

MINUTES OF THE MAY 18, 2004, ROY CITY COUNCIL MEETING

1. Approval of the May 4, 2004, minutes and the minutes of the May 4, 2004, joint City Council and Redevelopment Agency Meeting
2. Presentation by Boys and Girls Club
3. Presentation by 419th Fighter Wing regarding water bill mitigation
4. Public hearing to consider revisions to RCC Title 10-6, Commercial Zones, and 10-10, Supplementary Regulations
 - a. Consideration of Ordinance No. 928 amending Title 10, Chapter 6 of the Roy City Code regarding site plan review
 - b. Consideration of Ordinance No. 929 amending Title 10, Chapter 10, of the Roy City Code regarding supplementary regulations
5. Public hearing for consideration of a petition to vacate Meadow Creek Village Subdivision Phase No. 1, Lot No. 62 along with all easements and rights-of-way
 - a. Consideration of Ordinance No. 930 vacating Meadow Creek Village Subdivision Phase No. 1 Lot No. 62 along with all easements and rights-of-way
6. Final approval of Masami Estates Subdivision No. 4 located at approximately 2950 West 4600 South
7. Consideration of a conditional use permit for a U.P.S. Store located at approximately 3479 West 4800 South, Royal Professional Plaza
8. Consideration of an amendment to a phased final development plan for the Midland Commercial Development and extension of an existing conditional use permit for used vehicle sales located at approximately 4763 South 3500 West
9. Consideration of a conditional use permit for a copy center and retail book store located at approximately 3526 West 5600 South, Pad C, of Kent's Commercial Center
10. Mayor and Council reports
11. Adjourn
12. Summary of actions charged

Minutes of the Roy City Council Meeting held May 18, 2004, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building.

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 were in attendance:

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| Mayor Roger Burnett | City Manager Chris Davis |
| Councilwoman Marge Becraft | City Attorney Andy Blackburn |
| Councilman Larry Peterson | Secretary Michelle Drago |
| Councilman Tommy Smith | |
| Councilman Dave Tafoya | |
| Councilman Dan Tanner | |

Also present were: Police Chief Greg Whinham; Tony Reynolds, Community Services Director; Harold Wolcott; Kelly Miles; Lee Holt; Sally Dana; Phil Hite; Connie Hite; Jeanne Hall; George Kruitbosch; Matt Dunham; Rockie Kay; Larry Bennett; Bruce Crouch; and Antone Clark.

Moment of Silence: Councilman Tanner

Pledge of Allegiance: Councilman Tanner

1. APPROVAL OF THE MAY 4, 2004, MINUTES AND THE MINUTES OF THE MAY 4, 2004, JOINT CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

Councilman Smith moved to approve the minutes of May 4, 2004, as written and the minutes of the May 4, 2004, joint City Council and Redevelopment Agency Meeting as written. Councilwoman Becraft seconded the motion. Council members Becraft; Peterson; Smith; Tafoya; and Tanner voted "aye." The motion carried.

2. PRESENTATION BY BOYS AND GIRLS CLUB

Chris Davis stated that in FY2004 the City's donation to the Boys and Girls Club amounted to \$10,000 plus use of the Aquatic Center for a one night fundraiser. The City also repaired their buses and allowed them to purchase fuel at the City's cost. The fuel and repairs amounted to about \$4,000. At the end of the fiscal year the City would deduct the fuel and repair costs from the \$10,000 and give the Boys and Girls Club the balance.

Jeanne Hall, president of the Boys and Girls Club Board, stated that about 1500 kids participated in the club. It was a positive place for kids. She introduced George Kruitbosch, Kelly Miles, and Chief Greg Whinham who were members of the board. She also introduced Matt Dunham who ran the center. She asked each of them to provide a testimonial of the club.

George Kruitbosch stated that the Boys and Girls Club gave kids a place to socialize and learn consequences. The Boys and Girls Club was an investment in the future. As a parent and board member he was grateful for the City Council's past support. He asked that the Council keep helping them.

Chief Whinham stated that the Police Department focused on getting close to the kids. The Boys and Girls Club was an extension of their efforts in the schools. Without the Boys and Girls Club the kids participating might not have any after-school activities.

Councilman Tafoya asked if the funds donated to the Boys and Girls Club stayed in Roy or if they were used for the other sites in Weber County. Jeanne Hall said the money from Roy City stayed in Roy City.

Mayor Burnett asked about the average daily attendance. Matt Dunham said they had 90 to 100 kids a day during the school year. During the summer the numbers increased to 120 to 140 kids a day.

