

Minutes of the Hearing Officer meeting held on Wednesday, September 9, 2020 at 12:30 p.m. electronically in accordance with Executive Order 202-05 Suspending the Enforcement of Provision of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19. The meeting was held virtually. No physical location was held for this meeting in the Murray City, Murray, Utah.

Present: Bill Rowley, Hearing Officer  
Susan Nixon, Associate Planner  
Zach Smallwood, Associate Planner  
Melinda Greenwood, Community and Economic Development Director  
G.L. Critchfield, City Attorney  
Clint Tolman, Applicant

Bill Rowley opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

### CONFLICT OF INTEREST

Mr. Rowley stated that he has no conflicts of interest for this agenda.

### CASE #1573 – DEPOT COMMERCIAL, LLC – 248 & 232 West 4860 South – Project #20-093

Clint Tolman was online to represent this request. Susan Nixon reviewed the location and request for a front yard variance setback for a new building located on 248 and 232 West 4860 South. The property is located in the Mixed-Use (M-U) Zone on the corner of Commerce Drive and 4860 South. The applicant would like to build a two-story office building. The M-U Zone requires that new buildings be constructed with a zero to ten foot front yard setback. However, because of the powerlines and easements on the property, it makes it different to build any structure. The proposed building will be oriented towards 4860 South and will have a setback on the west of about 15 feet and a setback on the south of about 62 feet.

Ms. Nixon said the requirements for street improvements in the M-U Zone include: curb and gutter, an 8 foot park strip and a 7 foot sidewalk. The applicant is meeting the setback requirement on the west property line of 15 feet, but a variance may still be necessary because staff has found that during the construction period, even though the building is setback 15 feet, scaffolding and the process of building can be a logistical problem. Generally, parking is not allowed in the front setback in the M-U Zone, however, because of the location of both overhead and underground powerlines on the property, the building has to be built on the north end of the property in order to locate a building on this property. Therefore, the parking would be forced to be at the front of the building. Most of the developments on 4860 South were constructed when this area was classified as a Manufacturing (M-G) Zone so they are setback at least 20 feet.

Ms. Nixon reiterated this request for a variance is because the setbacks along Commerce Drive and 4860 South Street cannot be met as well as to allow parking in the front setback.

Mr. Rowley noted he has reviewed the variance findings in the staff report.

Mr. Tolman said they have made sure they are following the code in regards to the powerlines on the property.

Mr. Rowley said the M-U Zone does not permit driveways in the front setback area of any building. However, the only access to this building is from the street.

Ms. Nixon said the variance stays with the property and not the property owner or the specific project. If this project doesn't work out, the variance will stay with the property. Knowing that scaffolding has been an issue in the past, it may be good to acknowledge that in the decision that in order to get the building where it needs to be.

Mr. Rowley asked about the Murray City Lot Consolidation review process to the Woodward Industrial Park Subdivision that was noted in the staff report.

Ms. Nixon replied this property is located in the Woodward Industrial Park Subdivision which is a platted subdivision. In order to build the building, which crosses the property line between the two properties, the two properties need to be combined. That would be a subdivision amendment by way of a lot consolidation. The Woodward Industrial Park Subdivision would have to be amended for the lot consolidation. That can be done simultaneously with the site plan review and approval that will be done by the Planning Commission.

Mr. Rowley thanked staff for the complete staff report and Mr. Tolman for his application and information. He stated he will forward his written decision to the Community Development Office at 4646 South 500 West, within one week.

There was no other business.

The meeting was adjourned at 12:53 p.m.

A handwritten signature in black ink, appearing to read "Jared Hall", is written over a horizontal line.

Jared Hall, Manager

Community Development Planning Division