obviously the zoning is a real problem. This is the way the future uses were presented on the General Plan and that is what the City is abiding by. Mr. Nakamura understands the difficulty with doing it that way but that is an option. Of course the other option is to leave it as it is, zoned as A-1.

Mr. Nicponski added that he would think that one could vote to deny the recommendation assuming the property owner would come back and try to address the General Plan which has the property split.

Mr. Shaver stated that is the confusion that he has. Even if the City were to designate R-N-B for a portion and R-1-8 for another portion of this property, what is the dividing line and how would they actually do that. That is where the confusion comes in. For him, it still is either an A-1 or an R-N-B and then at a future time they can address, by measurement, and say we are going to go this part to this part and then divide the property up. We can address that at another time. Trying to do so tonight without actually having adequate measurements or definition would be, in the Mayor's words, it just creates confusion and a conundrum for the Council that they would have to face in the future.

Mr. Tingey said that he understood what the Council is saying. The property could be designated consistent with the General Plan. The City can delineate what that boundary is, it can be done. If the Council wanted to wait to make their decision, they can do that and then staff could get that actual boundary. As long as it is consistent with the General Plan, the City has, through GIS capabilities, the opportunity to define that as consistent with the General Plan. Mr. Tingey stated that he does not have the actual distance tonight.

Mr. Shaver responded that was what he was saying. Because they don't have the measurements tonight it is difficult to do. If they had it then it would be very easy to do. But since they don't have it, it is difficult to make that kind of designation this evening.

Mr. Stam added that what he thinks Mr. Tingey is saying is that the GIS has the definite line.

Mr. Shaver asked if they could make a vote that says consistent with the GIS recommendation for the General Plan.

Mr. Tingey responded yes, consistent with the General Plan. Then staff would delineate that line.

Mr. Nicponski said that his assumption is that if the Council makes a motion to deny then the applicant will come back and work with Mr. Tingey to delineate that property so that one portion is residential and the other portion is business.

Mr. Tingey stated he appreciates what Mr. Nicponski said. The applicant would have to go back through a process. They would have to go through a public process and re-request the rezone. It would not be a General Plan amendment if they want to request that portion to be R-N-B, but they would have to go through the process, unless the Council designates, tonight, the full property to be R-N-B.

Mr. Hales addressed Mr. Tingey saying that he did not hear anybody representing the property owner saying that is what they would like to do if the other doesn't happen. He invited the applicant to come up and speak.

Mr. Hales added that this is what this process is all about; they are not in a hurry. This is the neighbor's livelihood; this is the applicants and other families' livelihood as well. This is what the City is all about and why the citizens have elected these particular individuals to represent them.

Mr. Maughan said that they would really appreciate a decision one way or another tonight. The process is quite lengthy and with schedules and everything they have, they would greatly appreciate a decision and not having to go through the process again.

Mr. Stam said he had two more quick questions for Mr. Tingey. The first question is if the Council votes to maintain the A-1 zone, or deny this going to R-N-B, and the applicant wants to make another application to split the property is he going to have to pay the fees all over again and start all over.

Mr. Tingey replied he would on the rezone but if he is splitting the property and going R-1-8 he would not because it would not be a General Plan amendment. But on the rezone, he would.

Mr. Stam said is other question is in looking at the plan, he has to consider the whole property. Is there room based on what the applicant is thinking to be able to put his facility only on that front portion of the property? As Mr. Stam looks at the plan, he sees a lot of open space that the applicant has on 900 East. Would the facility still fit in that front portion if he wanted to put it there?

Mr. Tingey replied that it is likely that the development would fit; they would just have to reconfigure a plan to make it fit on that property.

Mr. Shaver added that was a great point, but if they do that, if they are talking about keeping the General Plan as they build, they are still going to have to have some sort of a drive as a flag lot to get through that property, to get to the back two. As of present, there is not a way to cut into the property in order to do the residential. That process that the applicant is going to have to go through, to go to Salt Lake County, etc., and address that issue, they are still going to have to come back to the City Council and ask them to change the statute that says you cannot have a drive on either Glen Oaks or Southwood. That is still an issue that the applicant would have to address. That is still another process that they are going to have to go through in order to make it happen. Even if the Council does say build residential in the back of the property, there is no way to get there other than making it a flag lot in order to do that.

Mr. Tingey stated that they could have curb cuts for that residential zone onto those properties. They could have curb cuts. It is the R-N-B that restricts those access points.

Mr. Shaver asked if they would have to go to the City to get the curb cuts.

Mr. Tingey responded that they would have to propose a plan.