Councilman Smith asked what the repair and fuel costs for last year were. Chris Davis said they were about \$3800. If the Council wanted to include a donation in the FY2005 budget, the staff needed direction to do so.

Councilman Tafoya stated that a donation to the Boys and Girls Club was not originally included in the FY2005 budget due to a lack of funds. Some funds had been freed up because the City's insurance rates had not gone up as anticipated.

Councilman Smith moved to continue support of the Boys and Girls Club by including a total of \$10,000 in the FY2005 budget (cash less the cost of fuel and repairs) and use of the Aquatic Center for fund raising. Councilman Tafoya seconded the motion. Council members Becraft; Peterson; Smith; Tafoya; and Tanner voted "aye." The motion carried.

3. PRESENTATION BY 419TH FIGHTER WING REGARDING WATER BILL MITIGATION

Chris Davis said there had been a miscommunication with the 419th Fighter Wing. He would try to reschedule them for the June 1st meeting.

4. PUBLIC HEARING TO CONSIDER REVISIONS TO RCC TITLE 10-6, COMMERCIAL ZONES, AND 10-10, SUPPLEMENTARY REGULATIONS

Councilman Smith moved to open the public hearing at 6:29 p.m. Councilwoman Becraft seconded the motion. Council members Becraft; Peterson; Smith; Tafoya; and Tanner voted "aye." The motion carried.

Tony Reynolds explained that the staff proposed adding a second paragraph to 10-6A-5(A). The second paragraph was based on a legal opinion provided to the staff regarding an existing building and a permitted use. The proposed change would allow a permitted use to occupy an existing space with only staff review.

Councilman Peterson asked if an exterior change included signage. Tony Reynolds said exterior change meant a change to a building's footprint.

Tony Reynolds stated that the Development staff recommended that regulations regarding commuter rail be added to 10-10, Supplementary Regulations. Section 17 of 10-10 would define park-and-ride lots, commuter rail, and light rail and declare them as conditional uses. The Planning Commission had reviewed both revisions to Title 10 and recommended that they be approved.

Mayor Burnett asked if there were any comments from the audience. There were none.

Councilman Peterson moved to close the public hearing at 6:35 p.m. Councilman Tanner seconded the motion. Council members Becraft; Peterson; Smith; Tafoya; and Tanner voted "aye." The motion carried.

Councilwoman Becraft moved to approve Ordinance No. 928 amending Title 10, Chapter 6, of the Roy City Code regarding site plan review. Councilman Peterson seconded the motion. A roll call vote was taken: Council members Tanner, Smith, Tafoya, Becraft, and

Peterson voted "aye." The motion carried. (Copy filed for record).

Councilman Peterson moved to approve Ordinance No. 929 amending Title 10, Chapter 10, of the Roy City Code regarding supplementary regulations. Councilman Tanner seconded the motion. A roll call vote was taken: Council members Tafoya, Tanner, Peterson, Smith, and Becraft voted "aye." The motion carried. (Copy filed for record).

5. PUBLIC HEARING FOR CONSIDERATION OF A PETITION TO VACATE MEADOW CREEK VILLAGE SUBDIVISION PHASE NO. 1, LOT NO. 62 ALONG WITH ALL EASEMENTS AND RIGHTS-OF-WAY

Councilman Smith moved to open the public hearing at 6:37 p.m. Councilman Tanner seconded the motion. Council members Becraft; Peterson; Smith; Tafoya; and Tanner voted "aye." The motion carried.

Tony Reynolds stated that this was the first step toward approval of a three-lot subdivision that would only contain two building lots. Jon West was proposing to subdivide property located at 5250 South 4300 West. He had requested that the City vacate Meadow Creek Village Subdivision Phase No. 1 Lot No. 62 along with all easements and rights-of-way. Lot No. 62 was owned by Roy City. It was part of the Howard Slough channel. The vacation would allow property lines to be straightened out. The Planning Commission recommended approval of the vacation subject to final approval of the Westward Estates Subdivision. When the Westward Estates Subdivision was recorded, the Howard Slough would be dedicated back to Roy City. The Development staff recommended that the City Council approve Ordinance No. 930 vacating Meadow Creek Village Subdivision Phase No. 1 Lot No. 62 subject to final approval of the proposed Westward Estates Subdivision.

Councilman Tafoya asked about the sizes of the proposed lots and the zoning. Tony Reynolds said the lots were zoned R-1-6. The lots would each be about 9,000 square feet.

Councilman Peterson asked what would happen if the Westward Estates Subdivision did not receive final approval. Tony Reynolds said Ordinance No. 930 would be not initiated.

Mayor Burnett asked if there were any comments from the audience. There were none.

