

**WOODS CROSS PLANNING COMMISSION MEETING
AUGUST 9, 2016**

The minutes of the Woods Cross Planning Commission meeting held August 9, 2016 at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

CONDUCTING: Leo Beecher, Chairman

COMMISSION MEMBERS PRESENT:

Leo Beecher, Chairman
Brent Page
Curtis Poole

Gary Sharp
Matt Terry

COMMISSION MEMBERS EXCUSED:

Jennifer Bassarear
Dan Bradford

STAFF PRESENT:

Tim Stephens, Community Development Director
Bonnie Craig, Secretary

VISITORS:

Alyssa Millar
Jeff Millar
Carol Terry
Brian Moss
LeGrande Blackley
Chad Stokes
Summer Derrick

The Chairman welcomed those in attendance and stated this was the Woods Cross Planning Commission meeting and they would be discussing items that were listed on the Planning Commission agenda.

PLEDGE OF ALLEGIANCE: Gary Sharp

APPROVAL OF MINUTES

The Planning Commission reviewed the minutes of the meeting held July 12, 2016. After their review, Commissioner Member Poole made a motion to approve the minutes as corrected with Commissioner Sharp seconding the motion and the motion carried.

OPEN SESSION

Chairman Beecher then opened the meeting to items from those present that were not on the agenda.

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There were no items from the public present and Chairman Beecher closed the open session.

URBAN CHICKENS CONDITIONAL USE—707 WEST 1950 SOUTH—BEN NIEDERHAUSER

Mr. Tim Stephens, the Community Development Director reviewed this agenda item with the Planning Commission. He said that Mr. Ben Niederhauser was applying to keep 10 chickens at his home located within the city. This is the maximum amount that the conditional use permits. He noted Mr. Niederhauser has completed the application for the chickens and acknowledged the conditions and regulations for the keeping of chickens.

Mr. Niederhauser was not in attendance at the meeting but the Commission said that since he had completed the application and acknowledged the conditions and regulations for the keeping of chickens as outlined by city ordinance, they felt comfortable in voting on this item at tonight's meeting.

Commissioner Sharp made a motion to approve the urban chicken conditional use permit for Mr. Ben Niederhauser with the condition that at no time shall the keeping of chickens negatively impact the neighborhood or adjacent properties. Commissioner Terry seconded the motion and all voted for the motion through a roll call vote.

ALULA BOUTIQUE HOME OCCUPATION—1611 SOUTH 925 WEST—ALYSSA MILLAR

Mr. Stephens then reviewed this agenda item with the Commission. He noted that Ms. Alyssa Millar is proposing to operate a clothing boutique from her home. Ms. Millar is an independent sales consultant and will be purchasing clothing at wholesale prices and then marketing and reselling the product. This will be done online through social media outlets and via some in-home boutiques. Ms. Millar has indicated that at times customers will come to the home to view and purchase from her inventory. She will be using a basement office for storage and operation of the business.

After the review by the Community Development Director, Ms. Alyssa Millar appeared before the Commission. The Commission asked Ms. Millar if she had any questions about the conditions as outlined and she said she had no questions or problems as the conditions were outlined. The Commission also asked her if she was aware of the advertising restrictions for home occupation businesses and she said she was aware of them.

There being no further questions, Commissioner Page made a motion to approve the home occupation for Alula Boutique and Ms. Alyssa Millar with the following conditions:

1. At no time shall the applicant's operation negatively impact the residential neighborhood.

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2. Applicant shall be in compliance at all times with any government agency having jurisdiction over the applicant's business operation.

Commissioner Poole seconded the motion and the motion carried.

ONE SOLAR CONDITIONAL USE PERMIT REVIEW—TIM STEPHENS

Mr. Stephens then noted for the Commission that One Solar, a business operating within Woods Cross City, had obtained a conditional use permit from the city in 2015. They are located within the Skypark Industrial Park and the following conditions were outlined as part of that conditional use:

1. At no time shall the applicant's negatively impact adjacent properties in particular the residential neighborhood adjacent to the east side of the subject property.
2. At no time may materials, inventory, or equipment be stored outside the enclosed building.
3. The applicant's business shall be in compliance at all times with any government agency having jurisdiction over the subject property or the business operation.

