

**WOODS CROSS PLANNING COMMISSION MEETING
OCTOBER 12, 2021**

CONDUCTING:

Gary Sharp, Chairman

COMMISSION MEMBERS PRESENT:

Gary Sharp, Chairman
Mike Doxey
Brian Bean

Eric Jones
Joe Rupp

COMMISSION MEMBERS EXCUSED:

Jessica Kelemen

STAFF PRESENT:

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

VISITORS:

LeGrande Blackley
Brock Whitworth
Mark Clifford
Mitch Nielsen

PLEDGE OF ALLEGIANCE:

Gary Sharp

MINUTE APPROVAL

Chairman Sharp then called for the review of the minutes from the Planning Commission meeting held September 28, 2021.

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

OPEN SESSION

Chairman Sharp then opened the meeting to items from those present that they would like to bring before the Planning Commission.

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

TENAGRA CONDITIONAL USE—2440 SOUTH 800 WEST—BROCK WHITWORTH

Mr. Tim Stephens, the Community Development Director, then reviewed this item with the Planning Commission. He noted that the subject property is located in the storage unit complex

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on the south end of 800 West behind the building that is being remodeled into an office building. Mr. Stephens noted that some years ago in the late 70's or 80's this area was divided into separate ownerships. He noted the property adjacent to 800 West was formerly a health and racquet club and is presently being remodeled to house professional offices. He said the properties behind the office building extend to the railroad track and are occupied by storage unit buildings. Mr. Stephens said these properties are zoned S-1 and that located in the middle of the storage unit buildings is a large, metal building that has had several uses over the years. He said that many years ago, it was used for indoor tennis and more recently has been used as an indoor soccer facility.

Mr. Stephens said this applicant is proposing to utilize the building for storage. He said that specifically, the applicants plan to divide the building into six storage units and modify the building with overhead and man doors for each unit. He said they had also mentioned in their application they would have restrooms for all tenants to access in addition to allowing tenants 24-hour access to their storage unit utilizing the secured and automated door locks. He said the application also indicates that the current parking layout consists of over 40 parking stalls for tenants. He also noted the parking lot striping was probably the result of the previous indoor soccer use.

Mr. Stephens said there are specific types of potential storage customers who would find use for such a facility. He noted the Commission should be aware of uses other than dead storage, such as business use, assembly, or manufacturing. He noted that particular concerns are potential impacts to the residential neighborhood and that is north and adjacent to the subject property. He said the north property line is lined with rear yards of single-family homes that are in close proximity to this building and parking area. He said that 24-hour access may create problems or disturbance to the adjacent homes. He also noted the Commission may want to look at any lighting improvements that are planned to be made particularly as this may have an impact to the adjacent neighborhood. Mr. Stephens noted it may be necessary for the applicant to submit a photometric plan to the Commission with product cut sheets for any proposed exterior lighting that may be contemplated.

The Commission asked if there would be any modifications to the footprint of the building. Mr. Stephens noted there would not be any modifications to the footprint of the building that there would just be tenant finishes and dividers walls added to the project.

Mr. Brock Whitworth and Mr. Mitch Nielsen were at the meeting representing this item and they addressed the Commission.

Mr. Nielsen addressed the Commission and noted there would be between 6 and 10 units and the maximum unit size would be 4500 square feet. He said they are not planning on letting anyone run a business out of the buildings, but they would be used strictly for storage and light warehouse space. He said they thought this would fit in well with Beehive Storage which is also located in the same area. He said they were planning to serve a demographic that needed a little more space, and this location was perfect for this project.

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The Commission did express some concern about the proposed storage units being open for 24 hours a day 7 days a week. Mr. Whitworth said the intention was to have an automated security system where they could access the property 24/7 but he said they could be flexible on that if there are concerns about that. He said it was not a deal breaker for them.

