



**ROY CITY**  
**Planning Commission Regular meeting**  
**December 10, 2019 – 6:00 p.m.**  
City Council Chambers/Courtroom  
5051 South 1900 West

The meeting was a regularly scheduled work-session 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:

Torris Brand, Chair  
Don Ashby  
Samantha Bills  
Ryan Cowley  
Annette Mifflin  
Claude Payne  
Jason Sphar

Steve Parkinson, City Planner

Excused: Commissioner Chris Collins and Assistant City Attorney, Brody Flint

Others in attendance: Nathan Alvey, Glenda Moore, and Kevin Homer.

Pledge of Allegiance: Commissioner Sphar

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF NOVEMBER 12, 2019 REGULAR MEETING MINUTES

**Commissioner Cowley moved to APPROVE the November 12, 2019 Regular Meeting minutes, as written. Commissioner Mifflin seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.**

3. PUBLIC HEARING – CONSIDER A REQUEST TO AMEND TITLE 10 – ZONING REGULATIONS CH 17 – TABLE OF USES ALLOWING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACY AS PERMITTED USES. CH 31 - DEFINITIONS

Steve Parkinson, City Planner, explained that in November 2018, Proposition 2 was passed, which legalized medical marijuana. The legislature then went into a special session to write several bills describing how this should work. These bills included language establishing how many pharmacies and production facilities there could be, locations within cities, vicinity to residential and community areas, etc. The State determined that the manufacturing of medical marijuana should be allowed in manufacturing zones, and it was up to the cities to dictate which zones would allow this use. In Roy City, there were only two zones that could accommodate this use: Light Manufacturing and Manufacturing. Staff felt it was appropriate to allow this use in the Manufacturing Zone only. It was noted that cities could not prohibit the manufacturing of medical marijuana. It must be an allowed use somewhere within the City. Medical cannabis pharmacies would be allowed in retail or commercial zones, but prohibited in zones with primary residential uses. In Roy City, medical cannabis pharmacies could be allowed in the C-C, R-C, Light

Manufacturing, Manufacturing, and Business Park Zones. The State legislature determined that production establishments could not be within 600 feet of a residential zone, and must be at least 1,000 feet from a community location. Pharmacies must be 600 feet from a residential zone and 200 feet from a community location. Mr. Parkinson said that the proposed amendments would include new definitions regarding cannabis.

Commission Sphar asked if medical cannabis could be sold in regular pharmacies or if that was prohibited. Mr. Parkinson was unsure, but he said that he would examine the language again.

**Commissioner Sphar moved to open the public hearing. Commissioner Payne seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried**

Chairman Brand opened the floor for public comments.

Kevin Homer, 5398 South 4000 West, thanked Mr. Parkinson for sharing the history of the situation, and for explaining the definitions that would be included in the code. As Mr. Homer looked through Title 10 Chapter 17, he was intrigued by the other uses that were already allowed in these zones. He was glad to see that this would be another option in Roy City. He encouraged everyone to think of this as another opportunity for a free market to expand within the City. He also encouraged everyone to refer to this as cannabis rather than marijuana, as cannabis did not contain THC, the hallucinatory component of the plant.

No further comments were made.

**Commissioner Sphar moved to close the public hearing. Commissioner Payne seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.**

**Commissioner Cowley moved to recommend that the City Council APPROVE the amendment to Title 10 – Zoning Regulations CH 17 – Table of Uses allowing Cannabis Production Establishments and Medical Cannabis Pharmacy as permitted uses; and CH 31 – Definitions, with the conditions and facts as stated in the staff report. Commissioner Bills seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.**

4. CONSIDER A REQUEST FOR SITE PLAN APPROVAL FOR SPOT ESTATES TOWNHOMES LOCATED AT APPROXIMATELY 4550 SOUTH 1950 WEST.

Nathan Alvey, the applicant, first identified the location of the subject property on a map. He then presented the concept plat for 12 townhomes on an acre lot. The site included a hammerhead turnaround. Mr. Alvey showed examples of style of townhomes he would be constructed. He was currently in the process of working with the City Engineer to resolve their concerns regarding the proposed site plan. He confirmed that these units would be rentals, but they were platted to accommodate individual ownership if they decided to do that in the future.

