

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 1st day of July, 2008 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:

Krista Dunn,	Council Chair
Pat Griffiths,	Council Member
Robbie Robertson,	Council Member - Conducted
Jim Brass,	Council Member
Jeff Dredge,	Council Member - Excused

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Michael Wagstaff,	Council Director
Frank Nakamura,	City Attorney
Carol Heales,	City Recorder
Pete Fondaco,	Police Chief
Tim Tingey,	Economic Development Director
Boy Scouts	
Citizens	

## **A. OPENING CEREMONIES**

1. Pledge of Allegiance - Tim Tingey

2. Approval of 2 sets of Minutes for June 10<sup>th</sup> & June 17<sup>th</sup> , 2008:

Ms. Dunn made a motion to approve the minutes of June 10, 2008.  
Ms. Griffiths 2<sup>nd</sup> the motion.

Voice vote taken; All Ayes

Mr. Brass made a motion to approve the minutes of June 17, 2008.  
Ms. Dunn 2<sup>nd</sup> the motion.

Voice vote taken; All Ayes

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

Bill Finch , Chevy Chase Neighborhood Watch, 1055 Chevy Chase Drive, Murray, UT

Mr. Finch submitted a letter to the Council, regarding citizens concerns over the deterioration of homes in the area, and homes not being maintained. Mr. Finch stated that he has brought this issue up several times over the past 2 years, and so far has not seen any movement on it. Many areas have this problem: People are buying homes and making them into duplexes, sometimes even 4 or 5 families living in one house. These are an R-1 designation, and he feels that laws could be made to correct this issue; he knows that there are laws with home-owners associations and laws in California that solve this problem.

Mr. Finch read the following letter:

To The Murray City Council

28<sup>th</sup> June 2008

The residents of the Chevy Chase Neighborhood Watch are concerned about the deterioration of homes in the area that the property is not being maintained in keeping with the traditional upkeep of surrounding homes, for over 40 years our area has been a well kept area with the lawns and yards watered and free of weeds and neglect.

The majority of the unkempt properties are rentals, some do not even water their properties and cut down weeds and grass by fences and in flower beds.

We do understand there are some legal and financial problems in solving these problems due to neglect by property owners and the tenants who occupy the homes.

We propose a solution to both problems, if a property is zoned R1-8 or Higher, only two families may occupy the resident. There may only be two surnames at the same address or resident, this would still allow a mother in law, sister or brother or a friend to live in the same resident. There would only be one common cooking area, there must be adequate off street parking for all vehicles. If the garage is full of items stored there- the garage can not be counted as space for a vehicle to be off the street.

The property must be maintained by the owner, if the renter or persons occupying the property do not maintain the property- the property owner is responsible for upkeep.

The city of Murray would then clean up the property and bill the property owner, if for non payment of the clean up a lien would be put on the property.

Any and all properties that have two families in the resident must water the property and maintain it in keeping with the other residents of the neighborhood, this is a problem for single families but maybe the city attorneys can come up with an ordinance.

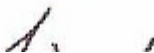
Salt Lake County has ordinances similar to the above mentioned items with the exceptions of only R2-and higher properties the landlord must pay for the water , what we are proposing is any property that has two families the land lord or owner must pay for the water. The county has no water requirements for a single resident R1-

To pay for the Ordinance to correct these problems there would be a fee every year for any residential property zoned R1 that has two families or rented, the fee would be fifty dollars \$50.00 . This would pay for one more code enforcement officer; we understand the present officer has over two hundred cases involving neglected properties

The ordinance must be drafted so it pertains to all residential properties with more than one family occupying the residence; the city must have the right to inspect the property as to a common kitchen and the garage for off street parking.

Weeds or grass six inches high or higher is not just the lawn but the whole property, back yards, along fences, street and flower beds. We need to enforce this.

Thank You For your consideration William H.Finch. Chevy Chase Watch



Mr. Finch asked the Council how many properties, last year and so far this year, have had their properties cleaned up by the City?

Ms. Dunn asked Mr. Finch to address the Mayor's Office on this, and they could research this for him.

Mayor Snarr stated that he could not give any statistical data for this year, but last year they did clean up properties and cut weeds.

Mr. Finch stated that he feels that this would be a good project for kids. He also stated that when the Enforcement Officer goes out, he evidently does not pay any attention to fences or backyards. He knows a neighbor up the street from him has weeds over 3' in their back yard.

Ms. Dunn interjected: she knows that they do, since there have been some in her district that the City has taken care when it has come to their attention.

Mr. Finch stated that he would like to see some movement on this, and would be happy to meet with the City Attorney, the Mayor, etc. He would like to see someone take the ball and run with it.

### **Public Comment Closed**

### **CONSENT AGENDA**

Mr. Robertson asked that all of the following reappointments be taken together.  
No objections noted.

1. Consider confirmation of the Mayor's reappointment of Janice Evans to the Murray Shade Tree and Beautification Commission as an at-large member for a term expiring June 30, 2011.
2. Consider confirmation of the Mayor's reappointment of Mary Claire Huber to the Murray Library Board of Directors representing District 4 for a term expiring June 30, 2011.
3. Consider confirmation of the Mayor's reappointment of Linda Jessop to the Murray Library Board of Directors representing District 3 for a term expiring June 30, 2011.
4. Consider confirmation of the Mayor's reappointment of Karen Sutherland to the

Murray Library Board of Directors representing District 5 for a term expiring June 30, 2011.

Ms. Griffiths made a motion to approve the reappointments.  
Mr. Brass 2<sup>nd</sup> the motion.

