

**WOODS CROSS PLANNING COMMISSION**  
**APRIL 10, 2007**  
**6:30 P.M.**

**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

**VISITORS:**

John Whittakker  
Tim Maher  
Glenn Benson  
Gar Phelps  
Jared Birtt

Cathy McKittrick  
Lois Schrader  
Ed Goble  
Dwight Poulson  
Jeff Lee

Joyce Maher  
Don Schrader  
Jeff Thornell  
Daniel Lowe

**PLEDGE OF ALLEGIANCE:**

Anne Blankenship

**APPROVAL OF MINUTES**

Chairman Hill called for discussion or corrections for the minutes of the meeting held March 27, 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.

**CITY COUNCIL REPORT**

Council Member Don Moore could not be at tonight's meeting to represent the City Council. Tim Stephens, the Community Development Director, reviewed the City Council meeting held April 3, 2007. Please see the minutes of that meeting for the details of his report.

**OPEN SESSION**

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

There were no public comments at tonight's meeting.

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**UTA COMMUTER RAIL STATION DISCUSSION—STEVE MEYER**

Mr. Stephens reviewed this item with the Commission. He noted that Mr. Steve Meyer from UTA was at tonight's meeting to follow up on the field trip that was held in February addressing some of the concerns of the neighbors and Staff. It was also noted that Mr. Lee Cammack, Woods Cross City's engineer, had reviewed UTA's finding to make sure that UTA was correct in the direction they are going with the rail station plans.

Mr. Meyer appeared before the Commission. He noted that he and members of Woods Cross City Staff and Planning Commission, as well as some of the neighbors, met onsite to look at some of the issues that had been raised.

Mr. Meyer said that he had looked at the feasibility of one drive instead of two. He said that UTA's findings showed that if there were two drives there would be less traffic congestion which would ultimately be better for the neighbors. He also said that relocating the north drive was not practical because of the limitations of space with the fueling station and there is no additional room because of conflicts with the fuel trucks. He also said that one access would create backing problems on the site and they would lose a lot of parking stalls if this were to be done.

Mr. Meyer addressed the grading of the property and noted that JUB engineering agreed with what was being planned and that it will sufficiently block headlights from shining into the neighbors homes.

Mr. Meyer then noted that the standard fencing that UTA would probably be using between the two driveways on 800 west would be a vinyl coated chain link. The City had suggested that a wrought iron fence be used in keeping with the other design elements, but that this type of fencing was much more expensive and they are still in discussion with the City Staff on what would be used.

He concluded by saying that these were the findings by UTA and that JUB Engineering was in concurrence with these findings.

Commissioner Blankenship noted that Mr. Cammack, the City's engineer, refers to exhibit 4 but she did not see it included. Mr. Meyer noted that it was the turning template but that he did not have a copy available at this time

Chairman Hill then asked the public to come forward with any further comments they had that were new and to limit comments to two minutes because most of the issues had been thoroughly addressed in past discussions. He invited anyone who would like, to come forward with their comments at this time.

Mr. Ed Goble, a City resident living across from the station, appeared before the Commission. He noted that after reading the information from UTA, he had his own version of exhibit 4. He

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presented to the Commission the original exhibit 4 and his modified version of exhibit 4. (See Exhibit 1) He noted that he had visited other park and ride lots, two of which had single drive entrances and said he saw no reason that the Woods Cross station could not have a single point access as well. He went on to say that he would like to see the neighbors taken into consideration and that they deserve special consideration because they are the closest neighbors to a station within this corridor.

Mr. Glen Benson, another City resident living in close proximity to the station, also went on to say that he had gone over Mr. Goble's research and he felt it had many good points and to please consider Mr. Goble's suggestions.

There were no more public comments.

Commissioner Westergard noted that he had been to the two stations in Salt Lake City located at 7200 South 7700 South which had the single drive approaches. He explained to the Commission the set up of the stations. Mr. Goble handed out exhibits showing sites of these two stations to the Commission.