Mr. Stam said that is what he is saying. The applicant would still have to come back and address it.

Mr. Stam said that they would have to sub-divide the property, which they would have to do anyway.

Mr. Nicponski said that the residents have compelled him. He thinks the residents make a compelling argument about preserving the integrity of their neighborhood. He would vote to deny based on that knowing that the developer can come back and have his cake and eat it too. That is part of the development game, so to speak. You pay fees, you map out a profit, and you zone accordingly. The General Plan, he thinks, has been well intended. He thinks the General Plan is a good plan.

Mr. Shaver asked Mr. Nakamura if the Council could deny the A-1/R-N-B and then vote on the General Plan.

Mr. Stam added in other words, make a second motion.

Mr. Nakamura stated that they could vote to agree with the General Plan and also deny the rezone. That is a possibility.

Mr. Stam told Mr. Shaver that he thinks what he is asking is if the Council can then put forth a second motion to zone the property according to the General Plan.

Mr. Shaver replied that the Council has the right to make a motion amongst them. Whether the staff brings it or an applicant brings it, they have that right as a Council to make a motion to that regard. Mr. Shaver just wanted to make sure they could do that.

Mr. Nakamura reiterated that the Council can rezone to the General Plan. He thought they may have been concerned with the boundaries of the property because it is not, and at least tonight, well defined although, GIS probably could define it.

Mr. Shaver stated that was what he was going to say. If in the motion the Council says based on a future recommendation of size, is that something they can do in the motion?

Mr. Nakamura said that again, the Council is not to address any specific project. This is a land use decision.

Mr. Stam addressed Mr. Shaver stating that what he thinks Mr. Shaver is saying is that if the Council made a motion to change the zoning to match the General Plan, then that line is defined.

Mr. Hales added that there would be no access to any residential part.

Mr. Stam said until the applicant comes back to the City and asks for it. He doesn't even think they would have to go before the Council; they would just have to go to Planning and Zoning. He asked Mr. Tingey if that was correct.

Mr. Tingey asked if Mr. Stam was referring to the applicant coming back for the rezone.

Mr. Stam replied no. If the property was zoned tonight to match the General Plan and the applicant wanted to build residential in the back, it would not have to come before the Council for access only to Planning and Zoning.

Mr. Tingey said that was correct. He added that the portion that is not consistent with the General Plan with the proposal tonight is the back portion.

Mayor Snarr said that his biggest concern is that it is an arbitrary line. Somebody could come back and say they want to push it back a little deeper in the lot to the east. Here is the thing; there is not a legal description. His concern is if the applicant will have to come back again if, in some way, he says he can do this. He will then have to come back to the City and ask for approval of R-1-8 on this property. He will have to come back in and show how the lots are split and everything else, right? Does he have to do that?

Tingey replied saying on the back portion there is not a request right now to go to R-1-8 per this application. So he would probably have to come separately and do the rezone for an R-1-8.

Mr. Stam asked if that would be the case even if the Council voted to zone the property per the General Plan. Would he still have to come back?

Mr. Tingey responded that he would not need to on that. There has not been a proposal for R-1-8 on that back portion. If you make it consistent with the General Plan per this proposal, he thinks that could work.

Mr. Hales said he wanted to make sure that there is not access to the property. That is his biggest concern. He has had tons and tons and tons of calls of no access on any side residential.

Mr. Shaver said that if the property is residential, they cannot deny the access if it is houses.

Mr. Hales said that was not what he was talking about. He is talking about if the property becomes a business. He is not talking about residential, he is talking about business.

Mr. Nakamura stated that his concern is the same as the Mayor's concern. As far as the legal descriptions, he thinks the City can go off of GIS, but he is not sure how certain that is. If that is a direction we are going.

### **8.3.2 Council consideration of the above matter.**

Mr. Nicponski made a motion to deny the Ordinance.  
Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion Denied 4-0

Mr. Stam said that before they move on he would like to discuss briefly with the Council whether they would be interested in making another motion to match the General Plan.

Mr. Shaver stated that he feels with the Mayor and Mr. Nakamura that tonight it would be premature. He think it would be better served if they saw what those definitions would actually be before they do that.

Mr. Hales said he agrees.

Mr. Shaver commented to the audience that their enthusiasm for their neighborhood is heartwarming. He knows some of the people who live in Southwood, some of them are very dear friends. He has received some calls and comments as well. Murray is not a commercial business place. It is residential. It is homes for people like you. Had you been

here last week you would have seen those wonderful people that had the canal break. As they had tons of water and mud come into their homes; as they saw Murray stand up and come and serve as our good public service people went to their aide and dug them out of ditches and things; it would have done you good to hear the wonderful compliments they paid to each other and to Murray City.

