

WOODS CROSS PLANNING COMMISSION MEETING
MAY 28, 2024

The minutes of the Woods Cross Planning Commission meeting held May 28, 2024, at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

COMMISSION MEMBERS PRESENT:

Mike Doxey	Jake Hennessy
LeGrande Blackley	David Lewis IV
Jim Grover	

COMMISSION MEMBERS EXCUSED:

Joe Rupp
Eric Jones

STAFF PRESENT:

Curtis Poole, Community Development Director
Bonnie Craig, Secretary
Gary Sharp, City Council Member

VISITORS:

Dennis Hooper	Robert Stowell	Kelly Clement	Paul Tanner
Steffen Olsen	Richard Piggot		

TEMPORARY CHAIR APPOINTMENT

Mr. Curtis Poole, the Community Development Director, noted the Chair and Vice Chair were unavailable for tonight's meeting so he noted per the Planning Commission by-laws, that a member of the Planning Commission would need to be elected to act as temporary chairperson for tonight's meeting.

Commissioner Blackley then nominated Commissioner Grover to act as temporary chair for tonight's meeting. Commissioner Hennessy seconded the motion and Commissioner Grover accepted. All voted in favor of the motion through a roll call vote.

PLEDGE OF ALLEGIANCE: Jake Hennessy

MINUTE APPROVAL

Temporary Chairman Grover called for the review of the minutes of the Planning Commission meeting held May 14, 2024.

Following the review of the minutes, Commissioner Doxey made a motion to approve the minutes as written with Commissioner Blackley seconding the motion and all voted in favor of the motion through a roll call vote.

Temporary Chairman Grover welcomed David Lewis IV as the newest Planning Commission member and Commissioner Lewis said he was happy to serve.

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OPEN SESSION

Temporary Chairman Grover then asked if there was anyone who would like to address the Commission during the open session.

Mr. Steffan Olsen addressed the Commission and said he was curious about a development that looked like it was going in across the street from his house near the barber shop on 800 West.

Mr. Curtis Poole, the Community Development Director, said he had a developer talk to him about the property, but he has not had any information given to him about what is happening at the property.

Mr. Olson said he did not want town homes near his home and was afraid that is what would be built on the property he was questioning. He said he was interested in buying the barber shop property, so he wanted to know what was happening on the nearby property because it looked like it was being cleared to build something in the area. Staff said they did not know what the property owners' plans were for the property at this time.

There were no further questions in the open session and Temporary Chairman Grover closed the open session.

CHOICE LEARNING CENTER SITE PLAN—1475 WEST 500 SOUTH—PAUL TANNER

Mr. Poole reviewed this item with the Commission. He noted that Mr. Paul Tanner is requesting site plan approval for a proposed private school at this location. He said this property is adjacent to 500 South and is located west of the Westwood Mobile Home Park, with Legacy Highway Self Storage to the north across from them on 500 South. He also said there is a single-family home located between the mobile home park and the subject property. He said to the south is vacant property which is in the SFRT (Single Family Residential Transition) Zone.

Mr. Poole noted that on February 27, 2024, the Planning Commission reviewed and recommended approval of the Development Master Plan for this item. He said the City Council approved the plan on March 19, 2024, with the conditions that the applicant submit a final site plan application and a signed development agreement. He noted the Council also added a condition that any modifications or changes to the Development Master Plan must be submitted to the Commission and Council for approval.

Mr. Poole went on to say since this Council approval was granted, the applicant has made some revisions to the plans. He said he has made several color changes to some of the building materials and is proposing some changes to the landscaping which include an artificial turf play area adjacent to 500 South, a garden area with a future plan for trees in the detention basin, and natural grasses on the east side of the property which would be used as feed for the agricultural program for the school. He noted that staff did have some concerns with having a garden area in the detention basin which could increase the likelihood of fertilizers and chemicals being introduced into the system. He also noted that natural grasses will be used as feed in the school's agricultural program, and he wanted the Commission to verify the extent of this program as agricultural uses are not permitted within the CRT zone. He noted the Commission would want

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to ensure that the natural grass area proposed by the applicant does not become a location for weeds to grow.

