

**WOODS CROSS PLANNING COMMISSION MEETING
MARCH 10, 2015**

MEMBERS PRESENT:

Leo Beecher, Chairman
Jennifer Bassarear
Dan Bradford
Brent Page

Curtis Poole
Matt Terry

MEMBERS EXCUSED:

Gary Sharp

STAFF PRESENT:

Tim Stephens, Community Development Director
Bonnie Craig, Secretary

VISITORS:

Don Schrader
Lois Schrader
Chris Castelli
Suda Castelli
Drazen Kljucvc
Alex Howard
Casey Ford
LeGrande Blackley
Beau Peck
James Beebe
Dave Hill

PLEDGE OF ALLEGIANCE:

Dan Bradford

APPROVAL OF MINUTES

The Commission reviewed the minutes of the Planning Commission meeting held January 27, 2015. After their review, Council Member Page made a motion to approve the minutes as written with Council Member Poole seconding the motion and the motion carried.

OPEN SESSION

Chairman Beecher then opened the meeting for public comments regarding items that were not on the agenda.

There were no public comments and Chairman Beecher closed the open session.

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HOWARD BEES CONDITIONAL USE—1033 WEST 900 SOUTH—ALEX HOWARD

Mr. Tim Stephens, the Community Development Director, reviewed this item with the Commission. He noted that the applicant is proposing to keep bees at his residence in the R-1-8 Single Family Residential Zone. This is a use that is allowed within the zone permitting 2 colonies of bees on a parcel ¼ acre or less.

Mr. Alex Howard appeared before the Commission. The Commission asked Mr. Howard if he had any questions regarding the conditions of the bee keeping. Mr. Howard said he did not have any questions.

There were no further questions and Council Member Poole made a motion to approve the conditional use for Howard Bees and Mr. Alex Howard. Commissioner Terry seconded the motion and the motion carried.

ESCAPE 2 MASSAGE HOME OCCUPATION—1714 SOUTH 1415 WEST—SUDA CASTELLI

Mr. Stephens then went over this item with the Commission. He noted that the applicant is proposing to operate a massage therapy business headquartered at her home. Customers will come to the home for therapeutic massage. The applicant will be using the front room and upstairs bedroom for the home occupation. The applicant will also be doing mobile massage therapy.

Ms. Suda Castelli appeared before the Commission. The Commission asked Ms. Castelli if she understood and agreed with the terms and conditions of the home occupation. Ms. Castelli said she did understand them and agreed with them.

There were no further questions from the Commission and Commissioner Bassarear made a motion to approve the home occupation for Escape 2 Massage and Ms. Suda Castelli with the following conditions:

1. At no time may the applicant's home business operation negatively impact the neighborhood or adjacent properties.
2. The applicant's home occupation and business operation shall be in compliance at all times with any government entity having jurisdiction over the business activity.

Commissioner Bradford seconded the motion and the motion carried.

USA SPORT HOUSE CONDITIONAL USE DISCUSSION—DRAZEN KLJUČEVIC

Mr. Stephens reviewed this agenda item with the Commission. He noted that the city had recently reviewed a complaint, and has received previous complaints last year, regarding USA

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Sport House. Specifically, the complaints deal with late night noise and activity related to both the sporting events and social functions held at the facility. The police have also responded to late evening or nighttime complaints of noise from the facility. More recently, a neighboring homeowner contacted council members and staff regarding late night noise and parking lot trash at the facility. Some of the complaints deal with loud music emanating from the building and many other complaints had to do with late night early morning noise from patrons in the parking lot facility.

Based on complaints last year, the city staff sent a letter to the business owner making him aware of the complaints received and the need for him to take action to correct the problem. The city has not heard of any further issues with the facility until recently. As such, the Planning Commission has been asked to review the issue for possible action.

On March 26, 2013 the Planning Commission granted a conditional use permit for the indoor athletic use that included a condition that “at no time shall the applicant’s operation negatively impact any adjacent industrial business park or residential uses of the city.” Several months later the Commission approved an amendment to the conditional use permit to include parties, weddings, and receptions at the facility. Again, one of the conditions issued with the approval was that “at no time may the operation and activities negatively impact any of the adjacent properties particularly the nearby residential neighborhood.”

After the review by Mr. Stephens, Mr. Drazen Kljuccevc appeared before the Commission. The Commission asked Mr. Kljuccevc how he thought the problem could be mitigated. Mr. Kljuccevc said that he is not in attendance at all of the activities that take place at the business but he has tried to keep everything in order. He said the police had come on several occasions and asked that loud music be turned down, which was done. It was also noted that there had been complaints of loitering in the parking lot and loud noise coming from the parking lot from people talking and yelling, as well as noise from some of the cars.

The Commission talked to Mr. Kljuccevc about the various problems such as how late the events go, private parties which may serve liquor that could aggravate situations, the building which is made of materials that do not insulate sound as well, hours of operation, parking overflowing onto the streets, and disturbing the neighbors to the east of the business which are in close proximity to the business and hear the noise.

