

Minutes of the Hearing Officer meeting held on Wednesday, June 27, 2018 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, Community & Economic Development Supervisor
Zac Smallwood, Associate Planner
Briant Farnsworth, Deputy City Attorney
Applicant

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.

CASE #1558 – ICE HAUS– 7 East 4800 South – Project #18-69

Kyle Kuntz was the applicant present. Jared Hall reviewed the location and request to allow an expansion of a nonconforming structure for the property addressed 7 East 4800 South. Mr. Hall stated that this application is the result of a request to expand the patio area on a site which no longer conforms to the standards of the MCCD zone. The tenant of the subject property is Ice Haus Bar & Grill and they previously received an approval for the patio. Mr. Hall explained that the proposed patio expansion would expand to approximately 1,500 square feet. The expansion would require the removal of 3 existing parking stalls, but would be replaced by bicycle racks to accommodate about 12 bicycles. This application still meets the parking requirements for the MMCD zone. Mr. Hall stated that the building sits adjacent to the rear property line, and the parking area is located between the building and the frontage of 4800 South. Access to the property and parking lot is provided from one of three alleys which bound the property on the west, east, and north sides. The western alley is largely indistinguishable from the subject property's parking lot and the adjacent property on the west. Mr. Hall explained that the setback for this property is not a concern because the MCCD calls for the building to sit back only 12 to 18 feet from the curb. In the future if the building ever redevelops it would be required to sit closer to the street. Mr. Hall explained the two findings for this application are first, that the movement of the building is in harmony with one or more of the purposes of the title. Staff finds that this applicant does contribute to the goals of the MCCD plan and by contributing to the relationship of the business to the street. Secondly, Staff finds the change does not impose any burden upon the lands located in the vicinity of the nonconforming structure because the building and parking already meet the standards for the MCCD zone. Staff has made a recommendation that the applicant work with Staff to find at least 3 additional off-site parking spaces in the area that could elevate any future parking issues. Based on review and analysis of the application material and applicable sections of the Murray Land Use Ordinance, Staff finds that the proposal meets the standards for an expansion/alteration of a nonconforming structure and recommends approval of the request for expansion of a non-conforming structure with the following conditions:

1. The applicant shall obtain the appropriate Murray City Building Permits necessary for any proposed remodeling work associated with the patio expansion.
2. The proposed addition shall meet all requirements identified within the staff report.

3. The applicant shall work with staff to provide off-site parking to mitigate the loss of the three parking spaces resulting from the patio expansion.

Mr. Harland asked if there is any current parking agreement. Mr. Hall stated no, not that he is aware of. Mr. Harland asked where the applicant might possibly find off-site parking. Mr. Hall answered that applicant currently has shared parking with an adjacent business, but the applicant is currently looking at procuring a few parking spots from a business on Hanauer Street that would be used after 5 p.m. Mr. Harland asked if how many parking spaces does the applicant and adjacent business share. Mr. Hall answered that he believes it is around 23 or 24 parking spaces. Mr. Hall used a visual aid to show Mr. Harland the close proximity of the proposed off-site parking from the Ice Haus Bar & Grill. Mr. Harland asked what other aspects of this site do not conform to the current MCCD requirements. Mr. Hall replied that the building does not meet the setback standards, the right-of-way improvements do meet the total minimum setback requirements.

Mr. Harland asked if the expansion of the patio would bring the site one step closer to the MCCD requirements. Mr. Hall replied, yes it would. Mr. Harland asked if people actually ride their bicycles to this business. Mr. Hall answered that he has seen bicycles parked in the bike racks. Mr. Harland complimented Mr. Hall on his report and presentation.

Mr. Harland opened the public comment portion.

Frank Diana, 35 East 100 South, Suite 100, Salt Lake City, stated the property has been in his family many years and he also owns the property to the east of the Ice Haus. Mr. Diana added that there has always been a parking issue with the site because of the nature of the businesses there. Mr. Diana stated that his business does not share parking with the Ice Haus or with any other tenants. Mr. Diana has concerns about the loss of 3 parking stalls due to the patio expansion and believes that it will not be used by any of the Ice Haus customers. Mr. Diana concluded by stating he is not against the Ice Haus expanding his patio because he also wants to expand his patio, but encouraged Ice Haus to figure out their parking issues.

Mr. Harland asked Mr. Diana if the Ice Haus customers park in his private parking stalls. Mr. Diana answered they attempt to park on his property but they make them move and threaten to tow their vehicles. Mr. Harland asked if there is any on-street parking on 4800 South. Mr. Hall replied that there is on-street parking on 4800 South. Mr. Diana added that customers do typically park on the street but they do not encourage it because it creates a view obstruction. Mr. Harland asked if customers utilize the parking area behind his building and how many total parking spots do they have. Mr. Diana answered they do park in the rear and guessed that they have over 60 parking spots.

Mr. Harland closed the public comment portion.

Kyle Kuntz, 3656 South Candle Brook Ct, stated that the patio is a great success and he feels the biggest challenge has been that when people go outside the bar to smoke they want to provide a place that will comply with the 25-foot state regulation. Mr. Kuntz added that they inform all of their clients that they are not allowed to park on the Club 48 property. Mr. Kuntz added that Cory from Club 48 had granted them verbal permission to park on the lot but they do not take advantage of it because of the tow signs. Mr. Kuntz stated that they will speak to the owner of the lot on Hanauer Street to get a permit for

employee parking. Mr. Harland asked where the employees park now. Mr. Kuntz answered that they park across the street or in the empty lot on State Street. Mr. Harland asked if they have any type of agreement with the Active Safety business next door to allow parking. Mr. Kuntz stated yes, they do, and that is the office of the Ice Haus landlord. The landlords are in support of the proposed expansion.

Mr. Harland asked if the expansion will increase revenue for the business. Mr. Kuntz answered yes it will increase sales and bicycle traffic has also increased. Many bicyclists wish to bring the bicycles inside the building because there is not enough places to secure the bicycle. Mr. Harland asked the applicant if he was aware that this is the first step in the process. Mr. Kuntz answered, yes. Mr. Hacker explained that if this application is approved then his application would be forwarded to the MCCD Review Committee, then the Planning and Zoning Commission.

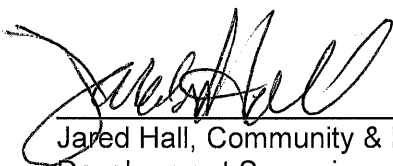
Mr. Harland asked what the addition might look like. Mr. Kuntz answered that it will look similar to the patio is already there, but they might add a hard room on the top. If any major changes are proposed they will run it by Staff with a set of plans before they do it.

Mr. Harland reflected on the information given and stated that he could understand why there would be a parking issue here, but the way the ordinance for this zone is written, the current number of parking stalls more than exceeds what is required. Mr. Harland concluded by stating this is a worthy project and concurs with the findings that Staff has made.

Mr. Harland stated he will forward his written decision to the Community Development Office at 4646 South 500 West, by noon on Wednesday, July 6, 2018.

There was no other business.

The meeting was adjourned at 1:07 p.m.



Jared Hall, Community & Economic
Development Supervisor