Mr. Poole said the biggest change that the applicant is proposing is the color of the metal going from brown to dark green to be more in line with their branding. He said that metal is an allowed material, but an industrial looking building is not desirable in this location. He also noted it would be required that the finish of the metal be a matte color. He also said the applicant is asking to change some of the landscaping and they would like to put in natural grass to use for feed through the agricultural program as part of the school curriculum and they also wanted to put in a garden.

Mr. Poole said staff is having a bit of a problem with the applicant asking for agricultural use, because it is not allowed in the CRT zone. He said staff wanted to make sure what the agricultural element looks like. He said the garden area is also a concern because it is shown to be located in the detention basin and he wanted to make sure it stays open so it can be used for the purpose of detention. He said the detention basin needs to be sod or gravel, so chemicals and other things do not get into the storm drain system.

Following the information given by Mr. Poole, Commissioner Lewis asked if the detention basin were onsite and would it catch and retain water from the other properties. Mr. Poole said it was his understanding that it has a dual purpose, and it is for both the Choice Learning property as well as some of the other properties draining from the south and to the west.

Commissioner Doxey asked if it were the whole southern portion of the property that would be used for the detention basin or just part of it. Mr. Poole said it was just a portion of the southern property and the property located outside of the basin could be used and that would be appropriate.

Mr. Paul Tanner, owner, and developer of the property, then addressed the Commission. He said he would like to clarify the detention basin. He said it does not serve as a retention basin and does just serve his property. He said there is a dry creek bed that goes from that area to a culvert and goes under the property to the west. He said the detention basin is a separate thing and is designed for overflow for a 100 year event and is an overflow for the storm drain that goes underneath the parking lot. He said if there is a 100 year event the basin would fill up. He said there is not a connection between the detention basin and the existing stream bed.

Mr. Tanner said they would really like to do the 4-H program and it is an important part of their program. He said he had mentioned that to Mr. Stephens when he was working with him on this project but that was a while ago. He said the garden area was approved on the site plan. He said he felt it was reasonable if they make sure there is no fertilizer used and if there was nothing done that would change the capacity of the detention basin.

Commissioner Doxey asked Mr. Tanner if he would be okay with sod in the detention area itself and Mr. Tanner said he would really like the garden in the detention area.

Commissioner Blackley asked if retention basins are required to hold a certain amount of water. Mr. Poole said yes, they are designed to hold a certain amount of water so if there is debris or other things in the

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basin, it can make it so it does not hold as much water as it is supposed to. Mr. Tanner said there is 7200 cubic feet in the detention basin, and he encouraged his engineer for a retention basin, but he was unable to do that. Mr. Blackley asked if what would be grown in the detention basin would not detract from the capacity of the basin and Mr. Tanner said no it would not. He said the risk would just be losing the plants in the garden if it were to fill with water. Mr. Tanner said he plans to grow things there but does not believe it will diminish the capacity of the basin. He said the garden will be used for the school. He said they would really like to implement a 4-H program as part of their curriculum at their school. He said he would like to have animals but needs clarification if it could be allowed.

Mr. Poole said agriculture use would not be permitted in this zone so they would not be able to have animals. He said this is a new zone and this is the first development in the zone and introducing agriculture in this zone may not be the best use. He did say it would be up to the Commission and the Council to decide.

Commissioner Lewis asked what kind of animals Mr. Tanner was thinking about raising and Mr. Tanner said he would like to have chickens and maybe goats, but they would be in the barn. He said it would be up to the children and the school as to what they would like to raise and what they desire to learn. He said he realizes there may be limitations.

Temporary Chairman Grover said there are residents that have permits for chickens but that is not outlined in this zone. He asked the Commission their thoughts.