Call vote recorded by Ms. Heales

<u>  A  </u>	Mr. Brass
<u>  A  </u>	Ms. Dunn
<u>  A  </u>	Mr. Robertson
<u>  A  </u>	Ms. Griffiths

Motion passed 4-0

Mr. Robertson asked that the Council excuse Mr. Dredge, who is having a medical procedure performed, and could not attend tonight's meeting.

**D. Public Hearing(s)**

Approximately 6:40 p.m.

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

**Consider an Ordinance relating to zoning; amends the General Plan from Residential Single Family Low Density to Commercial Retail and amends the Zoning Map from R-M-10 to C-D-C for the property located at approximately 155 East 4600 South, Murray, Utah. (Electrical Wholesale Supply)**

Staff Presentation: Tim Tingey, Community and Economic Development Director

Mr. Tingey summarized some of the issues related to this proposal: The property is located just north of 4600 South, it is surrounded, primarily, by commercial development with some apartment complexes to the east of this site. At the meeting of April 17, 2008, the Planning Commission voted to have a negative recommendation for this proposal; they recommended denial. Staff has also put together a report; based upon the General Plan and what is identified in the General Plan, staff has recommended a denial of this request as well.

In addition to that, an e-mail just came in today to his office, which has been handed out to the Council. It is from Tom Hamen, who is a principal broker for Harmony Real Estate, Inc. Mr. Hamen has indicated that he feels that this proposal would a positive change for the neighborhood, promoting redevelopment of this area, which has had some problems in the past.

Based upon these things, staff, as well as the Planning Commission, has recommended denial of this proposal.

Mr. Tingey added that this is a unique situation in this area, and this property in particular. If you look at the current zoning map, the property is surrounded by commercial uses, as well as the zoning to the north and to the west. In addition, to the east, there is multi-family residential. As you look at the General Plan, and as they do analysis of the General Plan, it really promotes the issue of establishing buffer areas for residential low-density housing. That is a big issue in neighborhoods, and it is something we, as a community, want to promote. There are implementation measures in place which include buffer areas on that. This site is very unique, as he mentioned, because it is surrounded, for the most part, by commercial areas and in addition to that, the future land use for this site, it would be the only use that would be low residential density area.

Based on these things, there are some unique circumstances related to this site; as it states in the General Plan, and he quoted: *While providing flexibility of the General Plan while providing overall guidance regarding planning issues to the community, the General Plan is not necessarily inflexible.* It also states: *while considering a range of creative solutions for site specific issues that do not compromise ideals,* those are things that need to be considered, rather than looking at just what the General Plan says needs to happen with this property. He emphasized that there are times where flexibility needs to be looked at; there is a transition area, 4600 and everything south of there is residential low density, but this, really ties in directly with the commercial uses on the site. Although they have recommended denial based on the General Plan, he feels that some consideration needs to occur on being flexible when looking at this. As a staff person, they have given a recommendation, but feels that it would not impact the residential neighborhood greatly, if the General Plan was modified and this moved to a commercial general use.

Based upon that information, Mr. Tingey offered to answer any additional questions.

Ms. Dunn asked if Mr. Tingey knew if the staff had advised the applicants of other types of uses that could be applied for at this location, such as R-N-B.

Mr. Tingey stated that he was unsure if that had occurred. He has looked at the R-N-B use; it is something that would be an appropriate transition, however, it would be isolated as one single property with just that use. In addition, the proposal that the applicant is

looking at for future development in this area, R-N-B requires that there are a number of design considerations which promote it more towards a residential type office use, and he does not know if the applicant would be interested in doing.

Reed Gardener, representing the owners, the Trudent family, Aloha Investments, the commercial property to the north of the property, and Electrical Wholesale Supply, which is the business on the commercial property.

Mr. Gardener thanked Mr. Tingey for his remarks, which he stated were very accurate; He stated that he was not aware of the R-N-B until far into the process of the zone change; so far into the process that he was told he could not go back without reapplying and doing another fee and such. The advice given to him was to go ahead and move forward with what he was planning.

Mr. Gardener continued: He is looking to change the General Plan; he was told at the beginning of the process that the Planning Commission would deny this because it is a General Plan amendment, and they are not allowed to change that. However, as Mr. Tingey mentioned, he has had very positive comments, not only from the Planning but from a lot of the neighbors as well: Mr. Hamen, who is the next door neighbor with the residential apartments. This is an island, a small residential piece that is right in the middle of commercial development. His plan, if the change is made, is to buy the property and put a commercial office there. It will be a corporate office for Electrical Wholesale Supply; it will not be a residential retail type of development. He is very concerned about the piece of property- it is very overgrown, it has an old house and some old sheds on it. There have been transients there and they have had to call the police several times. In the past couple of days, he has noticed that there is graffiti starting to show up on the buildings. He would petition the Council to make the determination to change the General Plan and make the zone change so that they can clean up the area, the lot, and do something constructive with it.

**Public Hearing opened for public comment.**

Council consideration of the above matter to follow Public Hearing.

David Petersen, 283 E 4600 S, Murray, Utah

Mr. Petersen stated that he respectfully disagrees with Mr. Tingey's statement that there is not residential that is close to this area. There is multi-family right next to the property and directly across the street, but there is cottage cove I and II condominiums near the property is well, which is not multi-family, but low density single family. He does not feel that C-D-C is in the best interest of the property, although he would like to see Mr. Gardner improve it, the improvement would be wonderful, but under C-D-C, if something

were to happen sometime down the road, it would allow a new purchaser to come in and do a number of things that would be undesirable to that property for the surrounding homeowners. Also, if you look at the diagram as it is portrayed, the streets are not the way they are portrayed. It narrows down right at the property a great deal; there is hardly room for two cars to pass, and depending upon how the property laid out, if there parking in the front, it would create issues for emergency vehicles and people to go about the neighborhood. In summary, it is his feeling that C-D-C is not the best way to address this property. There are other zones available that could be considered for this.