Mr. Stephens went on to say that several months ago the city started receiving complaints from Ms. Summer Derrick, a neighbor living near the Solar One business located in Woods Cross City. She said that Solar One was creating noise behind their building when loading and unloading trucks. She also said the garbage pick-up is very noisy with the garbage man arriving prior to 6:00 A.M. and allowing his truck to idle until 6:00 A.M. and then dumps the garbage which Ms. Derrick also says is very noisy and is very disturbing at this hour of the morning.

Mr. Stephens said that he was hopeful that at tonight's meeting there would be a way to mitigate this issue with the neighbors and One Solar. He did say that in the worst case scenario if the issue was unable to be resolved the Planning Commission could hold a hearing and possibly revoke the conditional use permit.

After the review by Mr. Stephens, Ms. Summer Derrick was asked to address her concerns with the Planning Commission. Ms. Carol Terry, also a neighbor living nearby Solar One, was also at the meeting to address this issue. Ms. Derrick said her issues were the same as discussed at the last Planning Commission meeting. She said her main issues are the noise level with the loading and unloading of the trucks at the business and the garbage truck pick-up at 6:00 A.M. Ms. Terry also said she hears similar disturbances from her home. Ms. Derrick said when the trash is picked up the noise reverberates off the walls and the dumpster is picked up and banged down numerous times. She said this noise is causing her anxiety and lack of sleep as well as disturbing her children and their sleep. She said she would really like to see the issue resolved.

Mr. Chad Stokes, one of the owners of One Solar, was asked to come before the Commission to speak on behalf of these complaints. Mr. Stokes said he apologized for the disturbances and said he was very sorry and they wanted to be a good neighbor. He thanked the neighbors for bringing these matters to his attention. He said that the reason they load their trucks so early in the

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morning is that during the summer they try to get their crews out early for the installation of the solar panels because of the heat. He also said that since he had heard of the noise problems, he has asked his employees to pull their trucks right up to the back door to load and unload the trucks in hopes that it will help eliminate some of the noise. Ms. Derrick and Ms. Terry did say that they had seen some improvement in the noise level over the last couple of weeks and they said they did see some improvement.

Mr. Stokes then explained that he had asked his garbage company to come later in the morning but that they did not comply with his request. He said he asked again with no compliance and then he asked one more time threatening to take his business to another company if they could not come at a later time. He also said he has asked to be on a different route that was later in the day. He said he hoped he could get that matter resolved. He also said he would like to have the neighbors contact him personally when there are issues so he can address them himself.

Mr. Stephens noted One Solar might want to check with other garbage haulers and talk with them to see if they might be able to accommodate a later garbage pick-up time.

Mr. Stokes said he would check into other providers and see if he can find someone that would work for them cost wise as well as coming at a later time. Mr. Stokes asked the neighbors what time would be acceptable to them. They indicated maybe from 9:00 – 11:00 A.M. would be more acceptable. Ms. Derrick said she would also like some kind of a timeline for when this would happen and Mr. Stokes said he thought he could have something in place in a week to 10 days. She asked how she would know if it was taken care of and Mr. Stephens asked One Solar if they could email him when they had a resolution so he could let everyone else know and Mr. Stokes said he would.

The Commission asked if the neighbors were pleased with the loading and unloading efforts from One Solar to try to help take care of this noise problem and the neighbors said they were happy with this effort but would still like to see the garbage truck problem resolved.

Mr. Stokes said he would continue to work on mitigating the problems and that he wanted to be a good neighbor. He said he would give both the neighbors his personal cell phone number so they can call him and he can address any future problems himself.

Chairman Beecher thanked everyone for their efforts in working towards getting this matter resolved.

GENERAL AND PENDING

Mr. Stephens noted there were several matters that would be coming up for the Planning Commission for their review. He said Smoot Development would be coming in with some drawings for the Commission's consideration. Also Holly Refinery would be coming in with a site plan for review and Wright Development would also be coming in with a site plan for review by the Planning Commission. He also said Thackery and Hepworth are still in discussions about

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a proposed apartment development but that there are traffic issues that still need to be considered.

ADJOURNMENT

There being no further business before them, Commissioner Terry made a motion to adjourn the meeting at 7:21 P.M.

Leo Beecher, Chairman

Bonnie S. Craig, Secretary