Mr. Meyer then addressed Mr. Goble's draft, Exhibit 1, and noted that the aisle was too narrow and would have to be widened if they were to take this approach. He also said that they would lose some parking stalls and that traffic would increase because traffic could really only go one way if there was a single drive approach. He noted that in the long run it would better benefit the neighbors to have two drives and that UTA had taken special care in lining up the south drive to be of the best benefit to the neighbors.

Commissioner Blankenship said that she looked at the tightness of the curve at the entrance if there were only one drive and wondered if there would be enough room for two buses coming in and out.

Chairman Hill noted that from his perspective things have been looked at and gone over very thoroughly and that we have to rely on the professionals to give us the best information possible concerning these types of decisions. He also said he felt that UTA had met the conditions that had been placed on them during their site plan approval.

Commissioner Bassarear said that she had struggled with trying to make everyone happy with this project but that UTA has done a good job at being a good neighbor. She noted that she had concerns over Mr. Goble's proposal to have the buses drive through the parking area because of safety issues. She also said that Mr. Goble had done a good job at researching and trying to come up with solutions that would best fit everyone's needs, but that she still would recommend that there be two drive approaches for this project.

Commissioner Westergard also noted his concerns that everything suggested by the neighbors could not happen, but he did not have the expertise for this type of decision and had to rely on

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what the engineers recommended. He also noted concern for a single point of access in case of an emergency.

Commissioner Beecher said the most important thing to consider was whether UTA had fulfilled their responsibilities as they were outlined previously on their site plan by the Planning Commission. He said he felt that they had.

Commissioner Beecher then made a motion to accept the efforts of UTA in fulfilling their responsibilities of investigation and input. Commissioner Westergard seconded the motion and the motion carried.

Chairman Hill thanked the community for their input and said that it is an important part of the process and encouraged them to continue to be involved in the future.

**HOME OCCUPATION REQUEST—WHITTAKER'S WHIRLAWAY SYSTEMS OF AMERICA—814 WEST 2100 SOUTH—JOHN WHITTAKER**

Mr. Stephens reviewed the details of this item with the Commission. He noted that the applicant is proposing to conduct office work for a carpet and upholstery cleaning service in his home. The business office would be located on the second floor sitting room and in the third stall of the garage to house the business minivan, equipment, and necessary chemicals in small amounts. All appointments would be handled over the phone and no customers or deliveries would be coming to the home.

Mr. John Whittaker appeared before the Commission. The Commission asked Mr. Whittaker about chemical storage. He said that he would be storing small amounts of extraction solution, as well as solvent, in a cabinet in his garage. The Commission asked if the cabinet would be locked. Mr. Whittaker said that he could chain it shut if necessary.

The Commission asked Mr. Whittaker if he was planning on his business growing. He noted that he was the only employee and did not anticipate that the business would grow because he was doing this as a side business on his own time. He noted that he already has a full time job that would only allow him small amounts of time to work on the cleaning business.

Commissioner Westergard made a motion to approve the home occupation for Whittaker's Whirlaway Systems of America and Mr. John Whittaker 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. The home occupation shall be carried on entirely by persons residing in the dwelling unit wherein the occupation is conducted. Persons who are not bona fide residents of the premises shall not be employed on said premises.

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Commissioner Blankenship seconded the motion and the motion carried.

**CONDITIONAL USE REQUEST—T.R. MAHER CONSULTING INC. 1684 WEST 2225  
SOUTH #5—TIMOTHY MAHER**

Mr. Stephens reviewed the details of this item with the Commission. He noted that the applicant is proposing to design mechanical components and systems and assemble prototypes. The business functions at this location would be receiving mail, computer-aid designing, and prototype assembly. The applicant has stated that he does not intend to host customers at this location.

Mr. Tim Maher appeared before the Commission. He noted that he did supply Staff with an affidavit that there would be no customers coming to this location, but that he wanted to have mail come to this location. He noted that the tools that he used for his prototypes were the tools he also used for his airplane. He said he was in the process of building an aluminum aircraft in the hangar at the present time. The Commission asked Mr. Maher what his prototypes were. Mr. Maher noted that he builds mechanical components for artificial hearts. He noted that he typically orders the components and then assembles them. The Commission asked if the components were big. Mr. Maher said that the components were very small.

