

**WOODS CROSS PLANNING COMMISSION MEETING
NOVEMBER 30, 2010**

MEMBERS PRESENT:

Leo Beecher
Jennifer Bassarear
Anne Blankenship
Brent Page

Curtis Poole
Gary Sharp
Matt Terry

STAFF PRESENT:

Tim Stephens, Community Development Director
Marcee Meeks, Secretary
Kent Parry, Mayor

VISITORS:

Pat Blackley
LeGrande Blackley
Hall Blankenship
Don Schrader
Lois Schrader

Ryan Westergard
Adam Ackerman, Peak Asphalt
Kenny Custer, Peak Asphalt
Lucas Kjar, AutoSource Motors

PLEDGE OF ALLEGIANCE:

Jennifer Bassarear

APPROVAL OF MINUTES

The Commission reviewed the minutes of the meeting held November 9, 2010. After their review, Commissioner Page made a motion to approve the minutes as corrected with Commissioner Blankenship seconding the motion and the motion carried.

CITY COUNCIL REPORT

Mayor Kent Parry was at tonight's meeting representing the City Council. He reported on the City Council Meeting held November 16, 2010. Please see the minutes of that meeting for the details of his report.

OPEN SESSION

Chairman Beecher opened the meeting for public comments about issues that were not on the agenda.

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

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CONDITIONAL USE & SITE PLAN AMENDMENT FOR PEAK ASPHALT

Mr. Tim Stephens, Community Development Director, reviewed this item with the Commission. He explained that Peak Asphalt operated an asphalt facility which stored, mixed and distributed asphalt products for road construction on a portion of the old Cowboy Oil site located east and adjacent to the airport on 2600 South. The company proposed to relocate 2 existing tanks and construct 4 new asphalt tanks for the processing and storage of asphalt products. In meetings with the staff, Mr. Kenny Custer, Engineering Manager for Peak Asphalt, indicated that the proposed project would replace the same process and storage which was taking place elsewhere on the site but would enable the company to manufacture their product in a more cost effective and efficient way. He also indicated that the project would not increase the present production at the site. Mr. Stephens directed the Commission's attention to a site plan drawing showing the location of the proposed tank sites. He noted that the truck scale had been upgraded and a new concrete retaining wall would be constructed along a section of the west property line.

Mr. Stephens pointed out that the proposed tanks would penetrate an airport height surface as outlined in the Zoning Ordinance. However, Peak Asphalt had obtained determinations of no impact from the FAA regarding the proposed project and received variance from the Board of Adjustment for the tank intrusions to airspace near the airport.

Mr. Stephens reported that the staff had discussed concerns about potential odors produced by the proposed tanks and process with Mr. Custer and was assured by Mr. Custer that the use of smaller tanks and the installation of pressure reduction vacuum valves equipped with carbon filters would significantly reduce the amount of odor emanating from the site.

Mr. Stephens reported the City Engineer, South Davis Metro Fire Agency and Woods Cross Public Works Department had all reviewed the application and that the staff recommended approval with the conditions listed in his report.

The floor was given to Mr. Adam Ackerman, Sales Manager for Peak Asphalt, who outlined the proposed project in detail. He stressed that the proposed project would cause no new impacts to the surrounding area, would not increase plant throughput and would enable the plant to operate more efficiently.

Chairman Beecher called for questions or comments from the Planning Commission. Commissioner Terry asked what the two tanks that were not being moved would be used for. Mr. Ackerman referred the question to Mr. Kenny Custer, Engineering Manager, who indicated that the tanks were presently not in service. The current air permit allowed the tanks to be used for aviation fuel storage; however, Peak Asphalt did not want to store such a volatile substance on the site and would be having aviation fuel storage removed from the state air permit. Mr.

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Custer then read through the proposed City staff conditions for the permit and indicated acceptance of the conditions.

Ryan Westergard, a resident at 2143 South 1550 West, addressed the Commission. Mr. Westergard stated that he lived near the asphalt plant and had dealt with the offensive odors in the area for many years. He expressed frustration that no permits had ever been revoked in spite of numerous complaints to the city about offensive odors emanating the applicant's and other operations in the area. Mr. Westergard indicated strong opposition to any expansion of these operations and asked if the Planning Commission would consider including notice to surrounding property owners when a conditional use permit or site plan was going to be reviewed.

Discussion followed regarding the odor impacts to the surrounding residential area. It was pointed out that odors are difficult to monitor when there are multiple users of the site. The Commission questioned Mr. Custer about possible expansion of the plant. Mr. Custer indicated that, under the present air permit, the plant could double its capacity but it would require doubling the size of the facility which would not be justified in the current market and would require Planning Commission approval. Chairman Beecher stressed the fact that the proposed changes at Peak Asphalt would improve conditions at that operation. The alternative to approving the application would be to deny it which would result in conditions staying as they were with no improvement. The Commission then discussed ways in which Peak Asphalt and other operators could make themselves more available for the residents to voice their concerns. A hotline phone number or periodic newsletter were suggested. Mr. Custer stated that residents are always welcome to call the plant when they had complaints or concerns. He indicated a willingness to consider other ways to better communicate with neighboring residents.