Mr. Shaver continued saying that sometimes it may feel as though the Council is more interested in commercial, he lives in a neighborhood, not in a commercial building. He is sensitive to these issues. The Council wants to support the citizens and what they do. They appreciate everyone coming tonight.

Mr. Shaver recommended to the citizens that they talk with the applicant and see what they are thinking and feeling. It wouldn't hurt.

**9. UNFINISHED BUSINESS**

**9.1** None scheduled.

**10. NEW BUSINESS**

**10.1 Consider a Resolution approving an amendment agreement between the City and Salt Lake Neighborhood Housing Services, dba NeighborWorks Salt Lake.**

Staff Presentation: Tim Tingey, Administrative & Developmental Services Director.

Mr. Tingey said that this is a modification of the City's agreement with NeighborWorks Salt Lake. This is to extend the agreement an additional two years and modify what they will accomplish in the upcoming years.

**10.1.1 Council consideration of the above matter.**

Mr. Shaver made a motion to adopt the Resolution.  
Mr. Nicponski 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

**11. MAYOR**

**11.1 Mayor's Report**

Mayor Snarr said these are tough issues for him. If you want to see a tough issue it all began with the Make-A-Wish house where he got nothing but grief from everybody. There was a citizen that made his life miserable because they didn't want to see anything but houses on Winchester Street and 900 East. To the Mayor, this R-N-B ordinance was a solution to make Murray something that was more beautiful and utilized our properties the way that the property had transitioned to. This is a tough one here, but the whole parcel is A-1 and he did not want to make an issue of this other than the fact that it is tough because you need a legal description. When you are rezoning property, you need a legal description to find what that property is. The R-N-B ordinance is a good ordinance and he will defend that until the day he is through being the Mayor and probably even afterwards.

Mayor Snarr told the Council that they had a tough decision to make and he hopes the applicant will come back and look at it and see if he can orient that beautiful building on 900 East. It is going to cost him a lot more money to do it because he is going to have to spend a lot of money to get legal descriptions and for all the other work.

The public is welcome to join in a celebration of Armed Forces Day at the Gallivan Center on May 18<sup>th</sup> from 4:30 to 9:00 pm. This concert used to be hosted in Murray City but they outgrew our beautiful amphitheater because Phil Roberts, Murray City Fire Marshal, told them there were way too many people there and it was a fire hazard. Mayor Snarr encouraged people to go down. It is a free concert. It is a beautiful concert. They have the Armed Forces Band and different choirs that sing and perform.

Mr. Nicponski asked the Mayor to repeat when and where the concert is.

Mayor Snarr replied it is on May 18<sup>th</sup> from 4:30 to 9:00 pm and the Gallivan Center.

There will be a ribbon cutting held for Rocky Mountain Care tomorrow at 3:00 pm. They are located at 875 East Vine Street. It is a facility they have rehabbed and changed the name.

Mayor Snarr said at the south entrance of the mall, by Dillard's on the south side there are entries from Murray City students of their artwork. You will be amazed at the talent that exists. It is the art show for our students. Over at the Murray Library every year they have a community art show. You will see wonderful talent at both shows.

Mayor Snarr reported that they have resolved a major issue with the Marriott. There was way too much water on the site. It attenuated down from that entrance up to the north by the County Ice Center into the rugby fields. They

took it and created a massive drain system. It will go down and into our storm culvert. They have met all the requirements to do that. They have crossed a major hurdle that hung them up for about two weeks. They have been able to get that addressed and taken care of. They presented a plan and the City approved it so they are up and going again.

Obviously you can see the progress being made on the Hilton. Both of those hotels really will set Murray up. We've arrived and we are going to have nice facilities for individuals to come to our community and stay why they are going to the hospital or attending conferences or whatever. If you go over to the site and look, you'll see the higher elevation. The higher one will extend all the way out and they you'll have to come up at least eight feet on the west entrance. The tiered retaining wall with flowers in it and the shrubs are nice. You will enter into the hotel on the second floor from where the asphalt currently is.

Mr. Stam asked when they were going to have their grand opening.

Mayor Snarr replied that haven't said yet. He spoke with the excavators about it. Mayor Snarr is not sure if they will have a grand opening. He knows the Hilton is going to have one in June.

On June 12<sup>th</sup> at Larry H. Miller Lexus there will be a grand opening. They would like to have all the Council members there.