Commissioner Doxey asked if it would derail his whole project if the school could not have animals and Mr. Tanner said no it would not. Mr. Tanner did say they do have cows located on the property behind them. He said it would be something different for the children at the school and would be offering something new for the school.

Mr. Poole said chickens are allowed in certain residential zones but not in this zone and a text amendment would be needed to allow the chickens in this zone.

Commissioner Blackley said he felt like this was not allowed in this zone, and as more development comes to this zone, there may be more people wanting exceptions for animals if it were to be allowed for this project. He asked about the garden and if it can still be called a detention basin even with a garden in it. Mr. Poole said the site plan does show it as a detention basin.

Commissioner Hennessy said it would be a nice opportunity for the school to have animals but did not feel like this would be allowed in the zone. He said he did see that it would be fun for the students to have the opportunity, but the code was already put into place.

Commissioner Lewis said he did not feel like a text amendment would be unreasonable and the types of animals could be specific that could be allowed in the zone. He said when codes are put together it is hard to get it right the first time and the process is here to help refine it. He also said that public nuisance regulations are put in place to help with issues that may come up with animals. He said a recommendation for the types of animals might be needed if they were to move forward with this request.

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Commissioner Doxey said the city has the code the way it is because it has been reviewed and decided. He also wanted to make sure the small strip with natural grass was maintained. Mr. Tanner said they would make sure it would be kept up and they would want the natural grass regardless of whether there were animals allowed or not.

Temporary Chairman Grover said he felt like the majority of the Commission did not feel like adding livestock and animals to this zone would be appropriate at this time.

There were no further questions and Commissioner Doxey made a motion to send the Planning Commission's recommendation for approval to the City Council for the Choice Learning Center site plan with the following conditions:

1. The proposed building material changes meet the intent of the approved building materials outlined in section 12-15-111, (i), of the Woods Cross Municipal Code.
2. The applicant removes all references to trees and garden areas within the detention basin.
3. The agricultural program proposed by the applicant does not violate city ordinances or the allowed uses within the CRT zone.
4. The natural grass area proposed by the applicant on the east of the property is maintained so as not to become overrun with weeds.

Commissioner Hennessy seconded the motion, and all voted in favor of the motion through a roll call vote.

Mr. Tanner asked if he would need to apply for a text amendment for his proposal and Mr. Poole said he would need to put in an application for a text amendment if he would like to move ahead with that.

**MAVERIK EXPANSION OF NON-CONFORMING USE PUBLIC HEARING—1682 WEST 1500 SOUTH—
RICH PIGGOT**

Mr. Poole then reviewed this agenda item with the Commission. He noted that Mr. Rich Piggot, on behalf of Maverik Inc., is requesting approval to expand the trucking terminal non-conforming use at this location. He said the existing trucking terminal is located at the north end of the Skypark Airport runway, and south of the new Portofino industrial subdivision, with the Rockwell property to the west and Maverik's vacant property to the east. He noted the non-conforming use is proposed on the vacant property, which is located to the north of an R-1-8 Residential Zone, east of the current facility, and west of existing uses in the I-1 zone. He said a trucking terminal facility is not an allowed use in the I-1 zone.

Mr. Poole went on to note that in 2017, Maverik Inc. requested an expansion to their existing non-conforming facility, which was reviewed by the Planning Commission on February 28, 2017. He said on April 18, 2017, the City Council reviewed and approved the expansion of the non-conforming use going through the Planning Commission and City Council for approval. He said the Council added a condition that no more than 40 trucks be on-site at one time.

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Mr. Poole noted that city code outlines criteria for which a non-conforming use may be altered, expanded, or changed; and authorizes the Commission to review proposals and provide a recommendation to the Council.