Commissioner Rupp said he was a little concerned about the 24/7 access because of the proximity to the adjacent neighborhood. He said if a business is renting the space and they have equipment they are storing, there may be beeping sounds coming from the machinery or large trucks that have the potential to make an impact. He asked about potential clientele and if there would be people using things like forklifts. Mr. Whitworth said there could be box trucks with beepers. He said there could be limited access to the storage units if the Commission has concerns of the 24/7 hours of operation.

The Commission discussed if the city's noise ordinance would cover any noise issues that might come up. Mr. Stephens said this is a conditional use, and they would be subject to the city's noise ordinance and if there were to be a complaint about noise, they would need to come back before the Planning Commission to mitigate any problems.

Mr. Whitworth said they could have hours from 7:00 AM to 10:00 PM and that would not be a problem. He said he felt like these would be reasonable hours for those who would be using the storage units.

The Commission noted they did not have a problem with the 24 hour access as long as the noise ordinance was in place to mitigate any issues in the event there was a complaint with noise coming from the storage area.

Chairman Sharp mentioned the applicant should be careful about the lighting they choose to use as lighting has been an issue over the years with some of the other businesses in the city. It was noted there are many good lighting products that are shielded that could be used to help mitigate lighting problems.

Mr. Whitworth said they need to be very budget conscience regarding this project, so they do not plan on changing the lighting and they will leave the lighting as it is right now.

Commissioner Bean requested when the contracts are drawn up with the clients for the storage units, that these sensitive issues regarding noise and lighting be mentioned in the contract as well as verbally speaking with the clients, so those using the units are aware of what is expected.

Mr. Whitworth said he would be happy to post signage that would talk about the noise ordinance and the times with the users of the storage area.

There were no further questions and Commissioner Jones made a motion to approve the conditional use for Tenagra storage for Mr. Brock Whitworth and Mr. Mitch Nielsen with the following conditions:

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1. At no time may the use negatively impact adjacent properties particularly the adjacent residential area.
2. At no time may any materials, debris, equipment, or vehicles be stored or staged outside the enclosed building. All items shall be stored or staged within the fully enclosed building.
3. Use of the building shall be for storage and warehousing. Such use shall not include business or commercial operations and activities.
4. At no time shall flammable liquids, highly combustible or explosive materials or hazardous chemicals or waste be permitted on the premises.
5. Applicant shall obtain a South Davis Metro Fire Approval and submit the same to the city prior to the issuance of a business license.
6. Applicant shall obtain and maintain a Woods Cross City Business License.

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

Mr. Stephens said he was waiting on the consultant and the city attorney at this time to join the meeting by Zoom to discuss the next item and they were unavailable for the next few minutes.

Commissioner Rupp made a motion to wait to discuss the next item until the consultant and city attorney could join the discussion and Commissioner Jones seconded the motion and all voted in favor of the motion through a roll call vote.

Commissioner Bean left the in person meeting at this time but joined the meeting by Zoom until 7:55 PM at which time he left the meeting.

PUBLIC HEARING-RECEIVE PUBLIC COMMENTS ON THE PROPOSED UPDATE TO THE LAND USE REGULATIONS OF THE CITY OF WOODS CROSS KNOWN AS THE “ZONING ORDINANCE OF WOODS CROSS CITY”; CODIFIED AS TITLE 12 OF THE WOODS CROSS CITY CODE. THE PROPOSED UPDATE CONSISTS OF A GENERAL REVISION OF TITLE 12; THE VARIOUS CHAPTERS OF THE REVISED CODE ARE SHOWN ON EXHIBIT “A” TO THIS AGENDA

Mr. Stephens said Mr. Bell and Mr. Vlasic had not been able to join the meeting at this point so Commissioner Rupp made a motion to move to the next item with Commissioner Jones seconding the motion and all voted in favor of the motion.

The Commission returned to this item and Mr. Stephens noted the public hearing had been scheduled to receive public comment on the proposed draft of the zoning ordinance. He said there will not be any property rezoned in the city with this action. He also noted that Mr. Mark Bell and Mr. Marc Vlasic had joined the meeting and would be participating in the public hearing along with himself to answer any questions the public or the Commission may have as the hearing proceeds.

