

**WOODS CROSS PLANNING COMMISSION MEETING
SEPTEMBER 14, 2021**

CONDUCTING:

Curtis Poole, Chairman

COMMISSION MEMBERS PRESENT:

Curtis Poole, Chairman
Mike Doxey
Eric Jones

Jessica Kelemen
Joe Rupp
Gary Sharp

STAFF PRESENT:

Tim Stephens, Community Development Director
Bonnie Craig, Secretary
Matt Terry, City Council Member

VISITORS:

LeGrande Blackley
Emily Sinclair
Don Schrader joined remotely
Lois Schrader joined remotely
Dell Nichols
Kelly Herron

PLEDGE OF ALLEGIANCE:

Gary Sharp

APPROVAL OF MINUTES

Chairman Poole called for the review of the minutes of the Planning Commission meeting held August 24, 2021.

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

OPEN SESSION

Chairman Poole then opened the meeting to items from those present that they would like to bring before the Planning Commission that were not on the agenda.

There were no items for the open session and Chairman Poole closed the open session.

MID-CENTURY CLOSEOUT CONDITIONAL USE—1751 SOUTH REDWOOD ROAD—EMILY SINCLAIR

Mr. Tim Stephens, the Community Development Director, reviewed this item with the Planning Commission. He noted this applicant is proposing to operate a business from an

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
SEPTEMBER 14, 2021
PAGE 2**

office/warehouse building on Redwood Road. He said the applicant is proposing to operate a furniture repair/refurbishment and sales business operation from this location. He noted that in addition to repair and refurbishment of furniture, the business operation will include online and onsite sales of surplus furniture, lighting, and other home accessories. Mr. Stephens said the applicant indicated that no vehicles will be kept onsite except for employee transportation. He also noted that the application has stated that just one employee-owner will be involved in the business. He said the business would operate six days a week with retail and sales planned for Saturdays only from 12:00 PM to 5:00 PM.

Following the information given by Mr. Stephens, Chairman Poole invited Ms. Emily Sinclair representing Mid-Century Closeout to answer any questions the Commission had regarding this item.

Ms. Sinclair noted for the Commission that they have already been operating this business but were moving to the Woods Cross location.

Commissioner Jones asked if the retail part of the business would only be operated on Saturday. Ms. Sinclair said yes that they do most of their business online or by appointment only. She said they will only be doing retail sales for a limited time on Saturdays. Commissioner Jones asked how many workers were involved in the business. Ms. Sinclair said it was just her and her father that were involved in the business.

Commissioner Sharp asked if Ms. Sinclair was okay with the conditions as they were listed, and Ms. Sinclair said she was fine with the conditions as presented.

There were no further questions and Commissioner Jones made a motion to approve the conditional use for Mid-Century Closeout and Ms. Emily Sinclair with the following conditions:

1. At no time may any equipment, materials, or debris be stored or staged outside the enclosed building.
2. At no time may the business activity negatively impact adjacent properties particularly residential areas.
3. Applicant's business operation shall be in compliance at all times with any government agency having jurisdiction over the business operations or subject property.
4. Applicant shall obtain a South Davis Metro Fire approval and provide a copy to the city prior to the issuance of a business license.
5. Applicant shall obtain and maintain a Woods Cross Business License.

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

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
SEPTEMBER 14, 2021
PAGE 3**

REVIEW AND DISCUSSION OF UPDATE OF ZONING DEFINITIONS AND SIGNS CHAPTERS

Mr. Stephens noted that Mr. Mark Bell, the city's attorney, was joining the meeting to go over the Zoning Definitions and Signs Chapter. Mr. Bell handed out a copy of a summary of chapter reorganization for the Planning Commission to review. Mr. Bell said he would like to re-review these chapters for any changes that needed to be made. He also noted he had a copy of redlines if any of the Planning Commission would like them for review. Mr. Bell said the 1st meeting in October there would be a notice of a public hearing, and everything had to be completed before then.

The Commission reviewed the information given to them by Mr. Bell and discussed any changes or ideas they had regarding this matter.

