

Minutes of the Hearings Officer meeting held on Wednesday, May 13, 2015 at 12:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Hearing Officer
Jared Hall, Manager of Community Development Division
Susan Dewey, Associate Planner
G.L. Critchfield, Deputy City Attorney
Applicants

Mr. Harland opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

CONFLICT OF INTEREST

Mr. Harland stated that he has no conflicts of interest for this agenda. Mr. Harland stated his written decision will be available one week from today, Wednesday, March 20, 2015 after noon at the Community Development office. A copy may be picked up at the Public Services Building, 4646 South 500 West at that time.

CASE # 1513 – MURRAY 5141 S STATE, LLC – 5141 S. State Street – Project #15-55

Ed Waldvogel and Rhet Wadsworth were the applicants present to represent this request. Jared Hall reviewed the location and request for a variance to the required setbacks from the front property line for an existing detached pole sign. Murray City Code Section 17.48.160 requires detached signs to maintain a minimum setback of 2 feet from all property lines. The property in question is located in the C-D-C (commercial zone) and is being re-developed, however, the applicants had proposed to keep and re-face the existing detached pole sign. In the process of survey work and site planning for the new development, it became clear that the leading edge of the existing sign cabinet projects 19 inches into the required 2 foot setback. The applicants subsequently filed a variance request. The existing sign is located in the vicinity of the northwest corner of the property. The overall height (not proposed to change) is 35 feet, and the existing cabinet (also not proposed to change in dimensions) is 28 feet wide and 8 feet high (224 sq.ft.). It is a single pole support structure. The applicants propose only to change the cabinet face to advertise the new tenants. The sign regulations require a minimum setback of two feet from the property line. During the site planning and survey work for the re-development, it came to light that UDOT had acquired approximately 5'3" of land along the State Street frontage of the property. That property has not been developed as part of the right-of-way at this point, and the applicants have agreed to maintain that square footage as a part of their required landscaping (the site plan required a 10' wide landscaped area along the frontage of State.) The physical result of this situation is that the landscape area beginning in back of the sidewalk is 15.3 feet wide instead of 10 feet wide, and the sign projects to within 6 inches of the property line, but visually appears to be over 5 feet away. The widening of a right-of-way by UDOT often causes issues for adjacent property owners. Because of the frequency and size of UDOT takings for state roads, staff considers them both generally and in this specific case to represent a special circumstance under this requirement for variance. Staff's assessment is that redevelopment and the continued use of valuable land improvements that appear to be appropriately placed would constitute a substantial right under this section. As of to date, there was only one inquiry from an adjacent property owner to the south, The Pointe @ 53rd, but was not opposed to the variance request.

Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community Development Staff finds that the proposal meets the standards for a variance. Therefore, staff recommends approval with the following conditions:

1. The applicant will ensure that the sign cabinet will in no way be enlarged, but simply replaced.
2. The applicant will ensure that the sign cabinet will not cross property lines or extend into the right-of-way.

Mr. Harland clarified that the existing sign does not encroach into the property right-of-way, and simply does not meet the required 2 foot setback from that right-of-way (property line) and is encroaching into the 2 foot setback by 19 inches leaving a 5 inch setback. Mr. Harland asked if there has been any comments or response from UDOT regarding this variance request. Mr. Hall responded that the city has received no comments or concerns from UDOT with regards to this variance request.

Mr. Harland indicated that the applicant could actually have a larger sign based on the sign regulations for detached on-site signs and the length of street frontage for this property, but the applicant wishes to retain the existing sign. Mr. Hall concurred.

Mr. Harland asked if UDOT is planning to acquire more property for the State Street right-of-way. Mr. Hall responded that the city is not aware of additional widening for State Street at this location or to utilize the unimproved 5 foot right-of-way at this time. The applicants plan to landscape this 5 foot unimproved right-of-way with this sign approval. Mr. Harland stated the frontage landscaping will be 15 feet wide including the 5 foot right-of-way and the 10 foot required frontage landscaping.

Mr. Harland stated that the tenants for the building will be Chipolte and Starbucks. Mr. Hall stated that is correct.

Ed Waldvogel, 166 East 14000 South, Suite 210, Draper, stated he is representing Wadsworth Development Group, the developer of this project at 5141 South State Street. He stated the sign does not encroach into the property line/right-of-way and is setback approximately 5 inches. He stated the sign is a great asset and is vital for obtaining tenants for buildings and signage and signage visibility are critical for businesses. He stated one of the selling points for obtaining tenants at this site was the existing sign. He stated they intend to reface the existing sign and will replace the existing burned out bulbs. He stated Wadsworth is not the owner of the property and this is a long term 50 year ground lease of the property from the Freeze Family. Wadsworth is constructing the building and is responsible for the tenants of the building.

Mr. Harland clarified that the sign will be shared between Chipolte and Starbucks. Mr. Waldvogel responded in the affirmative. He stated the pole of the sign will be repainted black. He stated that the sign was recently reviewed by an independent vendor for structural integrity and the sign is structurally sound. He stated they intend to have a combination of sod, rock, mulch, shrubs and trees in the frontage landscaping to meet code.

Mr. Harland stated this variance application is for 19 inches. He complimented Mr. Waldvogel on his patience in working with the city to apply for the variance. He stated the proposed restaurant uses for the property will be a nice addition to the area and a great improvement to the property.

The meeting was opened for public comment. No comments were made and the public comment portion of the meeting was closed.

Mr. Harland stated he has sufficient information to make his decision regarding the variance. He stated that he intends to approve the variance as requested, but the official written decision will be available next Wednesday, May 20, 2015 at the Murray City Community and Economic Development office, 4646 South 500 West, Murray.

The meeting was adjourned 12:45 p.m.



Jared Hall, Division Manager
Community and Economic Development