Adam Fitzgerald, 4626 S Atwood Blvd, Murray, Utah

Mr. Fitzgerald is a property owner in the vicinity of this property, and his concern with this is a longstanding sound problem coming off State Street from Dahle Mazda and the P.A. system. He has tried to work with the Murray Enforcement Division for the past four years on this, and if this proposal goes through, and the trees are taken down, there will be even more of an issue with the sound, affecting his property. He would like to see some improvement of the said property, but understanding that if the zoning is changed, it affects more than just that property.

Ms. Griffiths asked if Mr. Fitzgerald's concern is the removal of the sound barrier with the trees? Mr. Fitzgerald said yes, that is his concern.

**Public Hearing closed.**

Ms. Dunn stated that at first blush, she was looking at this as to why they did not advise of an R-N-B, but now having heard Mr. Tingey's take on this, it is an interesting twist. She had driven the property over the weekend, and has to agree that it is mostly surrounded by commercial property, and it is in deplorable condition. She can only see that any type of development would only improve the situation there; however, she does understand the issue of sound and other coming into a residential area. It is not a nice situation, it is something where they have people very close to commercial, but they developed the R-N-B specifically for that reason. Mr. Tingey is correct in saying that it would be a lone piece of property with an R-N-B zone there.

Ms. Griffiths noted that it is isolated as an R-1-8.

Mr. Brass said that it is even more so in the General Plan, it is the only residential piece around that area. Across the street, it is planned church, and everything around that is R-1-8; pretty much around that is C-D-C or R-M-10.



Ms. Griffiths commented that she does not see anyone building a residential home around there, surrounded by commercial properties on all sides and the multiple unit housing. The only thing that concerns her about the C-D-C is the number of permitted uses in a C-D-C zone; She asked what the flow of traffic would be, to the building.

Mr. Gardener stated that he does not have concrete plans, since this may not go through, but if it does, all of the land to the north of this property is already owned by Aloha Investments, so they have access from the back. He would anticipate that they would try to get at least one driveway off of 4600 South into this building, but, for the set-backs they cannot even have the building on the upper level, it would have to be in the bottom where the rest of the building is; even if they don't have parking up there, they might not even put a driveway there, they just don't know. They anticipate that they would try to have at least one driveway onto 4600 South. This is strictly an office building and there would not be traffic in and out all day long; it would be strictly people who go to work each morning and leave at 5:00, and they anticipate having approximately seven employees.

Mr. Brass remarked that this is one of those dilemmas; the one gentleman who spoke was actually pretty accurate: when you do a zone change, they do not generally consider what the project is going to be, for the very reason that was stated: if the funding doesn't go through, if something else happens, then anything that is acceptable in that zone can be built. He too, would be somewhat concerned with the C-D-C, except that it abuts it. In fact, if you look at that triangle half of the property, it is surrounded by C-D-C; he is concerned about the traffic on 4600 South, it is his neighborhood and he drives that road all the time. The road does narrow down, and on Sundays, which would not affect you, it gets thrilling. When the original building was built, one of the problems was that there was no access onto Brown Street; the driveway comes out and is angled down to State Street, with a sign stating "right turn only"; he had his office on the corner of Brown and 4800 South for two years, and their trucks go down Brown Street all of the time. He would like to make sure that issue is addressed.

Mr. Gardner stated that they have addressed this in the past, and was not aware of the problem. A lot of contractor trucks do that, but did not know that their people did.

Mr. Brass continued, saying that it will remain an island if something is not done.

Ms. Dunn stated that it is an island if nothing is done, and an island if it is changed to R-N-B.

Ms. Griffiths stated that the applicant would need to reapply and go through all of the application and public hearings associated with that, which would be unfortunate.

Ms. Dunn agreed.

Mr. Brass said that if it were surrounded by R-1-8, it would be different.

Ms. Griffiths agreed with Mr. Brass, adding that the property is in a deplorable condition, and improving it would be nice, but this is a difficult dilemma.

Mr. Brass made the motion to adopt the Ordinance, adding that as this is one property in amongst a contiguous C-D-C zone, that it is in fact appropriate.

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

Call vote recorded by Ms. Heales

<u>  A  </u>	Mr. Brass
<u>  A  </u>	Ms. Griffiths
<u>  A  </u>	Ms. Dunn
<u>  A  </u>	Mr. Robertson

Motion passed 4-0

2. Approximately 6:50 p.m.

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

**Consider an Ordinance relating to zoning; amends the General Plan from Residential Single Family Low Density to Residential Multi-Family High Density and amends the Zoning Map from R-1-8 to R-M-25 for the property located at approximately 520 East Vine Street, Murray, Utah. (Sunstone Corporation)**

Staff Presentation: Tim Tingey, Community and Economic Development Director

Mr. Tingey said that, as the staff report states, this property had a public Hearing before the Planning Commission on April 17, 2008. The Planning Commission recommended denial of the application, or a negative recommendation on this. Staff had also done an analysis on this report as well, and have also recommended a denial of this, primarily due to the surrounding land uses. This property is primarily surrounded by open space, parks, residential single family uses. Low density is also prevalent in the area and zoned in the area; so they gave that negative recommendation.

Based on that information, Mr. Tingey reiterated some of the issues and the reasoning why there is a negative recommendation, primarily from staff and the Planning Commission:

It states in the General Plan, as a policy, that we are to establish, enhance, and maintain appropriate transitions, buffers and screens to protect residential neighborhoods from encroachment by inappropriate commercial, industrial and other uses that have incompatible characteristics. Although, as we discussed the information on the previous issue, there was some buffering areas; in this, there are really no buffering areas. There is an implementation measure that identifies existing residential neighborhood edges that require stabilization, and that implementation measures also need to include requiring buffer screens in this transitional uses, zoning and development Ordinances.

