

WOODS CROSS PLANNING COMMISSION
JANUARY 23, 2007

MEMBERS PRESENT:

David C. Hill, Chairman
Leo Beecher
Anne Blankenship

Gary Sharp
Ryan Westergard

MEMBERS EXCUSED:

Brent Page
Jennifer Bassarear

STAFF PRESENT:

Tim Stephens, Community Development Director
Bonnie Craig, Secretary
Jennifer Decker, City Council Member

VISITORS:

Cathy McKittrick
Levi Knight
Scott Ford
Jamie Taylor
Pat Blackley
Hall Blankenship

Jared Birth
Jeff Thornell
Shawna Ford
Scott Royall
Ed Goble
Kent Parry

Janette Knight
George Peterson
Martha Rawley
LeGrande Blackley
Peggy Wheelwright

PLEDGE OF ALLEGIANCE:

Gary Sharp

APPROVAL OF MINUTES

Chairman Hill called for discussion or corrections for the minutes of the meeting held January 9, 2007. After corrections were noted, Commissioner Beecher made a motion to approve the minutes as corrected with Commissioner Blankenship seconding the motion and the motion carried.

ELECTION OF CHAIR AND VICE CHAIR

Mr. Tim Stephens, the Community Development Director, then noted that under the rules and by-laws of the City, a Chair and Vice Chair for the Planning Commission needed to be elected for the upcoming year.

Chairman Hill then called for nominations from the Planning Commission for Chair and Vice Chair. Commissioner Blankenship nominated Chairman Hill to continue as Chair for the next year as Chair for the Planning Commission. Commissioner Beecher seconded the motion and the motion carried. Commissioner Beecher then made a motion to nominate Commissioner Blankenship to continue as Vice Chair, with Commissioner Westergard seconding the motion and the motion carried.

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CITY COUNCIL REPORT

Council Member Jennifer Decker was at tonight's meeting representing the City Council. She reported on the City Council meeting held January 16, 2007. Please see the minutes of that meeting for the details of her report.

HOME OCCUPATION REQUEST-CHARLES RAWLEY

Mr. Stephens then reviewed this item with the Commission. He noted that the applicants were proposing to operate a tax return preparation business from their home. The business will consist of two employees, Charles and Martha Rawley, and would take up one room of their home. The room would be set up like an office and would contain office materials. Customers for their business would be required to come to their home.

Ms. Martha Rawley then appeared before the Commission. She noted that she and her husband had been operating this business out of their home for many years and recently learned that they needed to obtain a business license. She noted that there are only one or two cars at the home at one time as they cannot do taxes any quicker than to accommodate more than two customers.

Commissioner Sharp then made a motion to approve the conditional use permit for Charles K. Rawley and Martha P. Rawley for C&M Tax Services with the following conditions:

1. Traffic generated by the business shall not cause negative impacts to the surrounding neighborhood.
2. Any violation of this permit or other city ordinances or regulations may result in the revocation of the home occupation permit.
3. No signs or advertising may be placed on the outside of the home or in the yard.

Commissioner Blankenship seconded the motion and the motion carried.

HOME OCCUPATION REQUEST-SHAWNA FORD

Mr. Stephens then reviewed this item with the Commission. He noted that the applicant is proposing to operate a preschool from her home in which she is the only employee. The preschool will consist of no more than eight students at a time. Each child would be at the preschool for two hours a day. The occupation would encompass two rooms in the home. Parents of the students would be required to drop off and pick up their children. Applicant will advertise through fliers for the preschool.

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Ms. Shawna Ford appeared before the Commission. The Commission asked if Ms. Ford had visible house numbers located on her home in case of an emergency. She noted that she did have visible house numbers on her home. The Commission also asked Ms. Ford

if she was planning outside activities for her preschool. Ms. Ford noted that she would not have outside activities at this time as she did not have the proper fencing required by the City in place.

Commissioner Beecher then made a motion to approve the conditional use permit for Ms. Shawna Ford for Creative Kids Preschool with the following conditions:

1. Preschools that engage in outdoor activities shall be in a fenced yard. The fence shall be a minimum of 6 feet high and have a self-closing, self-latching gate; openings in the fence shall not be large enough to allow a 4" sphere to pass through.
2. Storage of any materials shall be inside.
3. Fire Inspection by South Davis Metro Fire Agency shall be on file with the City.
4. No signage will be allowed in the yard or on the outside of the home.

