

Minutes of the Hearing Officer meeting held on Wednesday, July 12, 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, Community & Economic Development Supervisor  
Brad McIlrath, Associate Planner  
G. L. Critchfield, Deputy City Attorney  
Jennifer Heaps, Office Admin III  
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 #1544 – JESSE KNIGHT ENTREPRENEURIAL CENTER –5510 & 5534 South 300 West – Project #17-99

Dan Van Zeban was the applicant present. Jared Hall reviewed the location and request for a variance from certain landscaping requirements of Sections 17.152.100 and 17.68.040 of the Murray City Land Use Ordinance, specifically; landscaping requirements for the front setback, and landscaping regulations adjacent to parking areas. The site is large and triangular, and funnels into a long and narrow point on the north end. The existing building is being partially salvaged and renovated as repurposed office space by the applicant. The proposed office space use will need a large amount of parking spaces. Parking will be installed around the building. The entrance for the site is located at the south end of the property.

The first variance request is for Land Use Ordinance 17.152.100.A which requires the frontage on Cottonwood Street to have ten feet of landscaping. The applicant proposed to provide frontage landscaping, but not at a consistent depth of ten (10') feet.

The second part of the variance request is for Land Use Ordinance 17.152.100.D which requires a minimum requirement of five (5') feet of landscaping adjacent to off street parking within the yard area. The proposal is to eliminate the landscape requirement in the utility corridor, and replace it with landscaping within the parking lot to break up the appearance of the parking stalls.

The third variance request is for Land Use Ordinance 17.68.040.A-1 that requires front setback landscaping to include specific numbers of trees and shrubs based on the linear feet of property frontage. The proposal is to eliminate trees in the front landscaping setback due to the presence of numerous underground utility lines and access easements. The utility corridor needs to be maintained so that the managing authorities can gain access to the lines. Parking and landscaping can be installed over the lines without impact but, but trees with large root systems that could burrow in the ground could cause a problem.

One need for the variance is the due to the shape of the property, it is long and narrow at one end making it difficult to develop the needed parking spaces. An additional need for a variance is created by the unique grade of Cottonwood Street that is over 20 feet high in some areas. The final need for the variance request is due to the existence of the historic building that the property owners are paying to renovate. The city would like to

see this historic building renovated, creating the need to keep it in place on the lot.

The variance standards state, the literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Ordinance. In this case without the variances, the property owner cannot provide parking to use this historic building or property. Landscaping would still be provided in many of the surrounding areas with the renovation of the property.

There are special circumstances attached to the property that do not generally apply to other properties in the district such as the lot shape, front lot adjacency to the bridge structure, the major utility corridor in the front setback, and the historic building under renovation. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the district such as parking and the preservation of land use corridors. The variance will not substantially affect the general plan and will not be contrary to the public interest.

The General Plan encourages the adaptive re-use of historically significant buildings when possible, and further redevelopment of this area as the renovation of this existing building is in keeping with the goals and objectives of the General Plan. The applicant proposes providing significant areas of landscaping within the parking areas and surrounding the building pad in order to mitigate the reduction of perimeter landscaping as normally required. Staff does not see the requested variances as contrary to the public interest or affecting the general plan

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. Therefore, Staff recommends approval of the requested variances to the landscaping setback requirements of Section 17.152.100.A and 17.152.100.D along the Cottonwood Street frontage and the west property line adjacent to the rail corridor, and to the landscaping requirements of Section 17.68.040.A-1(a) subject to the following condition:

1. The applicant shall develop a landscaping plan for the frontage of Cottonwood Street to include plantings acceptable for the maintenance of the utilities located there, and shall submit the plan for review and approval by the Community Development Division and the City Engineer.

Mr. Harland asked what the next step would be for the applicant if this variance is granted and is this a permitted use. Mr. Hall answered the next step would be submission to the Planning Commission for site plan review and yes, it is a permitted use.

Dan Van Zeban, 2032 Lincoln Ave, Ogden, stated the project is a good project but has many issues. Mr. Van Zeban stated they have worked with city staff to find solutions to preserve the iconic components of the building while making it a viable project at the same time. Mr. Van Zeban hoped the approval would be based on the future use of the building as prime office space for many corporate headquarter locations and its value to

the community. Mr. Van Zeban stated they have incorporated many historic elements into the renovation and had to restore the structural integrity as well. This Building has been named the Jesse Knight Entrepreneurial Center in hopes that it will attract business minded companies. Mr. Van Zeban commented that the Fire Department has been consulted on the lay out of the parking lot and it is necessary to eliminate some landscaping to allow emergency access and meet fire codes.

Mr. Harland asked how many parking spaces are provided on the plan now and how it was determined. Mr. Van Zeban answered there are 249 parking spaces, and the number of spaces was determined by the square footage of the office space.

Mr. Harland asked if they did not get the variance would they not be able to get the same number of parking spaces. Mr. Van Zeban stated they would not and they have tried to increase the landscaping in other areas of the building, such as the plaza to help maintain required percentages of landscaping.

Mr. Harland asked where the entrance to the building is. Mr. Van Zeban referred to the submitted site plan and pointed out the base of the tower and stated it is the primary entrance. There is a secondary entrance on the southerly side and an entrance on the "new barn wing" as well. The reflecting pools are actually symbolic of the historic copper pits that reflect the usage of the ore sampling use.

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Mr. Harland referred to the map and asked if the shaded areas around the building will be the location for the trees and foliage. Mr. Van Zeban stated, yes it is and they have consulted the representatives for the utility corridors to work out which greenery would be best planted around the utility corridor.

Mr. Harland asked if area three on the map is newly acquired property. Mr. Van Zeban stated it will be part of the ownership. The individual who owns the properties to the south and west has a section of property that comes in between the two parcels owned by the developer. They are still in negotiations for the land purchase. In order to meet the parking requirements they are using area three as temporary parking. The proposed parcel of area three is temporary in nature until the purchase is final, and that is why they asked for the landscaping requirement to be removed until they own it. Mr. Hall stated they could enter into a deferral agreement for the landscaping.

Mr. Harland complimented Mr. Van Zeban on his proposal to redevelop the property. Mr. Van Zeban stated the opportunity became available so he took it.

Mr. Harland opened the meeting for public comment.

Janice Strobel, 4912 Wasatch Street, stated she appreciates the efforts to incorporate historic elements into the new building and making it a viable use for the community.

The public comment portion for this agenda item was closed.

Ms. Harland stated he will forward his written decision to the Community Development Office at 4646 South 500 West, by noon on Wednesday, July 19, 2017.

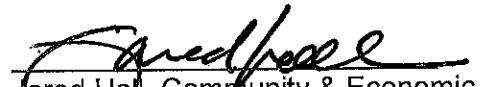
There was no other business.

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The meeting was adjourned at 12:55 p.m.

  
Jared Hall, Community & Economic  
Development Supervisor