Based upon this, the vision for the future of this site, is to allow for lower density housing typical for the surrounding area along with the open space, and also allow for an adequate transition or buffer area if applicable. The proposal is to go to as high of a density residential as they can get with the R-M-25, and based upon these issues, staff recommends denial of this proposal.

Council took a five minute recess to establish the equipment for the applicants presentation.

Applicant presentation: Steven Brendle, 7386 Taliesen, Sunstone Corporation

Mr. Brendle .stated that he is the representative for the project, Plazio and Vine, and that they are looking to re-zone the property from an R-M-18 to R-M-25. Mr. Brendle said that bullfighting is an interesting thing, every bull has a carencia, which is a spot in the ring where the bull returns to when it is threatened. As the fight wears on, and the bull is threatened, more frequently he returns to his carencia again and again. Although the bull believes he retreats to safety, he in fact, puts himself in greater danger. He becomes easier and easier to attack. We cannot retreat to the familiarity of how it used to be; our world is shrinking and this will be the premier project in Murray.

This is what they call 'podium' construction; from Vine Street, it will appear to be no more than a two story house. Vine Street drops 20' down to the park. They deal with approximately 2/3's Baby-Boomers, 1/6th Empty-Nesters, and 1/6th of Gen-X's. They have been very successful with these projects. There are 78 million baby boomers who are fast approaching their mature years; and they represent the single largest demand for housing today. The majority of those people are not planning a traditional type of retirement. Baby Boomers are responsible for 1/2 of all of the discretionary spending in the country today, and

have an annual discretionary income of \$750 billion. 85% expect to live close to their current residences, within the same community. Points that need to be stressed to capture the market are authentic lifestyles, life experiences, locations to parks, golf and other recreational activities. This is a perfect location for what they are trying to achieve.

Quality of life, a clean and constructive settings, their development of park, searching for something original; customization of their home, uniqueness, appealing to the smaller more intimate space. You don't have to have a really nice home to have quality; it is their idea to build a smaller home, but to put a whole bunch of quality into it. With an increase in the dispersion of income within the Baby-Boomer group, many will be at the high end of the market stoking demand for customization and boot cheek niching. Lots of goodies, really quality, good people; hook ups to information technology, Murray City is all about that with UTOPIA. Their project at Montrose Village is huge - they have UTOPIA, and it is a huge success. Walkable, sustainable amenities. Buyers want the whole package, which is often more important than the home itself. They need safe, secure and friendly environments.

Mr. Brendle continued, adding a slide show, showing the landscape and downslope of the property, interiors of the homes at Montrose Village, which is similar to what they would like to do in Murray. He showed the underground parking facilities, and the Google site map of the project, showing areas with the same zoning that he is proposing, within a ½ mile radius, saying that this is where they are heading.

Mr. Brendle stated that if the City looked at all of the heavier density sites, you will see that they are on a green space. They are on the golf course, the park, or on some form of public amenity. This is what they do as developers and planners; they look for those areas because that is what the end user benefits from. They get to get rid of all the drug dealers, they bad guys that go to those places, and the community that actually lives there, benefits from that. They don't have to travel any distance to enjoy that. This property is perfect for this, and has some historic interest with it.

### **Public Hearing opened for public comment**

Ken Serre, 4926 S Esther Circle, Murray, Utah

Mr. Serre stated that he is the current owner of the property, and wanted to give some history on the property: it has been in his family since 1920; his great aunt and uncle bought in from the Freezes in 1920, and his parents bought it in 1951. They farmed the farm until 1967, when Murray City condemned it and took it and

took it away. When you talk about uses, that horse is already out of the barn.

They left 2.51 acres, which is currently on Vine Street; in 1971 his aunt passed away and they inherited the middle of the park, next to the amphitheater. She owned both sides of the creek as part of the original thing. 1991, Murray City Mayor, Lynn Pett contacted Mr. Serre to purchase the 4.4 acres so that the City could put an administration building on the property. Mr. Serre worked with the City, and sold them the property.

As part of that sale, Mr. Serre fenced off the current facility; up until then, Murray City's line went through ½ of the garage, or at least they thought it did. What they found out when they ran the line was, that Murray City had been on his property for 25 years, ran all the power lines, the parking at the bottom of the park. So, Mr. Serre sat down with the Mayor and worked out a land swap. He moved the line where it currently exists with the fence today, and let them have back where they had been on for 25 years anyway. He worked with the school next door, allowing them to put a gate on the back part, to retrieve all the balls that the kids kick over daily. The reason he put the fence up is that his mother got tired of people walking through there, saying it was Murray City land, and giving her nothing but grief, especially during the 4<sup>th</sup> of July. He loves Murray City Fun Days, has participated his whole life; he has gone to Murray Schools, his father worked for Murray City. But think about it: your livelihood at 52 is taken away from you by a city, your career is over at age 52. That is what happened to his father. The only thing that was left for him was this 2.51 acres of land. His mother passed away two years ago, his brother, sister, and he inherited the land and are now trying to put it to good use, taking Murray to the next step of development.

If you look around Benbow, look around Virginia, how many of those houses were around when he was a kid? How many have been moved in and upgraded? You have the golf course in the back; when he was a kid, they played there and built an ice skating pond; where the current pool is, was his little league diamond. Everything is changing in Murray, and what they are trying to do is to change this.

Mr. Serre stated that his family has been nothing but accommodating to Murray City and the residents of the City.