The Commission made some suggestions to Mr. Kljuccevc on how he might mitigate the problems. They suggested a more clear contract clients sign when booking the building for parties so that the rules are stated and understood. They also suggested possibly hiring a security guard to be onsite for the parties. They said possibly talking to the police could be helpful with suggestions as well.

The Commission asked Mr. Kljuccevc to take some time think about and evaluate what he might do to solve the problems that had been discussed and bring back suggestions for solutions to the problems to the Planning Commission for review at the next Planning Commission meeting.

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Mr. Kljuccevc was asked to review the problems and report with possible solutions at the April 14 Planning Commission meeting.

Commissioner Terry left the meeting at this point.

INTERWEST PAPER, INC. RECYCLING CONDITIONAL USE—1001 WEST 1500 SOUTH—SMOKEY PECK

PRO POLYMER, INC. CONDITIONAL USE—1001 WEST 1500 SOUTH—SMOKEY PECK

PRO BALER SERVICES, INC. CONDITIONAL USE—1001 WEST 1500 SOUTH—SMOKEY PECK

Mr. Stephens noted that next three agenda items were related and the same individuals would discuss the business operations that would be going into the large building located at 1001 West 1500 South. He noted that the application was filed under the name of Interwest Paper; however the application indicates there will be three separate business operations under the umbrella of Interwest Paper which will operate from the site noted above. The first is Interwest Paper which brokers mostly loads of recycling paper, plastics, and metals that are processed and transloaded at the proposed facility. Also, another entity name Pro Polymers Inc. processes all type of industrial plastic into ground or baled form for shipping across the United States and internationally. Last, Pro Baler Services sells and maintains waste and recycling equipment. Mr. Stephens noted the Commission should review each business entity separately and should issue individual conditional use permits for each business. He also noted the Commission might want to consider truck traffic, noise, and hours of operation for the proposed businesses.

Mr. Beau Peck and Mr. James Bebee then appeared before the Commission representing these items. The Commission asked them if they had read all of the conditions and if they understood them and agreed with them. They said they had read them and understood them but had a question about having a dumpster located on the property to use for the empty wood pallets that would be left over from materials used in the business. Mr. Stephens noted that it was within the regulations to have a dumpster as long as it was screened from public view.

The Commission asked if the business was in operation somewhere else right now. Mr. Peck said it was in another location but it was located outside and he wanted to move inside so it would be away from the elements. Mr. Peck was asked if he uses trucks and trailers to haul the materials. Mr. Peck said they used box trailers and flat beds to move the materials. The Commission asked how many loads they deliver in a month. Mr. Peck noted they move about 400-500 tons out and it would amount to about 8-10 loads per day with the businesses combined. It was noted that the trucks would have to travel by a prescribed path within the city when exiting the business in order to comply with city ordinance.

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Mr. Bebee said that as far as the Pro Polymers business was concerned that they have grinders and shredders that he did not know if the noise would be an issue. Mr. Stephens and the Commission noted that as long as the doors stayed closed the noise should stay within the building. Mr. Bebee said the hours for Pro Polymers would be from 6:00 A.M. to 11:30 P.M. It was noted that they could face restricted business hours if the noise does become an issue. The Commission said it is the nighttime hours there are usually problems with and the business owners would need to be sensitive to the noise during those hours.

The Commission asked Mr. Peck and Mr. Bebee if they could operate the businesses under the conditions that were outlined and they said they did feel like they would be able to operate under the conditions as outlined.

Commissioner Bradford made a motion to approve the conditional use for Interwest Recycling and Mr. Beau Peck with the following conditions:

1. At no time may the business operation negatively impact adjacent properties particularly residential areas of the community.
2. No obnoxious or unpleasant odors shall emanate from the site.
3. At no time shall any material or debris from the business operation or transportation of materials be allowed to litter the site or adjacent streets and property. Any degradation of the subject property due to applicant's operation may result in the revocation of the permit.
4. All truck traffic to and from the site shall be restricted to the flammable truck routs as adopted by the City Council to avoid disturbance of nearby residential areas.
5. At no time shall any of the business operations, particularly storing of material, goods or equipment, be permitted outside of the enclosed building. All such material shall be promptly unloaded and placed within the enclosed building. At no time shall any material be stored outside even for short periods of time which includes the loading dock.
6. The hours of operation, including truck loading and unloading, shall be restricted to the hours of 7:00 A.M. to 8:00 P.M.
7. The applicant shall comply with all applicable requirements for the site by Utah State Health Department, Department of Environmental Quality or its bureaus of Air Quality, Solid Hazardous Waste and Water Pollution Controls and their successors. Applicant shall comply with all application rules and regulations of any government entity having jurisdiction over applicant's operation or the subject property.
8. The vacant area on the west side of the building does not have any land use approvals. As such, this area cannot be utilized unless a site plan and conditional use application is submitted and approved by the city.
9. This conditional use permit is only valid when shipping, processing, or storing materials as outlined in the application. Any expansion of the business would require a review of the conditional use permit by the Planning Commission.
10. Any material violation of or failure of the applicant to comply with the foregoing conditions shall entitle the city to revoke this permit.