CONSIDERATION TO RECOMMEND SIGN ORDINANCE AMENDMENT TO THE CITY COUNCIL

Mr. Stephens noted that sometime ago Mr. Dell Nichols filed a text amendment application to modify the sign ordinance to permit electronic changeable copy signs or LED signs in the C-1 Restricted Commercial Zone. Several months ago, there was a public hearing held at which time the Commission stated they were supportive in making some modifications to the text to permit these types of signs within the zone. Mr. Stephens said in discussions with Mr. Nichols, it was decided the text amendment request would roll into the overall zoning ordinance update which included the sign regulations chapter, but the review and timeline for this project had been extended several times. Mr. Stephens said that in speaking with Mr. Bell recently, he was concerned with having Mr. Nichols' amendment application connected to the overall zoning update process due to the extended length of time. Mr. Stephens said that he and Mr. Bell had concluded that it was necessary to handle Mr. Nichols amendment request separately and move this along with a recommendation to the City Council.

Mr. Stephens said the Commission had concern over the fuel price sign on the nonconforming Fast Stop pole sign. He said the Commission had previously discussion the possibility of amending the sign ordinance but restricting it to fuel price only. Mr. Stephens said that after discussion the matter with Mr. Bell, he felt that would not resolve the issue with controlling content.

Following the information given, the Commission discussed with Mr. Bell the options of either amending the text to modify the sign ordinance that would ultimately affect this one pole sign in the C-1 restricted zone, or whether it would be better to have Mr. Nichols go through the non-conforming use process to possibly allow the sign.

Commissioner Jones expressed concern the zoning would be changed for this one sign. Mr. Bell said that ultimately changing the zoning would be the best course of action to take for this particular sign request. Mr. Bell also noted that there was not a good legal argument for

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
SEPTEMBER 14, 2021
PAGE 4**

restricting content on an LED sign unless it is obviously harmful content. There was also discussion on the size of the sign and what part of the sign could be utilized for the LED portion of a sign when changing it from a changeable copy sign.

The Commission went on to discuss what the different options for this sign might be with the city attorney.

Following the discussion, Chairman Poole asked the Planning Commission what their feelings were regarding this matter.

Commissioner Doxey said he did not have any concerns with the LED sign.

Commissioner Kelemen said she understood some of the concerns that had been addressed but she said she felt comfortable going with the recommendation of the city attorney to approve the sign with the text amendment.

Commissioner Sharp said he also had some concerns but that if the sign impacted the neighborhood in a negative way, the Planning Commission could always ask the business to come back to mitigate any problems with an LED sign.

Commissioner Rupp then made a motion to forward to the City Council the Planning Commission's recommendation for approval of the zoning ordinance text amendment application from DNCR Development regarding chapter 12-32 which will be 12-27 specific sign regulations by type and that they replace the proposed language in the text amendment application to reflect the new proposed 12-27-160 Section B Changeable Copy Sign Electronic or Mechanical Language that has been given to the Commission by the City Attorney as the language that is forwarded on the text amendment application from DNCR Development. Commissioner Kelemen seconded the motion, and all voted in favor of the motion through a roll call vote.

Chairman Poole thanked Mr. Bell for coming to the meeting to help clarify and go over the matters that had been discussed at tonight's meeting.

CITY COUNCIL REPORT

Council Member Terry reported on the City Council meeting held September 7, 2021. Please see the minutes of that meeting for the details of that report.

GENERAL AND PENDING

Mr. Stephens said he had nothing further to report.

Chairman Poole then told the Commission that he was resigning, and tonight would be his last Planning Commission meeting as he has taken a new job and he would be unable to attend the Tuesday evening meetings. He said it had been a privilege to serve on the Planning Commission

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
SEPTEMBER 14, 2021
PAGE 5**

and it had been a pleasure to work with everyone and be involved. He said he would miss working with everyone and what they do as Planning Commission members makes a difference in the community.

The Planning Commission and staff also thanked Chairman Poole for his many years of service on the Planning Commission and said he would be missed.

ADJOURNMENT

There being no further business before the Planning Commission, Commissioner Doxey made a motion to adjourn the meeting at 7:53 P.M.

Curtis Poole, Chairman

Bonnie Craig, Secretary