

Minutes of the Hearing Officer meeting held on Wednesday, December 23, 2015 at 12:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Hearing Officer
Tim Tingey, Administrative and Development Service Director
Jared Hall, Manager of Community Development Division
Ray Christensen, Senior 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, December 30, 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 #1521 – BMW OF MURRAY – 4735 South State Street – Project #15-168

John Firmage was the applicant present to represent this request. Jared Hall reviewed the location and request for the expansion of a non-conforming structure to allow additions to the existing building. The applicant is also requesting a variance to the landscaping requirements in order to allow the additions. Murray City Code Section 17.52.040 B allows a building which is non-conforming to height or yard regulations to be added to or enlarged upon review and approval by the Hearing Officer for the expansion. Variances to standards such as landscaping can be granted by the Hearing Officer under Murray City Code Section 17.16.050-C. BMW of Murray proposes to remodel and make additions on the north end of their existing building adjacent to State Street, and on the west end of the building adjacent to McHenry Street. The nature of the proposed additions as they relate to the existing developed site results in the necessity for two requests: 1- the request for expansion of a non-conforming building, and 2- the request for a variance to landscaping requirements. Because both additions involve the demolition of some of the existing structure the net additional building square footage is actually smaller than it would appear. The subject property is located in the C-D, Commercial Development zone, occupying the northeast corner of State Street and McHenry Street. The site is bounded on the east by Brown Street, giving the subject property three frontages on public rights of way. For main buildings fronting State Street between 4600 South and 4800 South State Street, the front yard setback is zero (17.160.050 B). This building complies with that requirement. The small area of landscaping between State Street and the main building on the subject property is actually a part of the State Street right-of-way. Section 17.160.100-A states "Ten feet (10') of landscaping shall be required along all frontage areas not occupied by drive accesses." The subject property has two frontages which would fall in this category on Brown and McHenry Streets. No landscaped setback has been required during previous additions and development of the site. The current request for a variance to landscaping standards would allow the proposed addition on McHenry, and would remove the

potential imposition of other landscaping that had not been previously required.

The site is buffered along the Brown Street frontage by a block wall. On the street side of the wall there is an asphalt pathway. Responding to a review of the site by the City Engineer, the applicants have proposed to install the appropriate sidewalk and landscaped park strip improvements on Brown Street adjacent to their property as a part of this project. Additionally, they will be installing limited landscaping adjacent to some portions of McHenry Street, and an area of landscaping at the northeast corner of the parking lot. The addition to the building frontage along State Street will provide another vehicle service lane, administrative office space, and allow a remodeling of the interior display and sales associates area at the front entry of the building. The existing parking, State Street landscaping, and access are not impacted by the proposed addition. The proposed addition on McHenry Street will have a setback of 4 feet from the property line for a length of 24 feet. The interior remodeling that necessitates this addition is for a new vehicle delivery area. Previous additions to the building required Conditional Use approval by the Murray Planning Commission. The applicant was advised that prior to approaching the planning commission with the requested additions it would be necessary to apply for and receive approval from the Hearing Officer for the expansion of the non-conforming building.

Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for the expansion/alteration of a nonconforming building or structure. Staff recommends approval subject to the following conditions:

1. The applicant shall obtain a modification of the Conditional Use Permit from the Murray City Planning Commission.
2. Park strip and sidewalk improvements to the Brown Street frontage shall be installed in conjunction with the proposed additions.

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

1. The applicant shall obtain a modification of the Conditional Use Permit from the Murray City Planning Commission.
2. Park strip and sidewalk improvements to the Brown Street frontage shall be installed in conjunction with the proposed additions.

Mr. Harland asked staff to explain how landscaping on Brown Street never occurred. Mr. Hall stated that on a site plan it was shown as an asphalt area and it was approved that way, there was some discussion about it, but there was no requirement during the

development of the site to get it done.

Mr. Harland asked if there were any comments from the neighbors across the street on Brown Street. Mr. Hall stated that there was one public comment received by the planning staff concerning the historical nature of the fire house and that the historical façade at the southwest portion of the building be retained.

Mr. Harland stated that landscaping and a sidewalk along Brown Street will improve that area. Mr. Harland complimented staff on the report and presentation that was put together.

Mr. Harland asked staff if the area on State Street would be affected at all. Mr. Hall stated that the existing entrances and exits on State Street can all still be used for the new service bay.

Brian McCarthy, 1025 South 800 East, stated that BMW Corporate wants to incorporate a canopy element that is proposed along State Street. Mr. McCarthy stated that the owners are being asked to do these improvements and adjustments based upon a brand identity approach by BMW North America.

Mr. Harland asked Mr. McCarthy to go through the drawings and identify the area affected for the remodeling and also for the landscaping.

John Firmage, 4700 South State Street, stated he is the owner of the property and BMW of Murray and he feels everything has been spelled out and if anyone had any questions for him he would be happy to answer them.

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

Mr. Harland stated he did not have any additional questions for the applicant and that he has sufficient information to make his decision regarding the addition to a nonconforming building request and the variance request. He stated that the official written decision will be available by next Wednesday, December 30, 2015 at the Murray City Community and Economic Development office, 4646 South 500 West, Murray.

The meeting was adjourned 12:57 p.m.


Jared Hall, Division Manager
Community and Economic Development