Agenda
Roy City Planning Commission Meeting

6:00 p.m.
May 14, 2013

City Council/Court Room
Municipal Building
5051 South 1900 West

1. Approval of April 9, 2013 minutes

2. 6:00 p.m. Public Hearing to consider request for Conditional Use approval to allow tobacco oriented retail on property located at approximately 5684 S. 1900 W.

3. Staff update

4. Adjourn

6:30 p.m. – Planning Commission Work Session: discussion of potential development application and updates on General Plan progress.

If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 24 or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact is Tammy Nelson at (801)-774-1040.

ROY CITY PLANNING COMMISSION

May 14, 2013

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on May 14, 2013, at 6:00 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Tom Stonehocker, Acting Chairman
Gennie Kirch
Joe Paul
Karlene Yeoman

Jared Hall, Planner
Michelle Drago, Secretary

Excused: Blake Hamilton and Lee Holt

Others present were: Darrell Schildknecht.

Pledge of Allegiance: Karlene Yeoman

1. APPROVAL OF APRIL 9, 2013, MINUTES

Commissioner Kirch moved to approve the April 9, 2013, minutes as corrected. Commissioner Yeoman seconded the motion. Commission members Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW A TOBACCO ORIENTED RETAIL ON PROPERTY LOCATED AT APPROXIMATELY 5684 SOUTH 1900 WEST

Commissioner Yeoman moved to open the public hearing at 6:02 p.m. Commissioner Kirch seconded the motion. Commission members, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Jared Hall stated that the City had received an application for a tobacco oriented retail business to be located at 5684 South 1900 West. The location was in a vacant space behind E Z Pawn, which used to be Hollywood Video. Some time ago the City created a specific use classification for tobacco oriented retail businesses and adopted regulations for them. The applicant proposed to sell electronic cigarettes (vapor) and related products and supplies – not tobacco. The Weber County Health Department had determined that e-cigarettes and other such products fell under the classifications for

tobacco. In keeping with the Health Department, Roy City also considered them to be tobacco oriented retail. Tobacco oriented retail was a conditional use in the Regional Commercial Zone.

Mr. Hall said the proposed location was not located within 600 feet of another tobacco oriented retail. Weber County further limited the location of tobacco oriented retail business by a distance requirement of 1,000 feet from any church or school. This location just made the distance requirements.

Mr. Hall said the staff had found that the proposal complied with the intent and regulations of the Zoning Ordinance, and it met the intent of the Zoning Ordinance regarding the issuance of conditional use permits. The staff recommended that the Planning Commission recommend that the City Council approve a conditional use allowing a tobacco oriented retail business at 5684 South 1900 West subject to:

1. The applicant must meet all requirements of the State and the Roy City Municipal Code as stated and will continue to meet them in the maintenance of any license granted; and
2. Subject to all items of the staff report and attachments and to further review and approval by staff as might be deemed necessary.

Acting Chairmen Stonehocker opened the floor for public comments.

Darrell Schildknecht, Clearfield, stated that he was a co-owner of the proposed business. He wanted to make sure the Planning Commission was aware that they would not have glass pipes or water bongs. They would sell vapor cigarettes and would make juices as well. They didn't want to have the appearance of a Bob Marley cigarette store. They wanted to look professional.

Commissioner Kirch moved to close the public hearing at 6:07 p.m. Commissioner Paul seconded the motion. Commission members Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council approve a conditional use allowing a tobacco oriented retail business on property located at approximately 5684 South 1900 West based on the staff's findings and subject to the staff's recommendations and conditions. Commissioner Yeoman seconded the motion. Commission members Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

3. STAFF UPDATE

Jared Hall stated that in addition to the written minutes an audio recording of the Planning Commission meetings would be posted on the City's website. The audio recording was in keeping with State statutes. When the chairman or vice chairman started the Planning Commission meetings, they needed to make sure that they stated the date and time. Michelle Drago also suggested that motions to begin and end public hearings include the time.

Jared Hall said there were a couple of projects coming up, but they were a ways out. The Planning Commission might meet in May or June to discuss the General Plan update as the Commission would function as the steering committee. He hoped to have something ready to distribute to the Planning Commission on May 28th which would be discussed in June.

Mr. Hall said the regular meeting would be adjourned and the Planning Commission would then convene in the Conference Room to hold a work session. The public was invited to the work session.

4. ADJOURN

Commissioner Yeoman moved to adjourn at 6:11 p.m. Commissioner Paul seconded the motion. Commission members Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Tom Stonehocker
Vice Chairman

Attest:

Michelle Drago
Secretary

dc:pmay1413