

Minutes of the Hearings Officer meeting held on Wednesday, September 10, 2014 at 12:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Hearing Officer  
Ray Christensen, Senior Planner  
G.L. Critchfield, Deputy City Attorney  
Mark Boren, Assistant Planner/Zoning Officer

Mr. Harland opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures. Mr. Harland stated the applicant, Mr. Steve Heil, is not in attendance but was contacted on the phone and he verified that he is not opposed to having this item reviewed without him being present. Therefore the meeting will proceed as outlined on the agenda.

#### CONFLICT OF INTEREST

Mr. Harland stated that he has no conflicts of interest for this agenda.

#### CASE #1505 – BASIN ENTERPRISES, LLC – 5380 South 900 East - Project #14-149

There was no applicant present to represent this request. Mark Boren reviewed the location and request for a variance to not install the 10 ft. depth of frontage landscaping required between the drive accesses at the 900 East frontage of the property addressed 5380 South 900 East. The property is located within the C-D-C zoning district. Murray City Code Section 17.152.100: A, states: *"Ten feet (10") of landscaping shall be required along all frontage areas not occupied by drive accesses."* On August 7, 2014, the Planning Commission approved a Conditional Use Permit for the addition of a U-Haul truck rental business (limited to 3 rental trucks maximum at any given time) to the existing convenience store. One of the conditions was to install the required 10 feet of landscaping per the Ordinance. According to the Salt Lake County Assessor, the building was constructed in 1966 and since then, 900 East has been widened to include an additional dedicated right hand turn lane. This widening left approximately 27.5' ft. between the back of the sidewalk and the fueling islands on the subject property. According to the staff report and applicant's request for the variance, with the required installation of the 10 feet of frontage landscaping, the aisle access between the landscaping and fueling islands would be reduced to approximately 17 feet wide, thus requiring the fueling access lane be designated as one way only. Municipal Code Ordinance 17.16.050 designates the Murray City Hearing Officer as the appeal authority for Murray City and authorizes the officer to grant variances where the request meets the standards of approval. Murray City Code Section 17.152.100: A, requires 10' ft. of frontage landscaping along all frontage areas not occupied by drive accesses. The addition of the landscaping along 900 East will severely limit and reduce vehicular access to the fueling islands on the subject property and cause an unreasonable hardship for the applicant.

The variance, if granted, will not substantially affect or negatively impact the purpose of the general plan or be contrary to the public interest because the convenience store has been operating since 1966. To install landscaping will dramatically limit access to the fueling islands which would be more detrimental for the property than not expanding the landscaping. Although the landscaping is an important standard established in the land use ordinance, with the special circumstances of this property related to the widening of 900 East to provide a dedicated right hand turn lane adjacent to the subject property, the

spirit of the land use ordinance is observed and substantial justice done. Further, the wider width of the fueling access driveway will facilitate safer and more efficient traffic flow for customers on the property. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, staff recommends approval of the variance.

Mr. Harland clarified that the landscaping area in question is approximately 10 feet depth by 25 foot length and is located within the two drive accesses from 900 East. He indicated that the record shows a letter from Basin Enterprises stating if the landscaping is required to be installed, it will present a difficulty with snow removal in the winter because of the limited space. Mr. Boren responded in the affirmative. He stated there will be no remodeling of the building. Mr. Harland stated that the UDOT previously had taken a portion of the property for widening of 900 East, and if the landscaping is to be installed it will reduce the access area to the pumps and to approximately 17 feet width and would need to be one-way traffic making it more congested and not as safe of a situation. Mr. Boren indicated that if the landscaping is required, the applicants may decide not to have the truck rental business at this location.

Mr. Harland stated as much as he is in favor of the landscaping ordinance for the city, this application seems to be a unique situation. Mr. Boren responded that there is landscaping along the north side, the south side, and on the corner area. It is difficult to determine whether there was landscaping along the 900 East frontage prior to the road widening, but there was no information available regarding this issue.

There were no comments made from the public.

Mr. Harland stated he has enough information to make his decision regarding the variance and it seems to be a reasonable request. He stated the decision will be available next Wednesday, September 17<sup>th</sup> at noon at the Murray City Community Development Office, 4646 South 500 West, Murray.

Meeting adjourned 1:00 p.m.

  
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Jared Hall, Division Manager  
Community and Economic Development