

Minutes of the Hearing Officer meeting held on Wednesday, November 22, 2017 at 12:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Hearing Officer  
Jared Hall, Community & Economic Development Supervisor  
G. L. Critchfield, Deputy City Attorney  
Applicants

Ms. Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

#### CONFLICT OF INTEREST

Ms. Daniels stated that she has no conflicts of interest for this agenda.

#### CASE #1547 – ELITE SMOKE & VAPE – 274 West 4500 South – Project #17-159

Rex Garcia was the applicant present. Jared Hall reviewed the location and request for the Expansion of a Nonconforming Use in order to make an addition to their existing business at 274 West 4500 South located in the M-G zone. The building conforms to landscaping and parking standards, this item is a use expansion. Currently this property is non-conforming in two ways. First, the City has an absolute cap on the amount of vape and tobacco oriented retail shops allowed, which is 1 per every 10,000 population. The City has about 50,000 people in the City and we have 8 vape/smoke shops currently. Until the City reduces the amount of vape/smoke shops to 5, they will all be considered non-conforming. Secondly, in this same building there is another vape shop, the proximity of the two shops are too close to each other. The applicants plan to use an additional rear area of an adjacent shop to expand their storage and show room. The additional area is about 29 feet long and 12 feet deep. The applicant started to remove the wall and get ready to expand, when they realized they needed building permits, this is when they were flagged as needing to get Approval for the Expansion of a Nonconforming Use. The shop used to be a wider shop that has decreased over time, it is now a very narrow shop. This is a small expansion and does meet the two requirements that make it appropriate to expand. The first finding is; that the addition to, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this title. Because the expansion is to the rear, there is not an expansion to the front visibly and allows for better function of the business operation. The second finding is; that the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure. This is not an impact to any surrounding land uses, it is only a rear expansion that does not impact the street visibility, parking, landscaping or signage. 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 recommends that the Hearing Officer approve the expansion of a non-conforming use for the property located at 274 West 4500 South with the following conditions:

1. The applicant shall obtain all necessary Murray City Building Permits to construct the proposed addition.
2. The proposed addition shall conform to requirements of the Murray City Land Use Ordinance with the exception of the existing non-conformities to Section 17.42.020(B) and 17.42.020(C) identified in the Staff Report.

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Rex Garcia, 4172 North Bay Circle, Lehi, stated he is in agreement with Mr. Halls' findings and they clearly state the intentions of the business. Mr. Garcia added that business is going well and they are to the point that customers are lined up at the register he feels like there are some potential safety hazards as the floor area is quite small.

Ms. Daniels opened the meeting for public comment. There were no comments, and the public comment portion was closed.

Ms. Daniels stated she will forward her written decision to the Community Development Office at 4646 South 500 West, by noon on Wednesday, November 29, 2017.

There was no other business.

The meeting was adjourned at 12:41 p.m.

  
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Jared Hall, Community & Economic  
Development Supervisor