Mr. Poole said the applicant is proposing to make two expansions into the vacant area and existing areas of the property. He said additions would bring the total number of parking stalls to 260 and commercial truck stalls to 109. He said currently the facility has 142 parking stalls and 60 commercial truck stalls, in addition, the applicant is proposing a new 21,000 square foot addition to the existing building. He said as part of the new expansion, the site plan is showing an east-west public road from 1500 South which would align with 1600 West. He said the site plan indicates there would be four drive accesses to this new public road. He noted that although an alignment has not been finalized, it is the intention of the city as part of the Streets Master Plan, to have a public road which would connect 1500 South to 1650 West, located in the Portofino industrial subdivision to the north of the subject property.

Mr. Poole noted the city does allow for expansion of non-conforming uses of properties as long as they fit into eight criteria that would need to be met.

Mr. Poole reviewed the eight criteria as follows:

1. The proposal will not adversely affect the purposes and objectives of the general plan.
2. The proposal will not adversely impact the adjacent properties and general vicinity more than the existing noncompliance or nonconformity.
3. The proposal will make the site of the nonconformity or noncompliance more compatible with existing and nearby uses.
4. Given existing site limitations the proposal meets all site use and development requirements to the extent physically possible.
5. The proposal will improve the general appearance and safety of the use or structure and the surrounding area.
6. The proposal will provide additional or modified parking and/or improved pedestrian vehicular traffic flows where required to mitigate the negative effects of the proposed alteration, expansion, or change.
7. The proposed alteration, expansion, or change will be adequately screened or buffered.
8. The proposal will not create any new nonconformities.

Mr. Poole said the General Plan does identify the future land use of the subject property to be Single Family Residential Transition and the current proposal does not align with the current objectives of the General Plan which anticipates residential development.

Mr. Poole said there would be some areas that would be improved with this site. He said the expansion would be done in two phases. He said phase one expansion would be the extension of 1600 West which would go north to connect to the Portofino subdivision to the north as 1650 W street. He said there would also be additional parking added. He said in phase two the existing building would be expanded and would double in size and more truck parking would be added as well as more employee parking. He said currently there are 142 vehicle stalls for employee parking, 60 commercial truck stalls. He said what is being proposed is to increase the employee parking to 260 stalls, and increase the truck stalls to 109,

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almost doubling the number of parking stalls. He said in addition they would extend the landscaping fencing along 1500 West and along the new public street going through the property. He said the additional landscaping would make the property better than the current vacant property.

Mr. Poole said staff did review this proposal and they needed to make sure the eight criteria were met. He said with the change to the General Plan, this new proposal does not meet #1 of the non-conforming use criteria because it does not meet the General Plan. He said the other concern as staff is the vehicle traffic coming from the site. He said some of the traffic will be going through the Portofino subdivision, and safety issues are met by fire department because of better circulation, but the truck traffic could be a problem, especially on 1500 South going to Redwood Road. He said at a minimum a traffic study is needed to see what the impacts of increased traffic would be. He said there would be some improvement, but staff finds this proposal does not meet the criteria outlined in the code found in Section 12-35-104 and recommends the Planning Commission forward a negative recommendation to the City Council to deny the request to expand the non-conforming use based on the fact that it does not meet the General Plan objectives, it does not provide the evidence that the increased truck traffic will not negatively impact the surrounding properties, and any other findings that may be identified by the Planning Commission.

Following the information given, Temporary Chairman Grover then opened the public hearing.

Mr. Dennis Hooper, a city resident, addressed the Commission and said he lives on 1250 West nearby this property. He said he drives on 1500 South every morning and every night going to work and passes this site every time. He said when a big tanker truck comes out of the Maverik property it blocks both lanes of traffic going in both directions and impacts the traffic. He said it also blocks a northbound tanker truck. He said he is against this expansion. Mr. Hooper said he has lived in Woods Cross for 32 years and does not want more trucks added to the neighborhood. He said he does not want to see Woods Cross become a large parking lot for trucks. He said he does respect Maverik for keeping down the weeds on their property, but Maverick knew what they had when they moved here. He said he would rather have a gas station put in on the corner of 1500 South and Redwood Road rather than expanding this site. He said he feels like what they should do right now is to tear out the pipelines and put in a subdivision. He said the residue of the trucks is a fire hazard as they sit overnight. He also said this site is right across the street from the church, as well as a residential neighborhood and it is a poor addition to the city. He thanked the Commission for letting him comment on this proposal.