Commissioner Westergard seconded the motion and the motion carried.

AUTO SOURCE CONDITIONAL USE REQUEST—LUCAS KJAR

Mr. Stephens reviewed the details of this item with the Commission. He noted that Mr. Lucas Kjar is seeking to obtain a conditional use permit to operate a used car lot at the Bikesellerz facility on Redwood Road next to the Maverick truck maintenance shop. The Commission previously granted a conditional use to Bikesellerz to sell motorcycles and recreational vehicles from the site.

Mr. Lucas Kjar appeared before the Commission. The Commission asked Mr. Kjar if there would be any maintenance at the site. Mr. Kjar noted that this is primarily a detailing business and would only consist of soap and water to wash vehicles.

The Commission restated the fact that there should be no outside storage of any kind at the facility so that it did not turn into a parking lot. Mr. Kjar said that there would only be a transportation truck parked behind the business. He also noted that he planned to pave the area when the weather got warmer and that he would also be putting in curb and gutter and landscaping on the front 1/3 of his property.

Commissioner Beecher then made a motion to approve the conditional use permit for Mr. Lucas Kjar for the Auto Source business. Commissioner Sharp seconded the motion and the motion carried.

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PUBLIC HEARING—ROBINVALE SUBDIVISION VACATION AND PUBLIC HEARING- JASON GALLOWAY AND WESTMINSTER CONDOMINIUM PLAT—JASON GALLOWAY

The Commission was informed by Mr. Stephens that these two items had been withdrawn from tonight's agenda for lack of getting all of the information prepared for the meeting.

Commissioner Blankenship made a motion to continue these two items at the next meeting when all of the needed information was prepared. Commissioner Beecher seconded the motion and the motion carried.

PUBLIC HEARING—SINCLAIR OIL GENERAL PLAN AMENDMENT REQUEST—DAVID STICE

Mr. Stephens then reviewed this item with the Commission. He stated that Sinclair Oil, which owns and operates Pioneer tank farm, approached the City Council recently regarding a potential amendment to the General Plan. Sinclair would like to develop a jet fuel storage and truck loading facility on the property in Woods Cross adjacent to their facility in North Salt Lake. A majority of the City Council indicated to Sinclair that they would be supportive of a General Plan amendment and rezone of the property to permit their proposed development. At that time, the City Council felt that the amendment could be considered for the following reasons:

- Subject property is presently surrounded by heavy industrial use including petroleum uses.
- Subject property is isolated from the rest of the community.

The property in question is presently zoned as I-1 Light Industrial and does not permit petroleum storage or production. The I-2 Heavy Industrial Zone does permit petroleum storage and manufacturing.

Mr. Clint Ensign, Senior Vice President with Sinclair Oil, appeared before the Commission. He also noted that Mr. David Stice, the corporate attorney for Sinclair Oil, was also present at the meeting. Mr. Ensign noted that they had recently met with the City Council to see if they should make a formal proposal. The City Council said that they felt that Sinclair should go ahead with the formal application.

Mr. Ensign then continued to outline for the Planning Commission, the details of the proposed operation. He told the Commission that the operation would consist of 2 tanks and loading bays that would hold jet fuel that could be transported by truck to Hill Air Force Base, and by pipeline to the Salt Lake Airport. He noted that there would be an increase of 12 trucks a day from the facility that would be transporting the fuel to the air

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force base and that the trucks would go west to Redwood Road, then south to I-215, then north

to the base, alleviating traffic going up 2600 south to I-15. Mr. Ensign noted that they have 20 trucks loading at their other facility that already take this route.

Mr. Ensign then explained that the jet fuel tanks would be placed on two concrete pads above ground so that if there was a leak it would be visible, making sure that it could be contained as not to cause the possibility of ground water contamination.

Mr. Ensign also addressed the chances of increasing odors in the area from the added tanks. He said that jet fuel is similar to diesel fuel and is denser and heavier and would be in a solid-roofed tank so that vapors could be controlled. He noted that other similar facilities across the country do not seem to have an odor control problem.

