

WOODS CROSS PLANNING COMMISSION
FEBRUARY 27, 2007

MEMBERS PRESENT:

David C. Hill, Chairman
Jennifer Bassarear *
Leo Beecher

Anne Blankenship
Gary Sharp
Ryan Westergard

*Entered the meeting as noted in the minutes

MEMBERS EXCUSED:

Brent Page

STAFF PRESENT:

Tim Stephens, Community Development Director
Bonnie Craig, Secretary
Jon Hadlow, City Council Member

VISITORS:

Pat Blackley
Don Schrader
Brady Carpenter
Nate Shipp

LeGrande Blackley
Lorenz Lang
Steve Meyer
Kevin Palmer

Lois Schrader
Roger Woolstenhulm
Jeff Lee
Matt Palmer

PLEDGE OF ALLEGIANCE:

Ryan Westergard

APPROVAL OF MINUTES

Chairman Hill called for discussion or corrections for the minutes of the meeting held February 13, 2007. After corrections were noted, Commissioner Sharp made a motion to approve the minutes as corrected with Commissioner Beecher seconding the motion and the motion carried.

CITY COUNCIL REPORT

Council Member Jon Hadlow was at tonight's meeting representing the City Council. He reviewed the City Council meeting held February 20, 2007. Please see the minutes of that meeting for the details of his report.

OPEN SESSION

Chairman Hill then opened the meeting for any items that the public would like to address before the Commission.

There were no public comments at tonight's meeting.

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION
FEBRUARY 27, 2007
PAGE| 2**

HOME OCCUPATION REQUEST-LORENZ LAING

Mr. Tim Stephens, the Community Development Director, reviewed the details of this item with the Commission. He noted that Mr. Lorenz Laing was proposing to manufacture and sell dovetail drawer boxes and other woodwork at his home, but it would not include the refinishing of the wood. Mr. Stephens said that he would be using 600 square feet in the detached garage of the home. The materials needed for this business would be stored in the garage. Mr. Laing would be picking up his own materials so there would be no home deliveries. Customers would come to the home to pick up the product a few times a month. There would be two employees working in the business, Mr. Laing and another family member.

Chairman Hill noted that Mr. Laing was a neighbor and that his wife had signed Mr. Laing's application as a neighbor.

Mr. Lorenz Laing appeared before the Commission. The Commission asked Mr. Laing if he generated much sawdust in his business. Mr. Laing said that he did not and that he also owned a dust collector. He also noted that this had been a hobby of his for quite some time and wanted to turn it into a business.

The Commission asked Mr. Lorenz if there was much noise associated with his business and if he would be operating early morning or late night hours. He noted that he had a full time job and would not be operating during early morning or late hours since he had other job commitments.

Commissioner Bassarear entered the meeting at this time. She noted that she would recuse herself from the vote because she was not able to hear the details of this item.

There were no other questions from the Commission and Commissioner Sharp made a motion to approve the home occupation for Mr. Lorenz Laing and Rocky Mountain Drawers with the following conditions:

1. Provide a copy of Fire Inspection report from South Davis Metro Fire Agency.
2. At no time may any equipment, materials, or products be stored or business activities take place outside the enclosed building. All such activities or storage shall be accommodated within the fully enclosed building.
3. At no time may any offensive odors or noise emanate from the site which would impact the surrounding residential or light industrial areas. Failure to comply with the condition shall result in revocation of the permit.
4. Traffic generated by the business shall not cause negative impacts to the surrounding neighborhood.

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION
FEBRUARY 27, 2007
PAGE| 3**

Commissioner Beecher seconded the motion and the motion carried.

VALENTINE ESTATES PHASE 3 FINAL PLAT-MR. NATE SHIPP

Mr. Stephens reviewed the details of this item with the Commission. He noted that Development Associates is now completing improvements and homes within phase 1 of the Valentine Estates Subdivision. Phase 2 improvements are also installed and it is anticipated that home construction will start shortly. Mr. Stephens went on to say that Phase 3 would include single family lots and a large park in the southwest corner of the property adjacent to Legacy Highway. He also noted that there is the 20-foot strip of property that UDOT owns along the south portion of this phase. There is also an additional 20-foot strip of land owned by the City between South Bountiful Auto and UDOT's 20-foot strip. It is understood between Staff and Mr. Shipp that Development Associates will include these two strips of land in the adjacent neighborhood park and that it would be the responsibility of Development Associates to improve these two strips of land.