Aaron Abeyta, 521 East Vine Street, Murray, Utah

Mr. Abeyta indicated that they live directly across the street from the proposed property, and that it is an excellent place to live. They have wonderful neighbors, a great neighborhood where everyone keeps up their houses. It is classic Murray;

it is what you think of when you think of Murray: Vine Street and the beautiful old homes that are well cared for; this development would destroy that feeling. He appreciates the current owners being so accommodating to Murray for them, and letting the residents enjoy the park, and everything they sold to Murray City, however, he feels that this is not what the original owners had in mind for the property. He feels that it would be a great location for beautiful homes, and feels that people would purchase the lots to build and care for their homes, but thinks that this would ruin the view of the park, turn Vine Street into chaos, and right now it is a beautiful area to live in.

Mr. Abeyta stated that he is very much against the proposal, and knows that many of the people in attendance are against it as well.

Boyd Imai, 443 East Vine Street, Murray, Utah

Mr. Imai stated that he is also a resident living across the street from the proposed development property. He noted that he had spoken at the Planning Commission meeting.

Mr. Imai said that he and his neighbors live in a terrific neighborhood which has withstood the changes that accompany a community's growth. This endurance can be attributed, in part, to the current zoning restrictions in the area. He asked the Council to please help preserve what is good and right about this area, that permits them to live such pleasant and enjoyable lives. They can do this by adhering to the General Plan and rejecting this and future similar proposals.

William J. Ganz, 487 E Vine Street, Murray, Utah

Mr. Ganz remarked that he does not know the developer or the corporation, and has nothing personally against them, nor their development. However, he feels that the applicant proposing this project, who will be using just under three acres to build it up to six huge five story complexes, ground level parking, three main floors and a lofted story with a roof; 72 units all sandwiched within 20-25 feet apart, with a promised upscale atmosphere; yes, one side will have 1 - 1 ½ stories concealed, leaving a mere 30-45' above street level. This is gigantic; taller and bigger than any other structure in the area. Worse yet, is the possibility that the developer can build any kind of a structure legally permitted in the R-M-25 zoning, or even take advantage of a quick profit sale of the newly re-zoned area to any developer who may not have the least concern for our community or the future impact of a large, high density housing project permitted by the R-M-25 zone.

As he understands the zoning laws, he is more concerned over if this goes

through, that there may be changes such as: if these are built, but then do not sell and they decide to rent them out and then there are rental units. There is talk about having another road to this project, going from the west end into Murray Park; if that doesn't happen, there would be one road servicing approximately 72 housing units.

Robert Halliday, 523 Benbow Ave, Murray, Utah

Mr. Halliday stated that too often we get involved in these disagreements, but when you live in an area like this, where he has grown up and spent his life, he knows what this could do to defeat everything that they, as neighbors, like about the area. Mr. Halliday showed another project, similar to the one proposed at this location, and said that this is not the kind of thing that they want. It doesn't do a thing for them and could really cause some future negative results in the area.

Mr. Halliday continued: in education we try to provide schools where they can get to school safely; with that many units right next to the elementary school, and all the cars coming and going to and from school, and all the children walking along the street... he stated that he has worked in education his whole life and knows what kind of problems exist in that kind of situation. This is a negative situation that we all need to consider and address. Murray City School District has kids right there who will be coming out, and with all the additional cars, it will be a problem. He recommends, strongly, that we do not consider this proposal.

Stephanie Evans, 6479 S 1865 E, Murray, Utah

Ms. Evans indicated that she has been a resident of Murray all of her life, living for a long time on Benbow, and her daughter attended Parkside Elementary. It is specifically about Parkside which she would like to address.

Having high density housing so close to the school will attract the type of person who wants to watch the playgrounds, 24 hours a day. They will know when the kids are being dropped off at school and when they will be picked up again. The parents use this street to drop off the kids each day. It will also be a terrible eyesore. From the park, to look at that development from the soccer fields? She feels that the park is a tremendous asset for both the city and the state, and nobody is going to want to look at that while playing soccer, while visiting the park; you will diminish this public asset.

The noise, first of all, Parkside is not a quiet place. If you have been to Parkside Elementary, or lived anywhere near the school, there are children playing all day, there are bells and noise. She does not know of many retirees who would want to live right next to a playground. As well as Baby-Boomers, you are going to have

balls going through windows, kids playing, etc. She feels that the only type of person who is going to want to live there is the type of person you don't want living there.

Ms. Evans also disagrees with the fact that this will be a high-end residence. She does not feel that people looking for a high-end place to live are going to want to live next to someplace that is so noisy. The park itself is not a very quiet place; if you are there on a Sunday, you have people with mega-horns, and a lot of other noise. She is speaking from experience, and she does not feel that people will want to spend a lot of money to live next to a school and park where there is so much noise. She also does not feel that the amenities are there; for the really high-end condo's you need a mixture of retail and entertainment, and just the ability to walk out and enjoy the park is not enough to sell this as a high-end development. If you want a high-end development, you need to look at places such as the Gateway, and the new Cottonwood Complex to see what constitutes high-end, and this is not it. She asked that the Council vote against this, calling it a City Albatross.

Susan Carroll, 533 Benbow Avenue, Murray, Utah

Ms. Carroll expressed her concerns: she understands that there has to be development here, but this is a narrow, little piece of property that they want to stamp all these huge homes on, and it is just inappropriate. She can see that development has to happen, she understands that, but feels that some town homes would be much more appropriate. She could vote for one row of town homes along there, she could see an appropriate use, which would give an appropriate return to the owners, but this 4 story project right there on Vine Street is too much.

In addition, they are not even giving the normal set-back. They are wanting a variance of being only 20' from the street instead of 25'. When she attended the Planning Commission meeting, there was another developer doing a small, little single family home circle, and he had to redevelop his entire plan because he did not have the 25' set-back from the street. Why would we allow such a huge project to be that much closer to the street? That does not make any sense.