Councilwoman Becraft moved to close the public hearing at 6:42 p.m. Councilman Tanner seconded the motion. Council members Becraft; Peterson; Smith; Tafoya; and Tanner voted "aye." The motion carried.

Councilman Tanner moved to approve Ordinance No. 930 vacating Meadow Creek Village Subdivision Phase No. 1 Lot No. 62 along with all easements and rights-of-way subject to final approval of the Westward Estates Subdivision. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Becraft, Peterson, Smith, Tanner, and Tafoya voted "aye." The motion carried. (Copy filed for the record).

6. FINAL APPROVAL OF MASAMI ESTATES SUBDIVISION NO. 4 LOCATED AT APPROXIMATELY 2950 WEST 4600 SOUTH

Tony Reynolds stated that this was the fourth and final phase of the Masami Estates Subdivision. The first three phases were developed by Luis Sandoval. Rockie Kay was developing the fourth phase. Phase No. 4 contained eight lots and was located on the corner of 4600 South 3100 West. The improvements along 3100 West and 4600 South were already done. Lot No. 53 contained Masami Miya's home and accessory buildings. The road for the proposed cul-de-sac would require improvements before building permits could be issued. As soon as the subdivision was approved and recorded, a building permit could be issued for Lot No. 51 because the improvements along 4600 South were done. The only outstanding issue was final payment to Roy City to satisfy improvement liens. Masami Miya had paid the City \$25,000. The remaining \$23,431.03 would be paid by Rockie Kay. The Development staff recommended final approval of Masami Estates Subdivision No. 4 subject to payment of the remaining \$23,431.03.

Councilman Smith moved to approve Masami Estates Subdivision No. 4 located at approximately 2950 West 4600 South subject to the staff's recommendations and payment of the remaining \$23,431.03 for the liens. Councilman Peterson seconded the motion. Council members Becraft; Peterson; Smith; Tafoya; and Tanner voted "aye." The motion carried.

7. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A U.P.S. STORE LOCATED AT APPROXIMATELY 3479 WEST 4800 SOUTH, ROYAL PROFESSIONAL PLAZA

Tony Reynolds stated that the property on the southeast corner of 4800 South 3500 West was the only commercial zone on that side of the street. The property was surrounded by a residential use. The site had received approval for a professional building, and all of the required improvements had been installed. The site also received approval of a conditional use permit for professional and business offices in which goods or merchandise are not commercially created, exchanged, or sold. The approved hours of operation for the site were 6:00 a.m. to 10:00 p.m.

Mr. Reynolds said the City had received an application for a 1400 square foot U.P.S. Store, which was a retail use. The staff sent notices to 162 property owners within 500 feet of the site. There was some public comment at the Planning Commission meeting. The U.P.S. Store was proposing to provide the following services: Copy center, postal services, P.O. boxes, overnight delivery, FAX services, U.P.S., expert packaging, and notary services. There would be signs on the north and south sides of the building. There would be a U.P.S. and Fed Ex pick-up and delivery in the morning and in the evening. U.P.S. dictated that their franchisees operate from 8:00 a.m. to 6:00 p.m. or 9:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday. The Planning Commission recommended approval of the conditional use permit subject to the sign on the south side of the building not being lit; that the P.O. boxes only be available during business hours because of the proximity to the surrounding residential use; and that the hours of operation for a retail use be tightened to 7:30 a.m. to 7:30 p.m. The proponent, Lee Holt, was hoping to be open from 8:00 a.m. to 6:00 p.m.

Councilwoman Becraft asked when those renting P.O. boxes would be able to pick up their mail. Tony Reynolds said the Planning Commission recommended that the P.O. boxes be restricted to business hours only rather than 24-hour access.

Tony Reynolds stated that there was one remaining space in the building. It contained about 1,000 square feet.

Lee Holt stated that U.P.S. dictated his hours of business. He was hoping to be open from 8:00 a.m. to 6:00 p.m. Standard access for the P.O. boxes was 24 hours a day. He had received confirmation

from U.P.S. to allow access to the P.O. boxes only during store hours. He planned to open between September 1st and October 1st.

Councilman Smith moved to approve a conditional use permit for a U.P.S. Store located at approximately 3479 West 4800 South subject to the staff and Planning Commission recommendations, including hours of operation from 7:30 a.m. to 7:30 p.m. Councilman Tanner seconded the motion. Council members Becraft; Peterson; Smith; Tafoya; and Tanner voted "aye." The motion carried.