Mr. Nate Shipp appeared before the Commission. He noted that it had been a pleasure to work with the Staff again. He also noted that the proposed church in this area would possibly start construction this spring.

The Commission asked Mr. Shipp if there would be fencing included in this phase on the west end of the property. Mr. Shipp noted that there would be a 6-foot privacy fence on any residential property that backed the Legacy Parkway.

Commissioner Blankenship made a motion to forward the Planning Commission's recommendation for approval to the City Council for the Valentine Estates Phase 3 Final Plat with the following conditions:

1. The City receives a final written approval by the South Davis Metro Fire Agency for the park emergency ingress/egress.
2. The developer would work with Staff to improve the two 20-foot strips of property owned by the City and UDOT and amend the landscape part of the Phase 3 Park with sufficient trees to be planted within this property to soften the view of the South Bountiful Auto Salvage Yard and metal wall.

Commissioner Bassarear seconded the motion and the motion carried.

**VALENTINE ESTATES TOWN HOMES SITE PLAN REQUEST –BRADY
CARPENTER**

Mr. Stephens reviewed the details of this item with the Commission. He noted that the Commission had received the site plan, building elevations and landscape plans for phases 4 & 5 of the Valentine Estates Town Homes for their review. He also said that there was an item that

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION
FEBRUARY 27, 2007
PAGE| 4**

involves a conflict between the proposed trees and water meters that needed to be resolved. He noted that the trees will be planted on top of or very near to the water meters along units 111-114, noting that new locations would need to be found for the water meters for the above mentioned units.

Mr. Brady Carpenter appeared before the Commission. The Commission asked if there was a problem with relocating the water meters. Mr. Carpenter said that there would not be a problem in doing so. The Commission noted that they were quite familiar with this item and did not have any further questions.

Commissioner Beecher then made a motion to approve the site plan request for the Valentine Estates Town Homes Phases 4 & 5 and Desert Point Builders with the following condition:

1. The developer provide the Public Works Department with information indicating new locations for water meters for units 111-114 to avoid tree conflicts.

Commissioner Blankenship seconded the motion and the motion carried.

**VALENTINE ESTATES TOWN HOMES PHASE 4 FINAL PLAT-BRADY
CARPENTER**

Mr. Stephens noted that this was a continuation of approvals of Valentine Estates as discussed above.

Commissioner Sharp made a motion to forward the Planning Commission's recommendation for approval to the City Council for the Valentine Estates Town Homes Phase 4 final plat and Desert Point Builders. Commissioner Blankenship seconded the motion and the motion carried.

**VALENTINE ESTATES TOWN HOMES PHASE 5 FINAL PLAT-BRADY
CARPENTER**

The Commission then took action on this item.

Commissioner Blankenship made a motion to forward the Planning Commission's recommendation for approval to the City Council for the Valentine Estates Town Homes Phase 5 final plat and Desert Point Builders. Commissioner Sharp seconded the motion and the motion carried.

**PEAK PROFILE ORDER TO SHOW CAUSE HEARING FOR FAILURE TO COMPLY
WITH CONDITIONAL USE PERMIT—DAVID HILL**

Mr. Stephens reviewed the details of this item with the Commission. He noted that Peak Profile had a long history of non-compliance with their conditional use permit. He called attention to the timeline outlining the Planning Commission's history with Peak Profile, also known as

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION
FEBRUARY 27, 2007
PAGE| 5**

ITEK. Mr. Stephens noted that Mr. Jeff Lee, one of the owners of Peak Profile, had visited him regarding the Order to Show Cause and stated that his partners had made him aware of the Order to Show Cause just recently. Mr. Lee indicated that he would make arrangements to appear before the Planning Commission. Mr. Lee also noted that the building and property had sold within the last 3 to 4 weeks since the notice to show cause was mailed. Jack Keller, the former owner, had sold the property to an individual who resides in California. Mr. Lee indicated that the property transaction probably took place very close to the time that the Order to Show Cause was mailed.

Mr. LeGrande Blackley, the City's Code Enforcement Officer, appeared before the Commission. He noted that the Commission had been given records and pictures (Exhibit A) that showed the history of Peak Profile. He noted that many other proposals had been given to Peak Profile to help them clean up the area of their business but that nothing had ever happened. He said that promises had been made when the business was cited two years ago and nothing has happened in a timely manner.

