

ROY CITY PLANNING COMMISSION

February 23, 2010

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on February 23, 2010, 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, Chairman
Blake Hamilton
Bill Merx
Roy Watts

Jared Hall, Planner
Michelle Drago, Secretary

Excused: David Collins and Lee Holt

Others present were: Marlin Hill

Pledge of Allegiance: Blake Hamilton

1. APPROVAL OF FEBRUARY 9, 2010, MINUTES

Commissioner Watts moved to approve the February 9, 2010, minutes as written. Commissioner Hamilton seconded the motion. Commission members Hamilton, Merx, Stonehocker, and Watts voted "aye". The motion carried.

2. PUBLIC HEARING TO CONSIDER CONDITIONAL USE APPROVAL FOR A CLASS A BEER LICENSE ON PROPERTY LOCATED AT APPROXIMATELY 1912 WEST 5600 SOUTH

Commissioner Merx moved to open the public hearing at 6:04 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Merx, Stonehocker, and Watts voted "aye". The motion carried.

Jared Hall stated that HJHI, Inc. owned the One Stop Smoke Shop located at 1912 West 5600 South between Panda Express and the nail salon. They had applied for a Class A Beer license. This item was on the agenda because the Zoning Ordinance required conditional use approval for all liquor licenses, including Class A Beer licenses for off-premise consumption. Class A beer licenses did not have spatial requirements or cap numbers. There were a few City code requirements which would be verified by the Business License Division. The Planning Commission was the first step in the conditional

use process.

Mr. Hall said the staff had found that the proposal complied with the intent and regulations of the Zoning Ordinance, and that it met the intent of the Zoning Ordinance regarding the issuance of conditional use permits. The staff recommended that the Planning Commission recommend approval of the conditional use permit for a Class A Beer license subject to:

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

Mr. Hall said the City Council would review the conditional use permit at the same time it considered the Class A Beer license. The conditional use permit had been reviewed by the Police and Fire Chiefs; neither had a concern. The Business License Division was reviewing the license application. The Building Official would inspect the premises prior to issuance of the beer license.

Commissioner Hamilton asked if the applicant had to show \$1,200 in sales prior to receiving the conditional use permit. Jared Hall said the code was not clear about when a business had to show the weekly sales. The current practice of the Business License Division was to verify the \$1,200 in weekly sales after the first year of business. The \$1,200 could not include alcohol sales. If a business could not show \$1,200 in weekly sales, the license would not be renewed.

Commissioner Merx asked if the owner anticipated any problems meeting the \$1,200 sales requirements. Marlin Hill said they were already covering that requirement.

Commissioner Merx moved to close the public hearing at 6:08 p.m. Commissioner Watts seconded the motion. Commission members Hamilton, Merx, Stonehocker, and Watts voted "aye". The motion carried.

Commissioner Watts was concerned about minors loitering in an attempt to get some beer. Jared Hall said the State code did not allow the loitering of minors. Commissioner Watts asked if the proponent would be responsible to manage loitering. Mr. Hall said he would.

Commissioner Merx stated that the loitering problem might be exacerbated by the Panda Express Restaurant next door.

Commissioner Hamilton was concerned about an ordinance that could be interpreted two different ways. He suggested that it be clarified to specify exactly when the applicant had to show \$1,200 in weekly sales. Mr. Hall agreed that the practice and language of the code should be clarified, and said he would begin to look into it.

Marlin Hill, Sandy, asked how the City would work with a business that was just opening. He suggested that the language be modified to show the \$1,200 in weekly sales after the first quarter of business.

Commissioner Merx moved to recommend that the City Council approve a conditional use permit for a Class A Beer license at 1912 West 5600 South based on the staff's findings and subject to the recommendations of the staff. Commissioner Hamilton seconded the motion. Commission members Hamilton, Merx, Stonehocker, and Watts voted "aye". The motion carried.

3. STAFF UPDATE

Jared Hall stated that there would be two public hearings and site plan review on the next agenda.

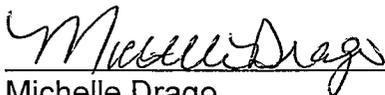
4. ADJOURN

Commissioner Watts moved to adjourn at 6:14 p.m. Commissioner Merx seconded the motion. Commission members Hamilton, Merx, Stonehocker, and Watts voted "aye". The motion carried.



Tom Stonehocker
Chairman

Attest:



Michelle Drago
Secretary

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