Mr. Kelly Clement, a city resident, also addressed the Commission. He said he was concerned about the proposed expansion and said he drives out of 1600 West everyday and he is concerned about driving out and seeing an army of trucks instead of trees when leaving his neighborhood. He said Woods Cross already has two arteries of big heavy trucks on 2600 South and 500 West. He said we have enough traffic on 1500 South, and he does not want to battle even more trucks when exiting his neighborhood. He said he is concerned about the traffic. He said the original proposal to leave it as residential is the best idea.

Council Member Sharp asked about the proposed new building and said originally the existing building was set back from the road because there was some sort of problem. He said he is concerned about the building being moved forward. He said increasing the truck traffic along 1500 South would not be desirable

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and he agrees with what had already been stated about traffic concerns. He said truck traffic will also be a problem on the road itself, not being able to handle the many heavy trucks going in and out.

Mr. Steffen Olsen addressed the Commission and said he likes Woods Cross and the community, but he is concerned about the change in the feel of Woods Cross being industrial and more multifamily housing instead of the small town feel. He said he did not really care about Maverik and the expansion, but he does not like the idea of taking away single family residential from the city to be a parking lot and it is getting away from the small town feel that Woods Cross is known for. He said he does not want to leave Woods Cross because of more changes and wants to build it back up to where it used to be.

Mr. Robert Stowell, a resident living on 1250 West addressed the Commission and said he also lives nearby where the Maverik property is located and has lived here for over 20 years. He asked if the ground is safe on the property where the old refinery was located for residential development. Mr. Poole noted no one knew right now and there would need to be a review. Mr. Stowell said there is currently no turn light on the traffic light on Redwood Road, and it is hard to turn onto 1500 South. He said it takes a long time to get in and out of the city using that route. He said the city is running out of ground for development and said he would like to see one acre lots put into that area, so housing is not so compact. He asked if there would be another public hearing on June 4th. Mr. Poole said there would be another hearing next Tuesday at the City Council meeting. Mr. Stowell said progress happens, but we also need to be concerned about safety. He did say he was concerned the property was not fit for residential housing.

Commissioner Blackley said the old refinery owned a piece of property on the other side of the street and wanted to build as close to the runway as possible and there. He said there was a Geotech study done, and the land was contaminated, and he said he wondered if the ground is fit for homes to be built. He said a parking lot may be a better use for the property in case the ground is not fit for homes.

Temporary Chairman Grover said he serves on the Davis County Active Transportation Plan. He said that the 1500 South east/west road is a major artery for cyclists going to the Legacy Parkway Trail.

Commissioner Hennesy said he was also concerned about safety and 1500 South is a road where kids go back and forth to the high school every day and there is a lot of traffic. He said he feels like it is going to be bad for residents and bikers and kids going back and forth to school with an increase of truck traffic.

Mr. Dennis Hooper addressed the Commission again and said if you go a little further east from the Maverik property on 1500 South there are signs indicating the road is closed to any trucks that haul flammable materials. He said there are many large trucks that go up and down 1500 South from the refineries even though they are in violation of the closed street ordinance. He said if you push the large trucks further east onto 1600 S, into the residential area, there will be even more trucks that may violate that ordinance. He said even if there are old oil storage tanks at the old refinery, they can cleanup projects, but it can be expensive. He said there have been goats on that property as well.

Commissioner Lewis asked if the current zoning was light industrial, and Mr. Poole said the current zoning was light industrial but the future land use which is part of the General Plan is for single family residential transition. Commissioner Lewis asked if the General Plan would be applicable if they were asking for a

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rezone, but it is currently zoned as light industrial. Mr. Poole said the first consideration in the expansion of a non-conforming use is if the expansion is in line with the General Plan and he said it was not in line with the General Plan, so it does not meet city ordinance.