## **11.2 Questions of the Mayor**

No questions for the Mayor.

## **12. ADJOURNMENT**

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**Jennifer Kennedy, City Recorder**

# Attachment 1

# Clarus Vision Clinic

6358 South 900 East



Subject Property

A-1

R-N-B

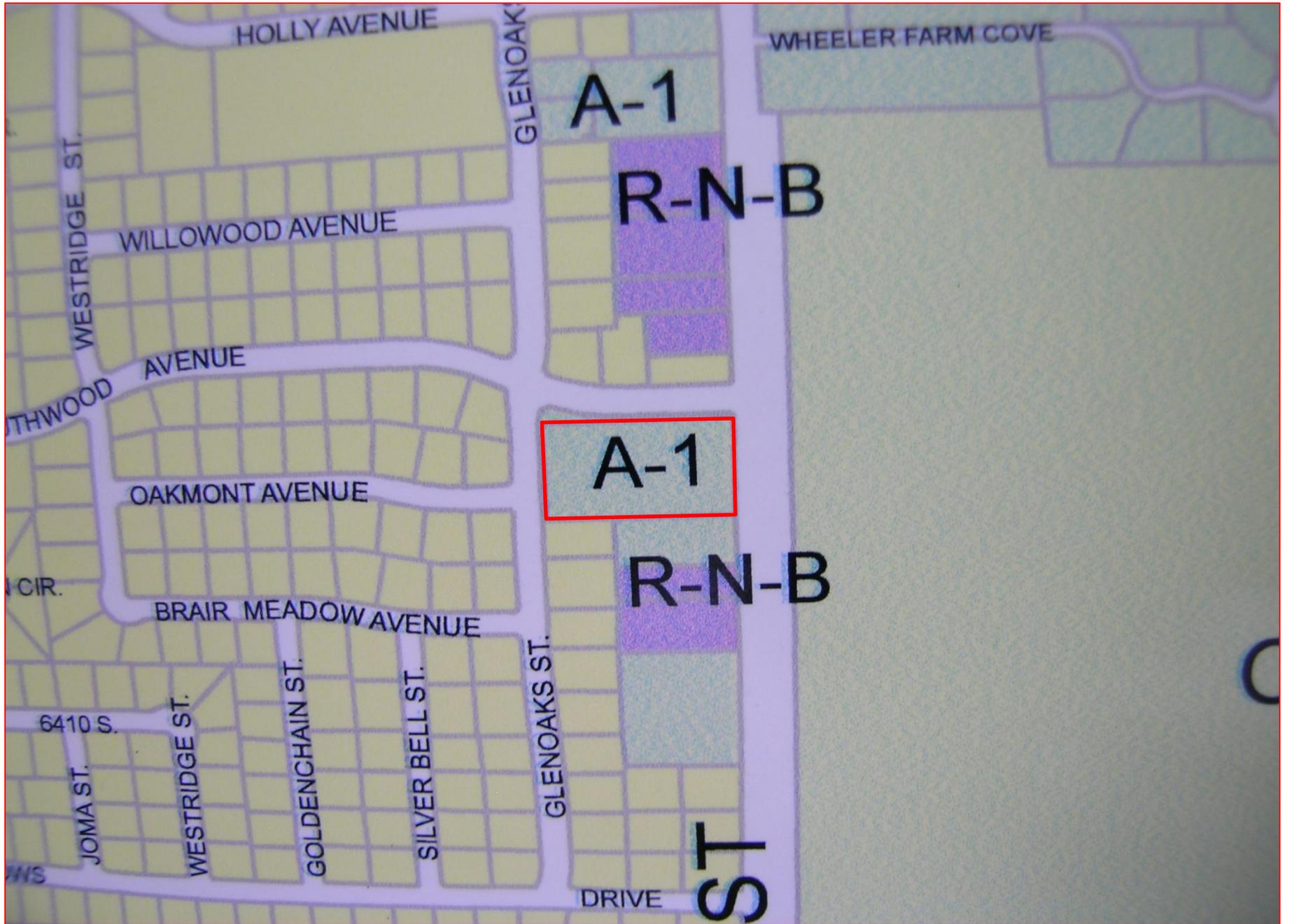
UE

W AVENUE

ST

9000

ES



HOLLY AVENUE

WHEELER FARM COVE

A-1

R-N-B

A-1

R-N-B

WILLOWOOD AVENUE

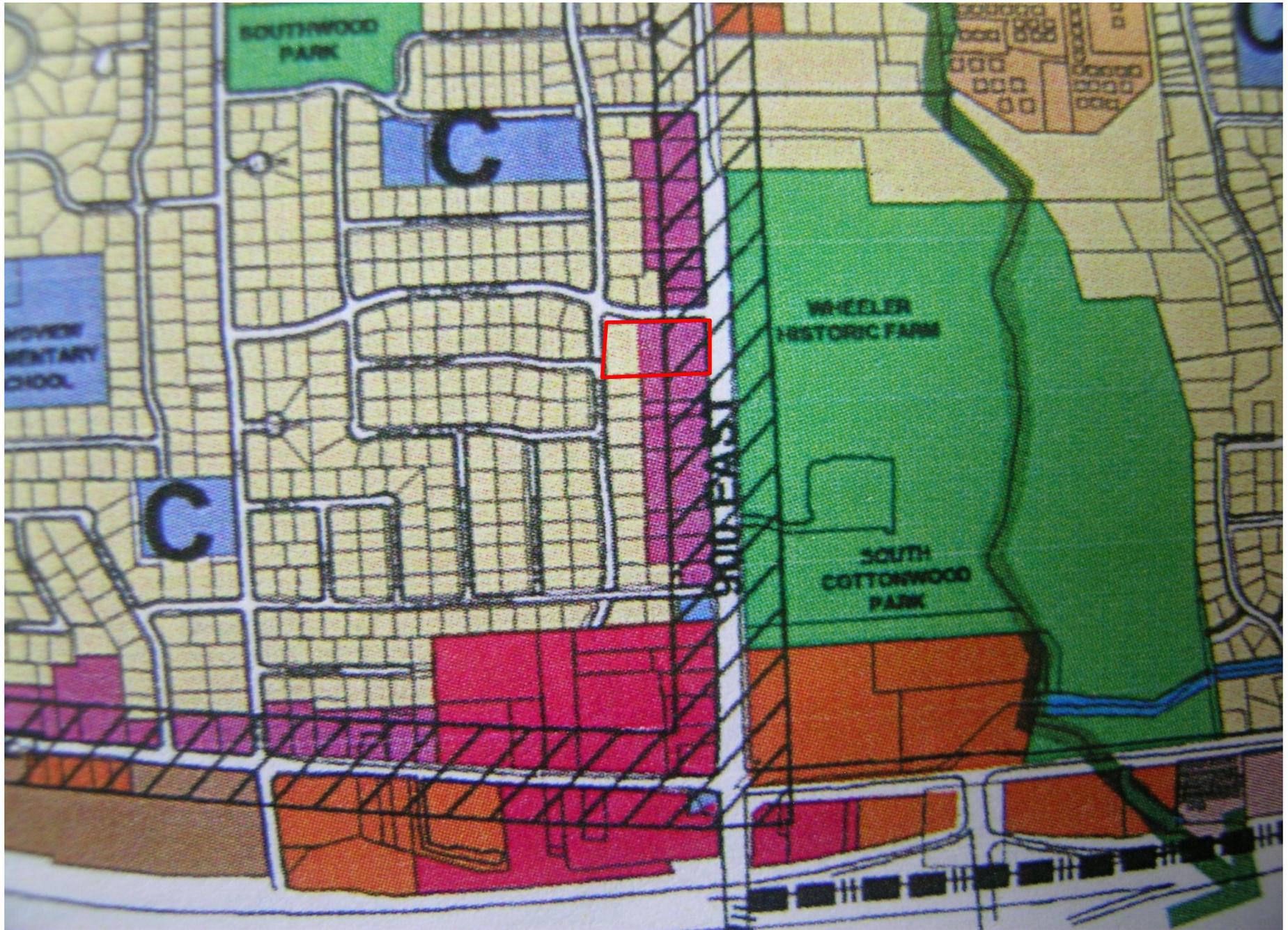
OAKMONT AVENUE

BRAIR MEADOW AVENUE

6410 S.

DRIVE

ST













# Residential Neighborhood Zone Height & Design Regulations

1. No commercial building shall be erected to a height greater than 20 ft., except in no case shall the planning commission allow a building height greater than 30 ft.
2. The development shall have a residential character defined by appropriate density, massing, building materials, texture, style and roof lines. Generally roofs shall be of gable construction to provide a residential feel.
3. Applicants shall present building materials, colors, elevations and buffer schemes for planning commission approval. Building materials shall be similar to the materials in the neighborhood or 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.
4. Provide on site improvements and appropriate buffering to adjacent properties and uses.



HCG DIET  
AVAILABLE  
HERE

# Recommendation

Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the requested General Plan Map and Zone Map amendments.