8. CONSIDERATION OF AN AMENDMENT TO A PHASED FINAL DEVELOPMENT PLAN FOR THE MIDLAND COMMERCIAL DEVELOPMENT AND EXTENSION OF AN EXISTING CONDITIONAL USE PERMIT FOR USED VEHICLE SALES LOCATED AT APPROXIMATELY 4763 SOUTH 3500 WEST

Tony Reynolds stated that Bruce Crouch was requesting extension of an existing conditional use permit for vehicles sales and an amendment to a phased final development plan at approximately 4763 South 3500 West. In CP-2 Zones, site plans were approved with the preliminary and final development plans. A site plan for a McDonald's-type restaurant had been approved for Lot No. 5. Mr. Crouch was proposing to develop Lot No. 5 in two phases. The first phase would include the asphalt improvements along the east one-third of the lot. It would allow an expansion of Mr. Crouch's vehicle sales lot. The second phase would be the remaining improvements. Mr. Reynolds stated that Bruce Crouch received approval of a conditional use permit for vehicle sales in October of 2003. As part of that conditional use, he was required to provide customer parking and a sales office. Mr. Crouch was now requesting approval to expand his vehicle sales lot to the north. The expansion would consist of about 20,000 square feet of asphalt improvements. He already had patron parking and a sales office. Mr. Crouch hoped the vehicle sales on Lot No. 5 would be a temporary use. He hoped there would be a demand for a McDonald's-type restaurant. Mr. Reynolds said landscaping rocks were proposed along the western edge of the hard surface area to discourage people from traveling across the undeveloped portion of Lot No. 5. Drainage would be temporarily handled on the unimproved portion of Lot No. 5. The vehicle sales area would have three accesses: 3500 West and the lots on the north and south. Mr. Crouch was proposing additional lighting around the new sale area, ballards, and a security chain. When the Planning Commission considered Mr. Crouch's request, they had three concerns regarding Mr. Crouch's current operation - lights on ballards not being completed, cable

versus chain link, and cars being displayed outside the sales area. The Planning Commission recommended approval of a phased development of Lot No. 5 of the Midland Commercial Subdivision and expanding Mr. Crouch's conditional use permit subject to the staff's recommendations, that all vehicles for sale remain in the sales area only, and that the language from the original conditional use permit apply to the extension as well, i.e., lighting and security cable versus chain.

Chairman Peterson asked if the expanded sales area needed additional customer parking. Tony Reynolds said that Bruce Crouch was proposing three additional customer parking spaces for an overall total of six. That met the City's minimum parking requirements.

Councilman Tafoya asked if the new sales area would be gravel or black top. Tony Reynolds said it would be asphalt. It would also have curb and gutter. Councilman Tafoya said that there were vehicles for sale displayed throughout the Midland Commercial Center. Mr. Crouch said there wasn't enough room on the existing sales lot. That's why he was requesting approval of an expansion. One of the Planning Commission's recommendations was that the vehicles remain on the sales lot. Councilman Tafoya also wanted to make sure that the vehicles remained on the sales area. He wasn't sure that dividing Lot No. 5 into phases was a good idea. If Mr. Crouch wanted to expand his vehicle sales, he should make a facility similar to Kapp Auto Sales. Bruce Crouch said the first phase would include asphalt and landscaping. If an opportunity for a restaurant arose, it would be easy for them to use the Lot No. 5.

Councilman Tanner asked if Bruce Crouch would be able to display vehicles for sale on the unimproved portion of Lot No. 5. Tony Reynolds said Mr. Crouch would have to keep his vehicles on the paved area.

Mayor Burnett asked what Mr. Crouch would do if McDonald's decided to build on Lot No. 5. Bruce Crouch said that if they came back, the approval process would be easier because there was already an approved site plan. Mayor Burnett asked Mr. Crouch what he would do with all of the cars. Mr. Crouch didn't know. He would have to deal with that when he came to it.

Councilman Tanner was concerned that if Lot No. 5 was developed for a restaurant, Mr. Crouch would begin displaying vehicles all over the development again. Mr. Crouch said the City Council had the

ability to cancel his conditional use permit if he abused it. He didn't know what the future held. There wouldn't be a permanent structure on Lot No. 5. It would be easy to convert.

Councilman Tafoya was concerned about a phased development of Lot No. 5. He felt a full development of Lot No. 5 would be better.

Councilman Peterson was concerned about the western edge of the asphalt proposed on Lot No. 5. He felt there needed to be something more permanent than landscaping rocks. Bruce Crouch didn't want to spend a lot of money on something that would have to come out. Councilman Peterson suggested ballards instead of rocks. Tony Reynolds said the landscaping rocks would be about 2 feet in diameter. They would act as a buffer between the asphalt and gravel areas. They would also allow storm water to drain onto the gravel area.