Mr. Ensign continued by telling the Commission that the area would be fenced and would be manned to make sure that trucks would be loaded properly at the facility. He explained that there would be the two tanks but that one would be certified and locked and that the other would be used to load, noting that the tanks would be used one at a time.

Mr. Ensign addressed the concern that a precedent had been set years ago with other petroleum companies, but that Sinclair is a new issue and wanted to make sure that they had approached the City Council up front before moving ahead with plans for the expansion. He said that what is being proposed is unlike other sites in the City because it is not a manufacturing site, but a storage and distribution site and that it would be a small operation.

Mr. Ensign also asked the Commission to consider the unique location of the 7 1/2 acre parcel of land because it is surrounded by heavy industrial on three sides and is flanked by heavy industrial and is very well buffered. He said that it would be a continuation of the existing use and not located any closer to residential than anything that is already there.

He concluded by saying that he would be happy to work with the City in any way to make sure that this was a good fit for the City.

Mr. Ensign then handed out pictures of what the site might look like if it were allowed to be built. The Commission and public present, reviewed the pictures at this time.

Mr. David Stice, Attorney for Sinclair Oil, then appeared before the Commission. He also addressed some of the concerns that were in question.

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He said that he felt that this proposal was in conformance with the General Plan and that 20 years ago petroleum owners may not have been good neighbors but that things had changed over the years. He said that this was a low vapor pressure product and that

standards for preventing leaks, storm water contamination prevention and environmental problems were better. He reiterated that it was a storage facility, not a manufacturing facility. He also said that they had gone out of their way to make sure that any complaints had been addressed from their other facility.

Mr. Stice continued by saying that it could be a win-win situation because, as the gateway to the City, it could potentially be positive because of a good setback, good buffering, and structural landscaping.

He also addressed the concern of traffic and said that it would be below traffic levels compared to what a light industrial project would be. He said that the main part of the traffic from the facility would be early in the day. He noted that it is a good location because it is located on the pipeline and is close to the airport and Hill Air Force Base.

Commissioner Beecher asked if people living west of 1100 West have concerns of children walking to the Jr. High. He wondered if 1100 West was wide enough and if sidewalks were being planned for this area.

Mr. Stephens noted that there were no sidewalks until you reached the residential area on 2600 South.

Commissioner Beecher wondered if any of the neighbors might have safety concerns about sidewalks in this area and asked what department of the City might be addressed with these concerns. It was noted that questions about safety in the area may have been addressed to the police department.

Council Member Decker made note that the Mayor is currently trying to apply for funds for sidewalks for the City through a program called "safe sidewalks" but that there was no guarantee for receiving these funds.

Chairman Hill then opened the public hearing for public comment.

Mr. Hall Blankenship appeared before the Commission. He noted that he had been reviewing the pictures that were handed out. He said that he felt it would be an ideal fit for this location and that a variance might be in order since it was surrounded by heavy industrial and by an oil product that would not be going away.

There were no other public comments and Chairman Hill closed the public hearing.

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Commissioner Sharp noted that he would recommend that Sinclair be responsible for putting in sidewalks in the area.

Chairman Hill noted that the Commission had gone through a situation previously that was very difficult addressing another parcel of property in the City that was being

considered to be rezoned, but that the Commission had complied with the General Plan at that point and stayed the course. He continued by saying that it is taking the wrong approach in changing the General Plan. He did say that it was a unique piece of property but that it has been stated that the City wants to consolidate and maintain the current level of operation of businesses such as Sinclair Oil. He also said that the General Plan had gone through a great deal of scrutiny and public input before it was ever approved and that this should be a major consideration concerning this item.

Commissioner Westergard then commented that he was on the committee that went through the process of deciding on the General Plan and that there were many considerations, by many people, when deciding on the final General Plan. He also said that the City still wanted to contain the heavy industrial uses and wanted to move away from expanding those uses. He commented on the truck traffic and said that even though there is an alternate route being used, there are still many trucks using the 2600 South interchange.