There was discussion that typically in the past, these hangars have been exclusively used for the storage, construction or maintenance of aircrafts but could be retrofitted architecturally to adhere to the ordinance requirements for allowing this type of business in a hangar.

Commissioner Beecher asked what the meaning of “retrofitting” would be in this case. He wondered if it would be moving or adding walls. The Commission discussed the fact that this building will still be used primarily for the storage, construction or maintenance of an aircraft, so allowing Mr. Maher to continue with assembling his prototypes should not be a problem.

Commissioner Beecher then made a motion to approve the conditional use request for T. R. Maher Consulting Inc. located at 1684 West 2225 South, #5 noting that a fire inspection had been submitted to City Staff with the following conditions:

1. That the business adheres to all State and Federal regulations regarding this type of business.
2. Any violations will result in revocation of the permit.
3. Emphasizing that the primary use for the hangar is aircraft oriented and that it is not a customer or employee based type of business and that an affidavit be submitted stating as such.

Commissioner Bassarear seconded the motion and the motion carried.

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**PUBLIC HEARING—VACATION OF LOT 46 SKYPARK INDUSTRIAL PARK—1607 WEST 2290 SOUTH—GAR PHELPS**

Mr. Stephens reviewed this item with the Commission. He noted that Mr. Phelps was requesting that his existing hangar building be subdivided into 2 aircraft hangar condominiums. He noted that the Commission had done several of these types of hangar condominiums over the last few years.

Mr. Gar Phelps appeared before the Commission and noted that he had nothing to add to the discussion.

Chairman Hill then opened the public hearing.

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

Commissioner Bassarear then made a motion to forward to the City Council the Planning Commission's recommendation to approve the vacation of lot 46 of the Skypark Industrial Park. Commissioner Beecher seconded the motion and the motion carried.

**PUBLIC HEARING—PHELPS CONDOMINIUM AT SKYPARK INDUSTRIAL PARK FINAL PLAT—1607 WEST 2290 SOUTH—GAR PHELPS**

Mr. Stephens noted that this was a continuation of the above item and that Mr. Phelps would like to request that the hangar be made into two condominium units.

Chairman Hill then opened the public hearing.

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

Commissioner Westergard then made a motion to forward to the City Council the Planning Commission's recommendation to approve the Phelps Condominium at Skypark Industrial Park Final Plat. Commissioner Blankenship seconded the motion and the motion carried.

**PUBLIC HEARING INDUSTRIAL PARK #3 AMENDED FINAL PLAT—LOCATED AT APPROXIMATELY 2425 SOUTH REDWOOD ROAD—TIM STEPHENS**

Mr. Stephens reviewed this item with the Commission. He noted that the City subdivided their remaining property on the north side of 2425 South into the Westside Industrial Park #3 Subdivision. The City has sold many of these lots which are now being developed with projects. He explained that there is still a 20-foot wide strip that UDOT owned located between Westside Plat 3 and Valentine Estates. The City has finally acquired that strip of property and the adjoining lot owners will purchase their section of the 20-foot strip from the City. The new plat includes the 20-foot strip within each of the lots of the Westside Industrial Park #3 amended plat.

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Chairman Hill then opened the public hearing.

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

Commissioner Beecher then made a motion to forward to the City Council the Planning Commission's recommendation to approve the amended final plat for the Westside Industrial Park #3. Commissioner Blankenship seconded the motion and the motion carried.

**POULSON NON-CONFORMING USE ENLARGEMENT REQUEST— LOCATED AT  
1040 WEST 1500 SOUTH--DWIGHT POULSON**

Mr. Stephens reviewed the details of this item with the Commission. He noted that Mr. Dwight Poulson is requesting to enlarge his non-conforming use located at 1040 West 1500 South. Mr. Poulson operates a small storage unit facility on the property. Mr. Stephens reviewed a sketch plan made by Mr. Poulson indicating the location of a new 65 x 55 foot building. There was also a cinder block building rendering provided by Mr. Poulson.