There were no further questions and Temporary Chairman Grover closed the public hearing.

Mr. Rich Piggot from Maverik then addressed the Commission. He said he wanted to address the eight items to give more clarification of why he feels this proposal is an appropriate use for the expansion of a non-conforming use.

Mr. Piggot said the first requirement is that of not meeting the General Plan, but he said their current use is an industrial use and there has been new office warehouse buildings constructed as industrial uses to the north of the Maverik property. He also said there are industrial uses to the east of their property as well. He said he has concerns about the Big West Oil Refinery property as a residential neighborhood. He said he does not feel like it meets the highest best use of the property to put in a single family residential transition at this location. He did say they could address that in a General Plan amendment if they needed to come and go through that process.

Mr. Piggot said the second thing he would like to address is does the proposal affect the adjacent properties. He said there are current industrial uses in the zone. He said even though their use is a transportation use in an industrial area, he said they feel like the expansion of the parking lot is acceptable in that area.

Mr. Piggot addressed the third point of the proposed non-conforming or noncompliance use is compatible with existing uses and structures, and he said once again, the adjacent properties are still industrial.

Mr. Piggot said they will continue to meet all site requirements for landscape and screening based on the industrial zone.

Mr. Piggot said he would like to address the property being a former oil facility. He said the area does need to be cleaned up and the screening extended, and the remnants of the old oil use will need to be cleaned up. He said all the trash, mounds, and weed trees will also be cleaned up and they would take care of that.

Mr. Piggot said one thing that was not clearly presented was the new road being put in. He said part of the roadway being put in will be put in by Maverik and is required by Woods Cross City as part of their UDOT Access Management Plan. He said the new road would continue and hook into 500 South and is supposed to be used to make sure the accesses on the properties in this area use this roadway instead of Redwood Road. He said this was a requirement to split the Maverik property in half to accommodate that roadway. He said they would have to mitigate any issues with that roadway because that road would be dedicating that land to the city and would be required to put in city utilities as part of their access management plan required to be met by the city.

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Mr. Piggot said to meet condition number seven regarding fencing and screening, they could continue the concrete wall on 1500 South and would match the existing vinyl fencing to the north. He said they could expand into the northeast corner and clean it up but try to keep the best trees on that property to help mitigate noise towards homes to the north. He said the parking stalls on the north and on the east would just be operated during the day during normal working hours. He said this is a 24 hour facility, and what they do in this area, is a truck comes in and drivers switch out and the truck moves out again. He said they would keep the northern stalls for normal working hours of 7:00 AM to 6:00 PM.

Mr. Piggot said they are not creating any other non-conformities with this use. He said that looking at the current state of the land and what is required of them to extend the roadway and in addition to beautifying the land, he thinks it would be beneficial to Woods Cross.

Temporary Chairman Grover asked what remediation needs to be done on the site. He asked if the Maverik company had looked into the environmental issues that might exist on the property. Mr. Piggot said there are two phases to an environmental report, and they have completed phase one and they know there are concerns. He said they do have testing facilities on the site and are in the process of completing phase two of the environmental testing which will help get into more specifics on the property and what might be required. He said phase two would be to look at it and see what is happening and what remediation might be required. He said they would plan to use the fill and cap it with a parking lot and then bring in more fill, so the waterline is in fresh material. He said they would also build the roadway up and crown it in the center so the storm water will run off north and south.

Mr. Piggot said he did understand they would need to do a traffic study and make sure their trucking facility would still meet the requirements. He also said they would look at the timing of the light on Redwood Road and take care of that with UDOT if there are any issues and they would see the road meets the level of service that is required by Woods Cross.