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Council Member Poole seconded the motion and the motion carried.

Council Member Page then made a motion to approve the conditional use permit for Pro Polymers Inc. with the same 10 conditions as listed above. Council Member Bassarear seconded the motion and the motion carried.

The Commission then realized the hours of operation for Pro Polymer were different than for Interwest Paper so Commissioner Page made a motion to amend the motion noting the business operation hours for Pro Polymer would be from 6:00 A.M. to 11:30 P.M. and hours of truck loading and unloading shall be restricted to 7:00 A.M. to 8:00 P.M. Commissioner Poole seconded the motion and the motion carried.

The Commission then discussed the third business that would be occupying the building. Mr. Stephens said this was mostly a sales and service business which sells and services all types of waste and recycling equipment which would also operate within the building. This equipment consist of recycling and trash compactors, recycling balers, and sorting systems. The company operates with three service vans that repair and install equipment. Hours of operation would be from 7:00 A.M. to 4:00 P.M. with 98% of the service work is done at the customer's location. As such, there should be little potential impact to adjacent properties from this operation. The Commission then asked if Mr. Peck and Mr. Bebee understood and agreed with the conditions as outlined regarding this business operation and they said they did.

Council Member Poole then made a motion to approve the conditional use for Pro Baler Services Inc. with the following conditions:

1. At no time may the business operation negatively impact adjacent properties particularly residential areas of the community.
2. At no time shall any material or debris from the business operation or transportation of materials be allowed to litter the site or adjacent streets and property. Any degradation of the subject property due to the applicant's operation may result in the revocation of the permit.
3. All truck traffic to and from the site shall be restricted to the flammable truck routes as adopted by the City Council to avoid disturbance of nearby residential areas.
4. At no time shall any of the business operations, particularly storing of material, goods or equipment, be permitted outside of the enclosed building. All such material shall be promptly unloaded and placed within the enclosed building. At no time shall any material or equipment be stored outside even for short periods of time which includes the loading dock.
5. The hours of operation, including truck use loading and unloading shall be restricted to the hours of 7:00 A.M. to 8:00 P.M.
6. The applicant shall comply with all applicable requirements for this site by Utah State Health Department, Department of Environmental Quality or its bureaus of Air Quality, Solid Hazardous Waste and Water Pollution Controls and their successors. Applicant

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shall comply with all applicable rules and regulations of any government entity having jurisdiction over the applicant's operation nor the subject property.

7. The vacant area on the west side of the building does not have any land use approvals. As such, this area cannot be utilized unless a site plan and conditional use application is submitted and approved by the City.
8. Any material violation of or failure of the applicant to comply with the foregoing conditions shall entitle the City to revoke this permit.

Commissioner Bradford seconded the motion and the motion carried.

Commissioner Poole left the meeting at this point.

POLISHED IMAGE CONDITIONAL USE—1001 WEST 1500 SOUTH—KEN HATCH

Mr. Stephens then told the Commission that this applicant would like to utilize the west end of the former Peak Profile building on 1500 South. The west end of the building has a ramp that allows vehicle access to the building and floor area. The applicant proposes to operate a car detailing and auto glass replacement business from this location. The I-1 Zone does permit, as a conditional use, auto service centers.

Mr. Casey Ford appeared before the Commission representing this item. The Commission asked how many cars they worked on in a day. Mr. Ford said between 15 and 25. He said it was same day drop off and pick up of the cars being worked on. He said he and his business partner have seven other stores located in neighboring cities. The Commission asked if there were any hazardous materials involved in this business and Mr. Ford said no.

There were no further questions and Commissioner Bassarear made a motion to approve the conditional use permit for Polished Image and Mr. Casey Ford with the following conditions:

1. At no time shall the business operation negatively impact adjacent uses or properties particularly the nearby residential areas.
2. All auto detailing, glass replacement and business operations shall take place within the enclosed building.
3. Applicant's business operation shall be in compliance at all times with any government entity having jurisdiction over the applicant's business operation.
4. The vacant area on the west side of the building does not have any land use approvals. As such, this area cannot be utilized unless a site plan and conditional use application is submitted and approved by the City.

Commissioner Page seconded the motion and the motion carried.

GENERAL AND PENDING

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Mr. Stephens noted there would be an office/warehouse/hangar coming before the Commission in the future.

He also said there would be a preschool home occupation also coming before the Commission's review.

Development agreements for the K-mart redevelopment area are still being worked on but things are moving forward.

ADJOURNMENT

There being no further business before the Commission, Commissioner Bradford made a motion to adjourn the meeting at 7:48 P.M.

Leo Beecher, Chairman

Bonnie S. Craig, Secretary