

Minutes of the Hearing Officer meeting held on Wednesday, January 11, 2017 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  
G. L. Critchfield  
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.

#### CASE #1538 – BIOMET WEST PROPERTIES, LLC – 4535 South Commerce Drive – Project #17-12

Hans Hoffman and Brett Parkin were the applicants present. Jared Hall reviewed the location and request to allow the expansion of a nonconforming building. The subject property is currently non-conforming as to parking requirements. Murray City Code 17.52.040 allows for a building or structure occupied by a nonconforming use, or a building nonconforming as to height, area, or yard regulations to be added to, enlarged or moved to another location on the lot subject to authorization by the Hearing Officer. The Biomet West building occupies about fifty percent of the lot on this property which does not conform to requirements for on-site parking. There are 5 stalls located directly in front of this building. The applicant has an off-site parking agreement with UDOT to utilize the lot adjacent to the north for their employee parking, this area provides 7 stalls and future plans for development on this parcel would create the possibility of approximately 17 additional stalls for the use of Biomet West. The building addition is located such that it would not remove critical elements of the existing site (parking or landscaping) and would not impact site circulation. The intent is to improve the interior use and flow of the building space and this type of area addition does not increase the calculated area that would increase the required parking stalls. The building is currently used as an office & warehouse for Biomet West who propose a 342 square foot addition to the ground and upper floor of the building would be utilized for reception on the main floor and additional office space on the floor above. Based on review and analysis of the application materials, subject site, surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for an expansion/alteration of a nonconforming use or development.

Therefore, staff recommends approval of an expansion of a nonconforming use for the proposed building expansion located at the property addressed 4535 South Commerce Drive with the following conditions:

1. The applicant shall maintain the parking agreement on the UDOT parcel in order to provide appropriate parking for the building off-site. The staff shall ensure through the Business License annual renewal process that a parking lease agreement (with UDOT, or a subsequent agreement with a future property owner) is current and in effect at renewal so the parking requirements for this business continue to be met.

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2. The applicant shall obtain a building permit prior to the commencement of construction of the building alterations.

Mr. Harland asked how many parking stalls are required for the business as it stands now. Mr. Hall replied that 17 parking stalls are required for the business now and currently has five on site stalls provided and an additional 13 striped stall on UDOT property. Mr. Hall stated that his calculations for the exact number of required parking stalls are thirteen.

Hans Hoffman, with Hoffman Architects, 1308 South 1700 East Ste. 202, stated that during the analysis of the plans for the building permit addition parking was identified as an issue as there is not enough onsite parking to meet the current zoning regulations but current offsite parking is accommodated on the UDOT parcel as is, and if the parcel is developed in the future UDOT will accommodate 17 parking stall for Biomet West.

Brett Parkin, property owner 4535 South 300 West, stated that his business has grown over the past twenty years and proposes the addition to accommodate his growth for storage and would not increase the amount of employees or vehicles at this site and that the Tingey Heating and Plumbing business across the street uses a lot of the parking area reserved for Biomet. Mr. Parkin stated he has the UDOT parking agreement with him renews annually and presented it to the hearing officer. Mr. Harland asked for clarification about what property belongs to UDOT and Murray City. Mr. Hall replied that the land to the north of Biomet has several jurisdictions for old right always and realignments but the majority belongs to UDOT and a small portion may belongs to Murray City. Mr. Parkin stated that the new UDOT development would give new opportunity for Biomet Parking on the north side of his building and has a guarantee for off-site parking from UDOT. Mr. Hall stated that the city would be ok with the unofficial agreement from UTOD for continued parking as the proposed addition to the existing building would not put any additional strain on the current non-conforming parking situation as it is now. Mr. Hall stated that the follow up on this issue would be reviewed during the building permit process which would include a zoning review as well as changes during the business licensing renewal or new application for a business license could possibly trigger a review of this building and its uses.

Mr. Harland opened the meeting for public comment. No comments were made by the public and the public comment portion for this agenda item was closed.

Mr. Harland stated that he would like to add verbiage to condition number 1 to require a copy of the renewed UDOT parking agreement in association with their annual business license renewal.

Mr. Hoffman offered to include a document that would specify the number of required striped and numbered parking spaces provided on the UDOT property as part of the building permit application.

Mr. Harland stated he will forward his written decision to the Community Development Office at 4646 South 500 West, by noon on Wednesday, January 18, 2017.

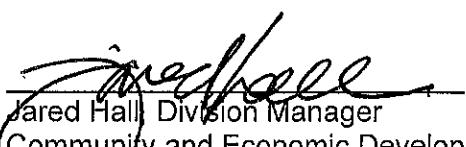
There was no other business.

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The meeting was adjourned at 1:00 p.m.



Jared Hall, Division Manager  
Community and Economic Development