Temporary Chairman Grover said much of what seems to happen at the facility is team members driving trucks, dropping cars, switching drivers which is facilitating a lot of movement. Temporary Chairman Grover asked what percentage of trucks that are not actively moving have fuel in them. Mr. Piggot said he was not sure. He said he did know most of what happens here is fleet transportation so he would assume most of the trucks are going in for maintenance or switching drivers, but he was not sure if there were any full containers. Temporary Chairman Grover also asked about the safety record on this site. Mr. Piggot said it is a very safe site and it is a 24 hour site, so they can stage the drivers coming in. He said instead of focusing on the drivers coming in over an 8 hour period of time, they stagger out the drivers over a 24 hour time period, so it operates more safely. He said the increase of the trucks would not deviate from that because they will have more open space to maneuver the trucks, but they do stagger the times to help limit conflicts.

Commissioner Lewis asked Mr. Poole if they are seeking reimbursement for this road or was it part of the site plan. Mr. Poole said he was not sure what the discussions had been prior to his starting here.

Mr. Piggot said he did not want to commit to anything, but he thought it would be the same thing as any residential development and that the developers are required to build the roads that facilitate the

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requirements and then have the roadway dedicated to the city without reimbursement. He said as they are developing the parcel, part of that requirement would be to provide, build, and dedicate this roadway, was his understanding.

Commissioner Lewis said he was a little surprised that Mr. Piggot had come in with this request without having a traffic study done. He said he would not feel comfortable sending a positive recommendation for this project with no traffic study and making sure what the condition of the road will be with all of the wear and tear and make sure that is evaluated with doubling the amount of trucks coming and going from the facility. Mr. Lewis also asked what the impact to Mr. Piggot's operations would be if this request did not go forward. Mr. Piggot said that currently this facility is undersized for the use. He said they are expanding and have acquired another gas provider for their fuel center. He said they have also acquired a trucking facility, so they have doubled in size from 400 stores to 800 stores. He said this is the best bet for them to expand their facility but if it comes down to it, they will have to relocate a staging area somewhere else to facilitate the truck staging and the transfer of trucks.

Commissioner Lewis said on the current site plan and current layout by UDOT there might be somewhat of a dead space. He said he did not know if that would do anything to help Maverik but there may be some space to expand as an alternative to the proposed plan.

Mr. Piggot said going back to the traffic study, they are just trying to see if they can expand the use and after that they would use the traffic study to align and build the site itself. He said the traffic would involve the traffic signals, possibly widening 1500 South, but he said he was just not sure at this time. He said at this time they were just seeing if they were able to expand the use.

The Commission did say they wanted to wish Mr. Piggot a happy birthday as it was his birthday today.

Following the discussion, Temporary Chairman Grover said he felt like there were a few questions about this proposal and including the need for a traffic study to possibly look at a full expansion or a smaller expansion just to the west of the road, as well as the unknown conclusion of phase two of the site remediation because of the possible problems caused by the old oil refinery that had been located on that property. He wondered if the Commission would be ready to take a vote on the matter at tonight's meeting.

Commissioner Doxey said it was an agenda item to vote on tonight and he was prepared to make a vote at the meeting following the Commission's discussion.

Commissioner Blackley said he is still concerned about the condition of the ground and would like to see a study done so there is knowledge about what is on the property and if asphalt might be the best way to go at that location. He also said he thinks a traffic study needs to be done.

Commissioner Lewis said in his company, environmental studies are private information, and they are careful who they share that information with. He said he did not know if Maverik could share that information.

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Commissioner Blackley said he was just going by what was found on the property across the street, being it was declared unfit for use. He said he would like to know for sure what is on the property, and he did not want to guess about the condition of the property.

Commissioner Doxey said there were some suggestions from the Commission about how things might be changed for a smaller expansion, and the Commission may want to focus on voting on what is being proposed to them. He said they may need to be careful not to necessarily provide a solution for an applicant. Commissioner Doxey said he wanted to address the non-conforming use chapter and which of the eight criteria that had been discussed earlier in the meeting is swaying him to consider the proposal in one direction. He said of the eight items, number one does not allow the proposal. He said the criteria for item number one says the proposal would not adversely affect the purposes and objectives of the the General Plan. He said in his opinion this proposal is straight up against that.