Ms. Carroll stated that she remembered when the put in Stillwater. The developers pushed through the high density there, and traded Murray City police cars for the opportunity to have that high density. Well, those police cars came in very handy, because there was constant crime there. She feels that this is just too much in a tiny place, and the thing that she finds interesting, is that on their development plan, where their fence is, there is no green space; by the time they have a little extra parking, there will be no green space. If you have all these



Baby-Boomers with all this money, there is parking for only one car space for each condo unit, plus a little bit more. These are the type of people who have two cars plus an extra car for the weekend; where are they going to park? In the park.

John Rapp, 411 Vine Street, Murray, Utah

Mr. Rapp stated that he agreed with everything that has been said, but added that the City has enough apartments and condo's all around there. Yes, there is a bunch around, but we have saturated that area, and the traffic is already horrendous, and this project would make it worse; especially with the park and the school traffic.

Christopher Butte, 963 E Spring Crest Ct #10, Midvale, Utah

Mr. Butte lives next to the other project, Montrose Village, and is also the Director of Economic Development for Midvale City, where that project was built. He was quite shocked to hear about this project, since as Montrose Village has been built and developed in Midvale, it has been one of their most successful projects.

He does not know what qualifies as high-end condominiums, but if you talk about a 2,300 square foot penthouse selling for \$420,000, it was sold instantly and the demand was outrageous. The impact on the surrounding area, as a neighbor, has been quite pleasant. The number of fire and police visits have been better economically for the City as it costs less for the infrastructure. The impact on the schools was much greater; Jordan School District, or the new school district now, will benefit tremendously as this is all disposable income, but also high tax base residential with no children to actually educate. The school district sits on a total windfall from this. The impact on the area has been very minimal; the traffic flows are very low, most of the residents are either retired or active Boomers, there are a lot of professionals that are in that project and it is quite remarkable.

The thing that really is important when you are looking at doing high density, and most people need to come to terms with the fact that we are going to be adding \$1.3 million people to this valley in the next 20 years, how we are going to grow is basically that we are going to up or continue to go out. Whether you believe in it, there is a slogan called 'think globally, act locally', it is more than a slogan, it is tied to \$5 gallon gasoline prices, global warming, stuff of that nature. The more dense you get, it is a fairly good idea, and the markets will dictate that. General Plans usually reflect that.

As far as high density on parks, Mr. Butte thinks of the most highly photographed

park in the world: it is a city park called Central Park in Manhattan. It is surrounded by 250 unit developments per acre on all sides and is probably the most valuable real estate in the United States. He thinks that the concept and the ideas of the past, and the impacts of the area need to be addressed. They addressed these issues in Midvale City. This project that they did in Fort Union, which is one of the oldest historic districts, and it is quite fascinating with the historic old houses and how this project has actually added to the inventory stock, so you can actually have a community that is strengthened through the tapestry because you offer different housing product and stock to different folks. You can actually accommodate the empty-nesters, the retirees, the first-timers or the dual income professionals. Single family people cannot afford single family ½ acre lots.

David Anderson, 405 E Vine Street, Murray, Utah

Mr. Anderson stated that he agrees with what has been said so far; the idea of high-density housing right in the middle of their neighborhood is wrong. His family has been living in Murray since 1913. He apologized to Mr. Serre for the way he has been treated, and would like to see him get some compensation; however, some other better use could be made of that same property. Single dwelling homes would be nice; outside of that, he would like to propose that Murray City buy the property at a reasonable cost, that Mr. Serre could agree to, and make that a nice lawn area to sit and watch the fireworks, or sell it to another developer that would build single family homes consistent with the surrounding area. He knows that there are multiple housing units close by, but it would be nice to keep it pristine in the way it is now.

Keeping the traffic down is another concern. He has attempted to back in a 5<sup>th</sup> wheel into his narrow driveway, and if you want to watch a real show, you should come out and watch that. If there is anymore traffic, he would have you backed up from State Street all the way up to 900 East. He is against this development.

Karl Moody, 501 East Vine Street, Murray, Utah

Mr. Moody stated that a lot of pictures have been shown of the high density housing in the area, most of which is 1 - 1 ½ miles away from this property, some are clear up on 900 East, well beyond the area of the mail-out. In the area between 5300 South and Atwood Blvd, between Vine Street and 4800 South, he personally encountered four high-density projects, all smaller than the project that is proposed and built well before the comprehensive General Plan, which is for prudent land use and is now in place. There is, however, 79 new homes or building lots for single family dwellings within that area, as well as the existing single family homes. One four-plex was added next to the LDS church on Vine

Street, which is located directly across from the ball field, and adjacent to a parking lot, so it makes sense that a small multiple dwelling unit was placed there.

The distance from 520 East Vine Street to Stillwater is well beyond the area that you would normally mail out all of these things to, and it follows the principles behind good general planning. There is commercial development, housing, and in between there is a cemetery and this property that was developed into multiple housing. The same thing along State Street below the Big and Tall, along 4500 South, the huge project near Van Winkle Expressway, which is almost the exact type of building, a one story higher. That is a perfectly legitimate use of buffer zones between these high traffic roads, freeways and commercial developments and single family homes.

Mr. Moody said that he is there to propose that this land be developed, but does not want to see five stories along the street where all the other single family homes are; overall, this is not Central Park, it isn't the 1000's of acres of Central Park, it is a small, skinny lot that needs to stay within the General Plan.