Councilman Tanner felt Bruce Crouch should have a contingency plan if Lot No. 5 ever developed. Bruce Crouch said he was prepared to make adjustments. The City would not issue him a business license if he violated the conditions of his conditional use permit.

Councilman Tafoya was concerned that having vehicles on part of Lot No. 5 would make it less attractive for a restaurant. If Mr. Crouch wanted to expand his vehicle sales he should do it right.

Councilwoman Becraft suggested that Mr. Crouch be allowed to phase Lot No. 5 and expand his vehicle sales. If he wanted to expand a third time, he would have to improve the entire site.

Mayor Burnett asked what would happen if McDonald's came back. Tony Reynolds said that there was an approved site plan for Lot No. 5. If a restaurant used the approved site plan, the vehicles would come off and the approved improvements would be constructed.

Councilman Smith was concerned about aesthetics. Whatever happened on this property needed to be in line with the City's overall plan and aesthetically pleasing for the entire City.

Bruce Crouch invited the Council members to visit his office. He liked to do things the right way. He felt this would be a prudent way for him to expand.

Mayor Burnett asked about the approved site plan for McDonald's. Tony Reynolds said the site plan for McDonald's was good for 18

months from the date of approval in December 2002. If the City Council approved a phased development of Lot No. 5, the site plan for McDonald's would be indefinite.

After further discussion, the Council took no action and moved on to the next agenda item.

9. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A COPY CENTER AND RETAIL BOOK STORE LOCATED AT APPROXIMATELY 3526 WEST 5600 SOUTH, PAD C, OF KENT'S COMMERCIAL CENTER

Tony Reynolds stated that Christian Woodall had requested approval of a conditional use permit for a copy center at 3526 West 5600 South, Pad C of Kent's Commercial Center. The building and site improvements had been approved and constructed. Mr. Woodall was proposing to occupy Space B, which had about 1200 square feet. The staff had notified 198 adjacent property owners. The building on Pad C had received a conditional use permit for professional and business offices in which goods and merchandise were not created, exchanged, or sold. Mr. Woodall's business would be a retail application. The staff recommended that Mr. Woodall's conditional use permit be approved. There were no recommended restrictions on hours of operation.

Councilman Peterson asked if the conditional use would include book sales. Mr. Reynolds said Mr. Woodall planned to operate a copy center and retail book store.

Councilman Smith moved to approve a conditional use permit for a copy center and retail book store at 3526 West 5600 South subject to the conditions of the staff. Councilman Tanner seconded the motion. Council members Becraft, Peterson, Smith, Tafoya, and Tanner voted "aye." The motion carried.

10. MAYOR AND COUNCIL REPORTS

Mayor Burnett stated that Roy High School had asked the City for a \$500 contribution for graduation. The requested amount was more than he was authorized to approve. Mayor Burnett asked for the Council's opinion. The City Council approved the \$500 contribution for Roy High School.

Mayor Burnett stated that UTA was having an open house from 4:00 to 8:00 p.m. on Thursday, May 27th.

Mayor Burnett reminded the Council members about the Council retreat on July 30th and 31st.

Councilman Peterson updated the City Council on the ZOSO (Zoning and Subdivision) Committee.

Councilman Tanner asked about a Roy Day's theme. Councilwoman Becraft asked what Ogden City's theme was. Councilman Tanner asked if the carnival for Roy Days had been confirmed. Chris Davis said it had been confirmed for the first week of August. Councilman Tanner asked that a meeting be scheduled to coordinate Super Saturday. Mayor Burnett asked for suggestions for a grand marshal.

Councilwoman Becraft asked if the staff had met with Weber County about Kwik City Muffler. Chris Davis said he would follow up on it.

Councilman Peterson stated that there was about \$26,000 in the FY2005 budget that had not been allocated. He suggested that part of it be used to increase the COLA by 0.3%, making it 1.5%, and that the remainder be placed in the Council Contingency Fund. The Council agreed with Councilman Peterson's suggestion.

11. ADJOURN

Councilwoman Becraft moved to adjourn at 7:58 p.m. Councilman Tanner seconded the motion. Council members Becraft, Peterson, Smith, Tafoya, and Tanner voted "aye." The motion carried.

12. SUMMARY OF ACTIONS CHARGED

1. The staff was directed to include a \$10,000 donation to the Boys and Girls Club in the FY2005 budget.
2. The staff was directed to include a 0.3% increase in the COLA, making the COLA 1.5%, in the FY2005 budget and to place any remaining unbudgeted funds in the Council Contingency Fund.

Roger Phil Burnett
Mayor

Attest:

Michelle Drago, Secretary

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