Chairman Beecher called for a motion; Commissioner Sharp moved to approve the Conditional Use Permit for Peak Asphalt with the following conditions:

1. The applicant shall acquire all required building permits from the City prior to construction, alteration or demolition of any improvements on the property described in the applicant's application.
2. Applicant shall obtain and continually maintain a written sewer discharge permit from the South Davis Sewer Improvement District prior to commencement of applicant's operation of tanks as outlined in the applicant's application
3. No oil, fuel, asphalt or any other chemical emanating from the subject property shall be allowed to enter or be discharged into the City's storm drain system.
4. All pipelines installed by the applicant in conjunction with the proposed project shall be tested and any other ground lines, if applicable, shall be cathodically

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protected for corrosion protection. The applicant shall maintain all pipe beams and pipelines utilized by the applicant in a good and safe condition.

5. All waste, waste waters and processed area storm waters shall be collected and run through the API separator and shall not be allowed to discharge into any ground waters or off-site storm drain system. This condition shall not be construed to prevent discharge or disposal of waste, waste waters, or processed area storm waters in approved landfills, disposal sites, or the South Davis Sewer District as per their discharge permit as the case may be.
6. Any degradation of the subject property due to the applicant's operation may result in revocation of the permit.
7. Applicant shall obtain all required air quality permits and shall submit copies to the City prior to operation and start up of the proposed project.
8. At no time may offensive odors emanate from the applicant's proposed project which would impact the surrounding light industrial, airport or residential areas of the City. Failure to comply with this condition shall result in revocation of this permit.
9. The applicant shall comply with all the applicable requirements for the site required by the Utah State Health Department, Department of Environmental Quality or its bureaus of Air Quality, Solid Hazardous Waste and Water Pollution Control and their successors.
10. Applicant shall comply with all applicable laws, rules and regulations of any government entity having jurisdiction over the applicant's operation or the subject property.
11. Any material violation or failure of the applicant to comply with the foregoing conditions shall entitle the City to revoke this permit, provided the City gives the applicant written notice of such failure or violation and that the applicant has failed to remedy such failure violations within 30 days from the date the applicant receives such notice.

The motion was seconded by Commissioner Basserear and the motion carried.

Commissioner Page moved to approve the Site Plan for Peak Asphalt at 1710 W. 2600 S. The motion was seconded by Commissioner Terry and the motion carried.

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REVIEW OF SECURITY LIGHTING AT AUTO SOURCE—TIM STEPHENS

Commissioner Blankenship recused herself from participating in the discussion at this time because of her personal interest in this item and left the meeting.

Mr. Stephens reviewed this item with the Commission. He stated that Hall Blankenship had contacted him indicating that the exterior lighting at AutoSource Motors was in violation of the conditional use permit issued in 1987 which was creating a negative impact to the residential area north of the dealership. In discussions with Mr. Lucas Kjar, owner of AutoSource Motors, Mr. Stephens learned that the auto dealership had experienced several thefts on their lot and had been advised by the Police Department to increase security lighting. Because of this recommendation, Mr. Kjar had been leaving several pole lights lit during the night to curtail the theft problem.

Mr. Lucas Kjar addressed the Commission. He indicated he was willing to do what ever was necessary to lessen the impact of the lights on the residential neighborhood, but was concerned about being able to light his lot sufficiently for security.

Mr. Hall Blankenship, a resident at 1918 So. 580 West addressed the Commission. Mr. Blankenship described the problem as light trespass. He stated he could stand on the south side of his house at night with his back toward the dealership and read a newspaper easily. Mr. Blankenship also indicated his agreement with Mr. Westergard that the City should consider notifying neighboring residents when changes were proposed to conditional use permits and site plans.

Discussion followed regarding possible ways to solve the problem and still provide AutoSource Motors with enough light to secure their lot at night. The Commission suggested that Mr. Kjar experiment with shielding the lights with some kind of temporary material to determine a permanent solution. Mr. Kjar agreed to put temporary shields on the lights and then return to the Planning Commission on January 18th when they could travel to the affected area to see if the problem was improved.

GENERAL AND PENDING

Mr. Stephens then noted several upcoming items that would be coming before the Commission for their review.

Development Associates would be submitting applications for 2 more phases of townhomes.

A new sign ordinance has been forwarded to City Attorney Todd Godfrey for final comment. Hopefully it will be ready for the Planning Commission to review at their next meeting.

ADJOURNMENT

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There being no further business before the Commission, Commissioner Terry made a motion to adjourn the meeting at 8:16 P.M.

Leo Beecher, Chairman

Marcee Meeks, Secretary