David McBride, 5157 S 600 E, Murray, Utah

Mr. McBride asked the City Council to take the advice of both the Planning and Zoning Commission, and the City Planners as it relates to this tract of land. He is concerned; he does not live in New York, he does not want to live in New York and is offended that there is an intimation that they are in a situation much like that. Mr. Brendle stated 'you do not have to have a nice home to have quality' Mr. McBride pointed out that he wants to have home, not an apartment complex.

Mr. McBride expressed his concerns over the very things that have been said before. He is not in favor of it. He is concerned over the potential that if something were to go bad, and this project could not be completed, there is no future use for which we could hold back; we have witnessed what has occurred with multiple high-density projects. He is offended by the misrepresentations of these projects that have been shown on the Powerpoint presentation, which are not in the locations which are affected here, and strongly urges the Council to vote against this.

Mr. McBride added that the safety of school children, the issues of traffic congestion; when he received the flyer from the City on the proposed change, there were over 176 parking stalls in this project; he does not know where they are planning on putting the green space represented in the pictures, as it doesn't apply.

Sandra Winward, 553 Benbow Street, Murray, Utah

Ms. Winward stated that she lives on the *wind tunnel* of the park, and these are her friends and neighbors, and agrees whole heartedly with what the majority of them have said.

Ms. Winward said that it had caught her attention when Mr. Brendle mentioned the comment about Central Park. Anyone who watches the news knows that Central Park is one of the most crime ridden places in the United States and they do not want that to happen in Murray Park.

Besides the repeated comments by those in attendance during the zoning meeting that was held in April, she would like to add some concerns that she does not recall being addressed: she being unknowledgeable of how things work in the City, she is concerned whether there will be a community or environmental impact study done and a statement with those findings presented to the public, should the Council decide against what the community and the majority within these Chambers desires, and if not so, why?

Ms. Winward also asked what the community's recourse, should the Council go against the will of the people that are within the Chambers at this time? What would the benefit to the Council and the perceived benefit to the community be, should a decision against the will of the people succeed?

She added that she has nothing against people taking advantage of the capitalism that they so much enjoy in our country, she applauds those who wish to enrich our American landscape with capitalist ventures, but consideration should be given, not just to the developer, but to the community that it impacts, and she hopes that the comments made this evening by the existing neighbors and community of the area, does not fall on deaf ears. Their only recourse at this time is to address their concerns to the Council, and hopefully the Council will listen to their concerns and weigh those heavily in their decision. She added that she really appreciates, as a member of the community, the time and efforts that the Council and the Commission puts in to make the community a better place and she knows that it is the desire of all that are involved in this to enjoy a successful and beneficial outcome of this matter, and they wait with all hope for a denial of a zoning change with their decision.

Lloyd Jones, 5151 S 600 E, Murray, Utah

Mr. Jones began by reinforcing the staff recommendations made on this issue. He said that they had gone through a comprehensive plan General Plan development of that; the City spent a lot of effort and resource to do so. That plan took into

account the multiple use, the multiple residence, single residence, etc. There hasn't been a compelling reason that the plan should be changed by the developer. Absent of a compelling reason, he does not feel that we should turn our back on the General Plan of the City that we have put the resources into to develop, and make a change just because this is the wave of the future. The General plan has also recognized that this is the wave of the future, there are areas for that to take place. We understand that there will be build out that occurs, but that is in consideration of the very concerns that were brought up by the staff in their recommendations.

Mr. Jones encouraged the Council to follow the recommendations of the Planning and Zoning Commission, the recommendation of the staff, and the majority of the people that are going to be living around this area and dealing with the decision that the Council makes tonight.

Mr. Robertson indicated that the Council has received two letters, negative to the proposal, which will be entered into the record.

Mr. Gardener asked for time to give a rebuttal to the comments made. He began by saying that they have 25' set backs, showing the site plan to the Council and reviewing the measurements. He stated that all of this meets the traffic, the zoning and building requirements. He indicated that he has spoken with the Fire Department, who was ok with the plan as far as fire safety went.

Mr. Gardener continued: as far as the comments about the properties being so far away, its actually only a few houses away; we have Park Terrace Apartments, Park View Apartments across the street; they are all up and down Vine Street, and all over this entire area. The whole idea, as far as compelling goes, this is what they are trying to achieve. They are trying to achieve some different types of housing; it goes right back to his comment about the carencia: we are going back to a safe zone; we certainly need single family housing, and there is a place for that, but quite frankly, there are a whole bunch more people that are actually looking for....we have built a brand new hospital here, we have built all this wonderful commercial property, but where are they going to live? They don't have places to live; we are going back in time, we have spoken about the General Plan, the General Plan was....we are using a rear view mirror. We are in the future, and this is what this is about. In fact, quite frankly, what he was told by staff, the first thing he did was meet with staff, and he went through the whole planning issue, and sat down with fire and all the different departments. Parks is the first place he went, and asked them if they would be interested in this, asking them if they would like to see this as a park, if they had any ideas for any future use for them. They said 'absolutely not, its too expensive, not the right place, too steep.' They probably would have taken in back in 1967 by eminent domain.

Eminent domain today, for that 20 acres that Mr. Serre's family was taken through the City, wouldn't have happened today.

The point is, we need to move on. Benbow Street is a small, little area that this does not represent the community. The community is our future and we need to embrace it and move on. As far as stories over parking, this is a 2 ½ story building over from Vine Street. They have three stories over parking. They have a basement going below grade. They have a 25' drop from Vine Street, which is a very unique piece of property in the sense that there is a somewhat busy street, we have a school, which is supposed to be entered off of 5300 South, not Vine Street, and he has yet to have any of the residents in the other communities that he has built throughout the area, to be run over by these people that occupy these types of homes. They are good people, people who will participate in the City's churches and schools and community. They are not bad people; they will also participate in the parks, golf and other things. He takes offense at some of the things that have been said.