He also said that odors were a concern because of the other facilities in the area. He noted that diesel fuel fumes from Silver Eagle are a problem especially when the evening winds increase and he is concerned about adding to this problem. He also said that he was concerned with the increased trucks and their proximity to the railroads especially since commuter rail will be coming to the City and that there would be an increase for a dangerous situation.

He continued by saying that the City has worked very hard the past few years not to expand the heavy uses in the City and has been trying to get away from heavy industrial uses so close to a residential area in the City.

Commissioner Blankenship added that she agrees on one hand, but it would not be fair to deny this proposal based on the General Plan. She noted that a lot of the problems in the City had been created by ourselves and that we have built our residential neighborhoods around our heavy industrial. She thought that this would be the best use for this piece of property because of its unique location. She did ask if the two tanks could be located on the present site and that something else that was light industrial could be moved to the site in question.

It was noted that the other facility located in North Salt Lake was jointly owned with Conoco and that there had not been other considerations because of the joint ownership. Tonight's proposal is only from Sinclair Oil.

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Chairman Hill said that the City has been trying to contain and not enlarge these types of facilities, and that by adding more tanks it would be sending a message that it is alright for any of the heavy industrial businesses to come in and ask to enlarge their facilities.

Commissioner Westergard noted that there are light industrial uses that can still be considered for this piece of property even though it is located in a unique area.

Commissioner Beecher noted that the oil was not being refined but was coming in through the Pioneer Pipeline.

Chairman Hill then said that the City had been careful in not allowing expansion of heavy industrial to the north of the City. He noted that the residential neighborhoods are about the same distance away from all of these heavy industrial areas. He also raised concerns that there would be very dangerous, flammable, jet fuel traffic increasing on our City streets.

Commissioner Westergard said that he did not want to set a precedence for this kind of expansion. He said that Golden Eagle would surely come in and want to do the same thing. He also said that Silver Eagle would be asking to expand. He said that there is already residential in the proposed area and it is being encroached upon. He continued by saying that the more you encourage expansion, the more it happens. He noted that Silver Eagle is one of the main problems in his residential neighborhood.

Chairman Hill concurred and stated that once you allow it, you will create more problems in the future. He said it was the Planning Commission's job to stand up and be the defenders and guardians for the General Plan and to help control and limit expansion of heavy industrial because the City has opted to go in a different direction for its future. He did say that the property is isolated, but residential is not that far away and it will increase the potential problems for them.

Mr. Stephens said that one of the reasons that this is an issue is that petroleum businesses have had a history of not being very pleasant neighbors to the City in the past and it has been difficult to sort out the history of past problems.

Commissioner Westergard then made a motion to forward the Planning Commission's recommendation to deny the amendment because of the following three reasons:

1. The City has made a conscious effort over the last 17 years, both in its previous General Plan and subsequent rezoning, to limit any further heavy industrial land use in the City's General Plan.
2. The present City General Plan indicates heavy industrial land uses should be consolidated and maintained at their current locations and levels of operation. Existing heavy industrial uses (petroleum, refining, and storage facilities) should

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be monitored and reviewed in light of potential operational shifts and marketing conditions. Long term land uses that are more compatible with nearby residential uses should be considered in light of such shifts.

3. The Amendment would set a precedent other existing heavy industrial land users in City could use to justify future applications to enlarge, extend or expand their present facilities which have been denied the last few years.

The motion died for lack of a second.

Commissioner Blankenship then made a motion to forward the Planning Commission's recommendation to approve the amendment because of the uniqueness of the property and the unsuitability for other uses of this property. Commissioner Beecher seconded the motion and Commissioners Blankenship and Beecher voted for the motion with Commissioners Sharp, Westergard and Hill voting against the motion.

Commissioner Blankenship then made a motion that the Commission take this item under advisement and discuss it again at the next meeting. Commissioner Sharp seconded the motion and the motion carried.

PUBLIC HEARING-BLUE SKY HANGARS PUD PLAT-SCOTT ROYALL

Mr. Stephens reviewed this item with the Commission. He noted that the applicant is proposing to construct a hangar plat to subdivide 8 aircraft hangars that had been previously approved by the Commission, into individual ownership with the surrounding area being held as common area and ownership.

Mr. Scott Royall appeared before the Commission. There were no questions for the applicant.