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He went on to say there is a possibility that the Commission may receive public input that may result in the Commission considering making modifications to the proposed ordinances. He said if those changes were minor and can be noted as adjustments in any motion, the Commission could recommend approval of the Zoning Update to the City Council directing staff to make modifications. He went on to say in the event a larger question comes up that causes the Commission to entertain making larger modifications to the ordinance, the Commission can consider taking the public comment under advisory and directing the staff to prepare any modifications and return them to the Planning Commission during the next scheduled Planning Commission meeting.

Mr. Stephens said in the event that the Commission, after receiving public comment, is comfortable with their proposed draft of the zoning ordinance, the staff would recommend that the Planning Commission forward to the City Council a recommendation to consider approval of the Commission's proposed Zoning Ordinance Update.

Mr. Stephens introduced Mr. Mark Vlasic who joined the meeting by Zoom. Mr. Stephens noted that Mr. Vlasic had been the consultant for the city on this project. He gave an overview of the rezoning process that had taken place.

Mr. Mark Bell, the City Attorney also joined the meeting by Zoom. Mr. Bell noted the language had been changed in the zoning ordinance to permit the electronic changeable copy signs as had been previously discussed by the Commission. He went on to note the zoning had been modified to take out the CRT and S-1 Zones. Mr. Stephens said the City Council had discussed the zoning language for the electronic changeable copy signs and had some concern that the mixed use zones, changeable copy signs may be permitted in these zones and there could be a possibility a resident might want an electronic changeable copy sign on their property. Mr. Stephens said the language had been adopted by the City Council minus the CRT and S-1 zones.

Following the information given by Mr. Stephens, Chairman Sharp opened the public hearing for public comment.

There were no public comments and Chairman Sharp closed the public hearing.

CONSIDERATION TO RECOMMEND TO THE CITY COUNCIL—THE PROPOSED ADOPTION OF A GENERAL UPDATE, REVISION AND AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF WOODS CROSS; TITLE 12 OF THE WOODS CROSS CITY CODES, INCLUDING THE RECISSION OF THE EXISTING ZONING ORDINANCE

Following the information discussed above, Commissioner Rupp made a motion to forward the Planning Commission's recommendation for approval to the City Council of the adoption of a general update, revision and amendment to the zoning ordinance of the city of Woods Cross; Title 12 of the Woods Cross City Codes, including the recission of the existing zoning ordinance.

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

Chairman Sharp thanked Mr. Bell and Mr. Vlasic for all of their hard work on this matter.

Council Member Terry also personally thanked the Planning Commission for all of their hard work on the revision to the zoning ordinances.

CONSIDERATION AND RECOMMENDATION OF A VARIANCE REQUEST FROM THE REQUIREMENTS OF THE LAND DEVELOPMENT ORDINANCE TITLE 11 BY MARK CLIFFORD—1351 WEST 1500 SOUTH

Mr. Stephens reviewed this item with the Planning Commission. He noted that Mr. Luna owns approximately 3.5 acres of property on the south side of 1500 South at approximately 1300 West. Mr. Stephens noted that Mr. Luna resides in a home on the property and has offered the property for sale for several years now. Mr. Stephens said the property lies along the west side of the driveway leading from 1500 South to the Mills Park Ball Diamonds. He said it is a deep piece of property and somewhat narrow. He also noted that several developers have expressed an interest in developing the property and have proposed upgrading the park access driveway into a full-width public street with lots fronting on the west side. Mr. Stephens said the city has not been interested in creating that situation since this driveway to Mills Park is heavily used numerous times during the year particularly during baseball and soccer seasons in addition to park patrons parking along the lane. He also said the city has not been interested in creating a public street with new homes fronting on this situation. He noted the city is concerned that this would create a situation in which new homeowners would engage the City Council in discussions of eliminating the park access and traffic on to the street due to impacts to their new homes and property. He said it would be better to keep this park access and its traffic separate from homes.