As far as closeness to ball parks and things, there are several developments in this area, right on the street. Busy streets, Vine Street is a busy street; he doesn't care what anybody says, it is perfect for this development. It is also perfect because of the park and the golf courses and all the other things that these people get to use.

Snow removal? They take care of snow removal, nobody gets burdened and the City gets all this tax money from this benefit and the tax base grows and the services do not.

Jessica Moody, 501 E Vine Street, Murray Utah

Ms. Moody stated that she did go to see Montrose Village when it was selling, as she was in the market for a new home. It is not where she wants to live. She wants to live in a single family home. If they built single family, or even town homes, she would consider it; but, the area where Montrose was built, is all C-D-C and R-M-25. It is overburdened with traffic and the traffic does not remain in the parking lots or underground parking areas, it ends up on the streets. She mentioned that she has a friend that lives in that area.

Roxanne Heaton, 5481 S Avalon Drive, Murray, Utah

Ms. Heaton remarked that she had originally come because her son is there for one of his Merit Badges, but wanted to comment on this. She accesses Avalon Drive by 5300 & 5600 South streets. The traffic on those streets, on which Willow Brook, Willow Tree, etc is on, has become horrendous in the past year or two. Yesterday, she was coming back from 5300 South to turn onto Avalon, and

had to wait for 15 cars to pass before she could turn onto Avalon. 5300 South and Vine come together; she has children that go to Parkside and McMillan Elementary schools. She worked on the playground at Parkside, and knows exactly where this property is and is astounded that the City would even consider building something this big right there on the playground. She is talking about a playground where children play, not hundreds of feet away. She feels that this is a nice development, but doesn't think this is the area for it. It is too big for there, it will change Vine Street, and thinks that there are other developments that could go in there that would be great advantage to the community but would not affect it as greatly as this one will.

### **Public Hearing Closed**

Council consideration of the above matter to follow Public Hearing.

Mr. Brass stated that yes, this is the way the world is going, density. We in Murray are looking at higher density. The thing he likes about density is that if you put it near your transit, such as TRAX, it takes people off the street. A project like this with all these people, you are encouraging cars because you have no other way to travel and so he is concerned about that.

Mr. Brass stated that the City has the Fire Clay Project that is much denser than this, but was also traded for green space; you cluster the density, add walking trails, parks, you make it attractive for people to move around. It also has retail and commercial. There is a place for that; this is an attractive, great project, but it is right in the heart of a residential district.

Mr. Brass continued by saying he grew up 15 miles from Times Square; he knows New York City, he used to ride the bus in when he was in 8<sup>th</sup> grade. Most people in New York don't even drive because they can catch subways, buses, taxis, etc. Do we have that on Vine Street? One of the things that he is concerned with about our transit oriented community, is that we do not have a lot of transit; we have a north-south train. Ultimately, we are going to have to draw people out of their cars, the community will need to be walkable, and there is a place for that. He would love to see them build in Murray, love to see them build along 300 West, we have from 4500 South to 6400 South, which could be completely redeveloped. But to stick this many units in the heart of a residential area, even if there are smaller apartment complexes, and right on the park, he does not believe this is the place. Our General Plan *is* forward looking; we purposely made it that way. He spent three years on Planning and Zoning, and one of the biggest issues they had was stuff like this, and how do we protect our neighborhoods. He has

been on Benbow, he knows a lot of the people who spoke tonight. It is a nice little street, and there is nothing wrong with nice little streets, we need those. We need bigger homes, we need small homes, we need condominiums, but we need them in the right place.

Ms. Griffiths agreed with Mr. Brass and echoed his sentiments. This is a nice development, but does not feel they have selected the right site for it.

Ms. Dunn said that the one thing they have learned, over the time they have been on the Council, is that no matter what is proposed in a neighborhood, everyone opposes it. We are creatures of habit and don't like change, it is a very unique individual who likes change, especially when you take into consideration your home. Your home is where you live, where your children are, and it is a very sacred place to you.

Having said that, Mr. Brass is absolutely right, he said it very well on where we are in the development of this community. There are a lot of changes going on in this community, and much of what has been said on both sides is correct. We need to step back and say that we appreciate what you are doing and where you are going; you have every right to take your business, try to grow it, and try to do something nice for yourself. She said that she happens to think this is a beautiful project; one thing we haven't learned very well in this part of the West, is that projects like this really are nice housing, you don't generally have low rent in something like this, and we are trying to draw these in many parts of our community.

Ms. Dunn stated that it is her hope, as well, that they will look at other parts of Murray for this type of development, as she would love to see it in her part of the community. She feels that it is a very nice thing. Having said that, it does not meet the General Plan, it's probably not the best place for this, but said she hopes that they will look at some of the other areas in Murray for this.

Mr. Brass invited the developer to come to the Fire Clay development.

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Ms. Griffiths made the motion to deny the application to rezone this property.  
Ms. Dunn 2<sup>nd</sup> the motion to deny.



Call vote recorded by Ms. Heales

  A   Mr. Brass  
  A   Ms. Griffiths  
  A   Ms. Dunn  
  A   Mr. Robertson

Motion to deny passed 4-0

**E**     **Unfinished Business**

None Scheduled

Mr. Robertson , following the tradition in Murray, asked the attending Boy Scouts to stand and introduce themselves, their Scout leaders, and which Merit Badges they are working on.

**F.**     **New Business**

None Scheduled

**G.**     **Mayor's Report**

Mayor Snarr announced that the 4<sup>th</sup> of July parade starts at 8:30 a.m. and invited all the residents to come out to attend the festivities.

**H.**     **Questions of the Mayor**

**Adjournment**