Chairman Hill then opened the public hearing. There were no public comments and Chairman Hill closed the public hearing.

Commissioner Sharp made a motion to approve the final plat for the Bluesky condominium plat and Mr. Scott Royall. Commissioner Westergard seconded the motion and the motion carried.

**PUBLIC HEARING -REZONE FROM I-1 LIGHT INDUSTRIAL TO C-2
GENERAL COMMERCIAL—TIM STEPHENS**

Mr. Stephens reviewed the details of this item with the Commission. He noted that Woods Cross City owns property on the corner of Redwood Road and 2425 South adjacent to the recently approved Flexpack and Manuel's projects. The City is in the

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process of selling this property to an individual who plans to develop a commercial center on the property. The City noted that as a stipulation to the purchase of the property that the City would discuss rezoning the property from Light Industrial to General Commercial to help facilitate the sale of the property and eventual development as a commercial project.

Chairman Hill then opened public hearing for public comment.

Ms. Sally Wheelwright appeared before the Commission. She said that she was concerned because her business consists of dump trucks and if a retail project went in on this piece of property it may bring teenagers who could pull out in front of her trucks. She suggested that it would be better to locate a retail project closer to where the homes were being built. She said her main concern was for safety and she didn't want the liability if something were to happen involving her trucks.

Mr. Wheelwright addressed the Commission saying that he was also concerned that left turns would be a problem as well as the width of the road. He wondered if the width of the road could be fixed before everything is built in the area. He suggested that a left turn pocket be put in, or even an island, to help with safety concerns.

Mr. Jared Birth then appeared before the Commission. He noted that he was also a business owner in the area and he had the same concerns. He said that this area was not designed as a foot traffic area for businesses like stores or strip malls because there were a lot of trucks coming and going.

There were no more public comments and Chairman Hill closed the public hearing.

The Commission asked Mr. Stephens if UDOT might allow access off Redwood Road to this corner piece of property. Mr. Stephens noted that he was not sure about this, but that it was unlikely.

The Commission asked what businesses were planned to be built in the proposed area. They noted that this might help them make a better decision concerning this item. Mr. Stephens said that he would get with the City Administrator and see if he could find out.

Commissioner Beecher then made a motion to table this item until the Commission could get more details on the proposed project going in to this area. Commissioner Sharp seconded the motion and the motion carried.

GENERAL AND PENDING

Mr. Stephens noted that Peak Profile would be appearing before the Commission and that legal action had been taken against them because of their violations to their conditional use permit.

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He also noted that there are still some unresolved issues with UDOT in the Development Agreement for the commuter rail project as well as some storm drain issues that the City will continue to work through them with UDOT.

It was then brought to the attention of the Commission that Mr. Ed Goble, a city resident, had been waiting to address UTA and the Commission about some of the commuter rail issues. He had thought that UTA would be at tonight's meeting. It was suggested that an open forum time slot might be added to the Planning Commission agenda so that if there were issues from the public, there was some time set aside to bring them before the Commission. Mr. Stephens said that he thought a spot might be added to the Planning agenda for public comment.

The Commission gave some time to Mr. Goble to talk about his concerns. He noted that he lives across the street from the commuter rail parking lot and he is very concerned about the traffic that will be brought into the area. He said that there are many small children located in the immediate neighborhood across from the commuter rail station and parking area, and he had concerns for their safety. He said that he had seen plans for the commuter rail and that there was a drive going into the commuter rail parking lot on the north and a drive going out of the parking lot to the south, which is located directly across from his home. He suggested that the entrance and exit be located in one area to the north, to alleviate more of the potential traffic towards his residential neighborhood. He said that most of the traffic would be going back north to 500 South anyway. He noted that he wanted to address this problem before it was too late to have discussions with UTA before they start the parking areas.

The Commission thanked him for his comments and noted that they were valid concerns. The Commission encouraged him and his neighbors to attend one of the meetings that would be coming up where UTA would be present so he could voice his concerns to them directly.

ADJOURNMENT

There being no further business before the Commission, Commissioner Beecher made a motion to adjourn the meeting at 9:10 P.M.

David C. Hill, Chairman

Bonnie S. Craig, Secretary

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