Commissioner Doxey also said number six says the proposal will provide additional or modified parking and/or improved pedestrian vehicular traffic flows where required to mitigate the negative effects of the proposed alteration, expansion, or change. He said this one is a big sticking point for him, because he does not see that it will improve vehicular or pedestrian traffic. He did say one thing that would be good about the proposal would be with the connection road going in but without a traffic study, he would not know if it would mitigate traffic.

Commissioner Doxey said number two of the criteria says the proposal should not negatively impact adjacent properties, but right across the street from this proposal is a residential area and he does not see this will beautify the area. He said for those reasons he has stated he does not feel comfortable with making a positive recommendation to the City Council for this proposal. He said there are quite a few of the criteria this proposal does not meet.

There were no further comments and Commissioner Blackley made a motion to deny the application at this time until the Commission can get further information on a traffic study and an environmental study. He said he did not think it should be acted on right now so there could be a better educated answer.

Commission Hennessy said he agrees with Commissioner Doxey that he is against it.

Commissioner Hennessy then said he would like to make a motion to forward a negative recommendation to the City Council.

Commissioner Lewis asked Mr. Piggot if he preferred the motion be tabled or prefer the Commission send a negative recommendation to the City Council. Mr. Piggot said if it were tabled, it would not take away the General Plan issue, so he felt like the General Plan is the biggest issue with the city of Woods Cross.

Mr. Poole said the General Plan is what cannot be changed so even if there were a traffic study done or phase two of the environmental study was completed, it would still not meet the General Plan. He said the General Plan would need to be amended to move ahead with this proposal. He said it will ultimately be up to the City Council who would make the decision to make an amendment to the General Plan.

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Commissioner Hennessy said he wanted to amend his motion to send a negative recommendation to the City Council for this non-conforming use expansion proposal because it does not conform with the General Plan.

Commissioner Lewis seconded the motion with the amendment to also require a traffic study be done and an environmental study be done, and they be done as to city ordinance compliance.

Commissioner Doxey said he would pare down that motion because the General Plan is the main point and Maverik knows and has heard the concerns of the Planning Commission as had been discussed.

Temporary Chairman Grover said he wanted to be clear on the motion and restated the motion noting that Commissioner Hennessy had made a motion the Planning Commission forward a negative recommendation for this proposal to the City Council to deny the request to expand the nonconforming use based upon the fact that the proposal does not align with the current objectives of the General Plan, does not provide evidence the increased truck traffic will not negatively impact the surrounding properties, and any other findings that may be identified by the Planning Commission which included an environmental study be done. Commissioner Hennessy said that was his motion.

Commissioner Lewis's second of the motion stood and all voted for the motion through a roll call vote.

CITY COUNCIL REPORT

Council Member Sharp welcomed Mr. Lewis as the newest member of the Planning Commission and said he would be a good addition to the Commission. Council Member Sharp also noted they had fed about 1700 people at the Memorial Day breakfast, and it turned out to be a great event.

GENERAL AND PENDING

Mr. Poole said within the next few weeks there would be a moderate income update that is required every year, and the Commission will be recommending that amendment to the General Plan to the Council and get it to where it needs to be, so the state is willing to accept it.

Mr. Poole also noted he would like to review the city code with the Planning Commission because there are a lot of land uses that are not spelled out in code, or which contradict each other. He said he would like to look into that and update the code for uses that are wanted in the city and make it a little easier to find those. He said the Commission would be amending the code and it would be a text amendment that would go to the Council.

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ADJOURNMENT

There being no further business before the Commission, Commissioner Lewis made a motion to adjourn the meeting at 8:08 P.M.

Temporary Chairman, Jim Grover

Bonnie Craig, Administrative Assistant