Mr. Jeff Lee, then appeared before the Commission. He noted that it had been rough going for Peak Profile with Jack Keller as owner of the property. He said that Mr. Keller was very difficult to work with and still had \$30,000 of Peak Profile's money that had been set aside to improve the west end of the property. He noted that he had only found out one week ago that the property had been sold.

Mr. Lee said that a Mr. Paul Hatch was the new owner of the property and that he would like to be given the chance to meet with Mr. Hatch to discuss what can be done to work out the clean up on the property. Mr. Lee said that he wasn't sure that Mr. Hatch knew what was going on and he would like the chance to discuss it with him so that something could be worked out.

The Commission asked Mr. Lee if he felt that the mess was beneficial to the company. Mr. Lee said that he did not like the mess and that he would like to clean it up.

Chairman Hill then addressed Mr. Lee. He noted that the Commission did not want to drive businesses out of Woods Cross City. He said that the Commission would like to encourage business in the City. He went on to say that the City has dealt with this issue since 1996 and has been sufficiently patient. He suggested that Mr. Lee get with the new owner as soon as possible and supply him with a copy of the timeline and pictures. Chairman Hill said that we cannot allow businesses to be a mess in the City because we also have homeowners that live in the City and that homeowners and businesses should be treated equally in the expectation of keeping things clean and orderly.

Mr. Lee said that he has talked to the new owner of the property and that he would be coming from California in two weeks and in the meantime, he would be looking for other storage options. Mr. Lee said that he would really like the chance to meet with the new owner to try to work things out.

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION
FEBRUARY 27, 2007
PAGE| 6**

Chairman Hill asked if Mr. Lee's partners were agreeable to adding on to the present facility to add more space for storage. Mr. Lee said that they were and that they wanted to add on to the west end of the facility.

Mr. Lee went on to say that Mr. Jack Keller misled them into thinking that his lawyers were working on a solution to the problem and that the property was grandfathered and that was why nothing was moving forward.

Chairman Hill then called for any public comment. There were no public comments for this hearing.

Chairman Hill said that he would like a letter of commitment to start the clean up no later than two weeks from today. He suggested that Mr. Lee get in contact with Mr. Hatch and tell him what will be happening with the property.

Mr. Stephens noted that a consent agreement could be drawn up for the owners as to how all of this would be done. He also said that he would be happy to get a copy of the timeline and the pictures for Mr. Lee to give to the new owner.

Chairman Hill continued by saying that Mr. Lee needed to talk to Mr. Hatch as soon as possible and let him know the seriousness of this issue and let the Commission know what he is willing to do. He noted that the City would continue to aggressively pursue this issue to protect the City and comply with the ordinances.

Commissioner Westergard noted that he was concerned that this had all been done before and Mr. Lee was given a timeline and nothing happened. He said that this would be the last chance because Mr. Lee had already been given 2 or 3 chances and nothing came of them.

Commissioner Blankenship noted that even if he didn't have a clear answer from the new owner in two weeks that Mr. Lee still needed to come back and report to the Planning Commission. He said that he would do so.

Commissioner Blankenship then made a motion to table this item for two weeks because the property had just been sold and this item should be held until March 13th to give the new owner a chance to review the information. Commissioner Beecher seconded the motion and the motion carried.

Commissioner Blankenship then made a motion that the pictures and timeline and material presented be added to the minutes. (Exhibit A) Commissioner Westergard seconded the motion and the motion carried.

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION
FEBRUARY 27, 2007
PAGE| 7**

GENERAL AND PENDING

Mr. Stephens noted that Mr. Steve Meyers of UTA had brought back information from the site review that took place on Saturday for further review. Mr. Stephens said that the City Engineers would be looking over the information and having a meeting to discuss the issues that had come up from the site visit. Chairman Hill noted that Mr. Goble had come to his home after the site visit to continue discussion and Chairman Hill discouraged him from further discussion and said that he should rely on the professionals for advice.

ADJOURNMENT

There being no further business before the Commission, Commissioner Beecher made a motion to adjourn the meeting at 8:15 P.M.

David C. Hill, Chairman

Bonnie S. Craig, Secretary