Steve Parkinson, City Planner, stated that the development was just south of Orchards at 1900 West, and east of 4550 South. The applicant was proposing 12 units on a site that was just over

one acre. The ordinance allows a density of 12 units per acre, so this plan was consistent with the ordinance. The application received by staff did not include elevations, which was why the item was only noticed as a site plan approval. Architectural design approval would take place at a subsequent meeting. Many of the recommendations from the Design Review Board were based on the lack of elevations. Mr. Parkinson was confident that staff and the applicant could work through the few site plan concerns. Staff recommended approval of the site plan with the conditions listed in the staff report. There was some discussion regarding the items that the applicant still needed to provide to the City, including a landscape plan.

**Commissioner Sphar moved to APPROVE the Site Plan review for Spot Estates Townhomes located at approximately 4550 South 1950 West with the conditions and facts as stated in the staff report. Commissioner Cowley seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.**

5. CONSIDER A REQUEST FOR ARCHITECTURAL APPROVAL FOR KING BUFFET LOCATED AT 1960 WEST 5700 SOUTH

Steve Parkinson, City Planner, explained that this building was the former Rite Aid building. King Buffet would be taking over about two-thirds of the building. He presented photographs of the current structure, and the renderings provided by the applicant showing the changes to the exterior. Staff recommended approval.

**Commissioner Sphar moved to APPROVE the Architectural review for King Buffet located at approximately 1960 West 5700 South with the conditions and facts as stated in the staff report. Commissioner Ashby seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.**

6. CONTINUED DISCUSSION ON THE PROPOSED FORM BASE CODE

Mr. Parkinson said that the Form Base Code was presented at a previous meeting, and they intended to schedule a follow up work session to discuss the proposal, but that work session didn't happen. He asked if the Commission had any questions now. Chair Brand asked if the consultants would be providing a final report in February, as planned. Mr. Parkinson said that they were ahead of schedule, and that final code was before them now. The February deadline was the City's idea of when the Form Base Code and the General Plan update would be complete. The Commission didn't have any further questions, and the consensus was to schedule a public hearing for the Form Base Code for January.

7. ELECTION OF CHAIR AND VICE CHAIR FOR 2020

Mr. Parkinson opened the floor for nominations for Planning Commission Chair for 2020.

**Commissioner Payne nominated Jason Sphar as Planning Commission Chair for 2020. Commissioner Ashby seconded the motion.**

**Commissioner Ashby moved to close nominations for Planning Commission Chair. Commissioner Cowley seconded the motion.**

Jason Sphar was selected at Planning Commission Chair for 2020.

Mr. Parkinson opened the floor for nominations for Planning Commission Vice Chair for 2020.

**Commissioner Ashby nominated Torris Brand as Planning Commission Vice Chair for 2020. Commissioner Bills seconded the motion.**

**Commissioner Bills nominated Ryan Cowley as Planning Commission Vice Chair for 2020. Commissioner Sphar seconded the motion.**

**Commissioner Brand moved to close nominations for Planning Commission Vice Chair. Commissioner Cowley seconded.**

A vote was taken between the two nominees, and Ryan Cowley was selected at Planning Commission Vice Chair for 2020.

8. COMMISSIONERS MINUTE

The Commission thanked Torris Brand for his service as Chair the past few years..

9. STAFF UPDATE

Mr. Parkinson said that he was reviewing a rough draft of the General Plan update. Public Works and Recreation had also been given a copy of the rough draft to review.

10. ADJOURN

**Commissioner Cowley moved to adjourn at 6:52 p.m. Commissioner Sphar seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted "aye." The motion carried.**

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Jason Sphar  
Chair

Attest:

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Morgan Langholf  
City Recorder

dc: 12-10-19