Mr. Dwight Poulson appeared before the Commission. He noted that he was constructing the building for personal storage use. The Commission asked if it would be leased out in the future for storage. Mr. Poulson said that he did not plan on it right now, but it could be a possibility in the future.

The Commission discussed set back requirements, site improvements, future leasing, outside storage and bringing the property into conformance. They noted that the four following criteria would have to be met in order for this building to be constructed:

1. That the expansion, alteration or change of the use would not adversely impact the surrounding properties more than the existing nonconforming use.
2. That the proposed expansion, alteration or change will make the building structure, or site more compatible with the surroundings and existing zoning.
3. That the site of the proposed expansion, alteration or change of use conforms to all site development requirements as physically possible, given existing site limitations.
4. That the proposed expansion, alteration or change does not create new nonconformities.

The Commission noted that Mr. Poulson would need to be able to establish a basis for these criteria in constructing his building. The Commission suggested that Mr. Poulson get with Staff and look at the site plan in detail in establishing these criteria. The Commission noted that they would like to see the plan to scale and more specific information before they could consider this item.

Mr. Poulson said that he would get with Staff as soon as possible and move forward with more specific information and a plan to scale to bring back to the Planning Commission for their consideration.

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Commissioner Blankenship made a motion to table the Poulson nonconforming use enlargement request to receive further information. Commissioner Beecher seconded the motion and the motion carried.

Commissioner Sharp entered the meeting at this point.

**PEAK PROFILE ORDER TO SHOW CAUSE FOR FAILURE TO COMPLY WITH  
CONDITIONAL USE PERMIT—LOCATED AT 999 WEST 1500 SOUTH—JEFF LEE**

Mr. Stephens reviewed this item with the Commission. He noted that this was a continuation of Peak Profile Order to Show Cause.

Mr. Jeff Lee appeared before the Commission. Mr. Lee reported that the new owner was very good to work with and was excited to clean up the property. He noted that he had been in talks with the new owner to add a warehouse storage area to the west end of the building. He also mentioned that they would like to continue the fence to the west end of the property.

Chairman Hill noted that he had driven past Peak Profile several times in the last few days. He said that the trailers at the west end of the property were gone, but that there was still a lot of garbage and unnecessary items cluttering the property. He stated that he still felt like there was a lot to be done and that it was not happening in a timely manner. He said he would recommend that the conditional use permit be revoked and that Peak Profile be given a limited time to get a letter from the new owner with his intentions of adding on to the west end of the building with some professional architectural drawings to show a financial commitment from the new owner. He said he would also like to see the garbage removal continue on the property.

Commissioner Beecher noted that he felt that there were two issues that Mr. Lee was dealing with which were dealing with a new owner, and trying to get employees to help with clean up when they are already busy with their regular jobs.

Commissioner Bassarear noted that she would also like to see a letter from the new owner with specifics about what will be happening on the west end of the property.

The Commission discussed the best way they felt this could be accomplished.

Commissioner Blankenship made a motion to revoke the conditional use permit for Peak Profile for the following reasons:

Two of the specific requirements stated in the conditional use permit dated November 26, 1996 have not been met

- Requiring no outside storage of materials, goods or equipment
- And the tenant will maintain and keep property clean



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Revocation of the permit will take effect June 27<sup>th</sup>, 2007 at midnight and business operations will cease on that date.

Revocation may be suspended if the following conditions are met:

1. Unless in 30 days or by the May 22<sup>nd</sup> Planning Commission meeting a letter is received from the new owner indicating that he is committed to the property clean up and that a storage warehouse will be built on the west end of the building.
2. By May 22<sup>nd</sup>, 2007 the clean up will continue with garbage and other unnecessary items on the property being removed with the exception of the staging materials to be shipped that day.
3. By the June 26<sup>th</sup>, 2007, Planning Commission Meeting, professional concept design drawings are submitted for review for the proposed warehousing.

Commissioner Beecher seconded the motion and the motion carried.

**ADJOURNMENT**

There being no further business before the Commission, Commissioner Bassarear made a motion to adjourn the meeting at 9:25 P.M. Commissioner Westergard seconded the motion.

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David C. Hill, Chairman

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Bonnie S. Craig, Secretary