Mr. Stephens said this situation has left developers to attempt a layout of a subdivision concept, subdividing the property with a street on the subject property. He said that due to the property's depth and narrowness, it has been difficult to accomplish this under the R-1-8 Single Family Zoning and public street width requirements. He noted that issues encountered include exceeding the maximum length of a cul-de-sac in addition to shallow lots that make it difficult to create interest in the property and have inquired about the possibility of changing the zoning to permit higher density, attached, multi-family housing. He also said that staff has made it clear that the city recently completed a general plan update and the City Council felt strongly that the remaining properties along 1500 South develop in the same R-1-8 single-family manor. He said this has not left many options for developers. He said that there exists near the west boundary of the Luna property, a one-acre parcel, that would perhaps provide more room and opportunity to reasonably develop the area. He did say that the owner of the adjoining property has made it very clear over the years that he has no interest in participating in any development that would include the Luna property.

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Mr. Stephens noted that Mr. Clifford has approached the staff and proposed a similar layout with a long deep cul-de-sac, with wide lots but shallow in depth. Mr. Stephens said there are several issues with this layout with subdivision regulations limiting the maximum depth of a cul-de-sac to 400 feet and not more than 20 lots. The drawing given to the Commission depicts a cul-de-sac depth of 611 feet. He noted that in addition the lots can easily meet the required lot frontage; however, once the front and rear yard setbacks are applied, in many cases, it creates a 30-foot-wide building envelope in which to place a home. He said there are some challenges to a shallow building envelope and that there are at least two lots on which the building envelope does not have the required 25-foot front yard setbacks.

Mr. Stephens said that Mr. Clifford is requesting the variance in the Land Development Ordinance, section 11-1-120 entitled "Variances" which states:
"Where the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions where strict compliance with the provisions of this Ordinance would cause an unusual and unnecessary hardship on the developer, the City Council after receiving a recommendation from the Planning Commission may vary such requirements and require such conditions as will secure, insofar as practicable, the objectives of the requirement varied. Any variance authorized shall be entered in the minutes of the City Council."

Mr. Stephens said that Mr. Clifford has requested such a variance from the 400-foot maximum cul-de-sac depth. Mr. Stephens said it should also be noted that, in discussing this with the South Davis Metro Fire Marshal, Mr. Clifford's proposed depth does conform with the International Fire Code. Mr. Stephens said he had also discussed this matter with the city engineer and the public works director and the reasoning behind the 400-foot maximum requirement. He said they weren't entirely sure of the specific reason other than that was a number that was chosen when the Land Use Development code was rewritten a few years ago.

Mr. Stephens went on to note that Mr. Clifford is asking for an additional 211 feet of depth. Mr. Stephens said it should also be noted that the proposed cul-de-sac street is not laid out to our public street standard and if approved, this street would be a private street that would require a homeowner's association for its maintenance by 16 lot owners. Mr. Stephens said there is a question whether these 16 homeowners would be able to maintain a sufficient resource to plow, maintain, repair, and possibly rebuild the street in the future. He said he felt the best situation would be to install street improvements that meet the city's higher construction and width standards and would be dedicated to the city. He said due to the configuration and narrowness of this property, that does not appear to be an option. He noted that even with the private 28-foot-wide roadway, the lot depth/building envelope configuration is marginal at best.

Following the information given by Mr. Stephens, the Commission discussed some concerns about this proposed concept with things such as the street becoming a private road and its maintenance, fire access, setbacks, grade, snow removal of a private road, and questions on engineering. They discussed the various obstacle that would be difficult to overcome with the concept plan as it was presented.

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The Commission said they did not have particular concerns with granting the variance for the length of cul-de-sac from 400 feet to 611 feet but did have other concerns regarding the other issues that Mr. Clifford may have to overcome with this particular project.

Following the discussion by the Commission, Commissioner Jones made a motion to recommend approval to the City Council of the variance request from the requirements of the land development ordinance title II on the length of the road for the cul-de-sac at 1351 W. 200 S from 400 feet to 611 feet for Clifford land use. Commissioner Rupp seconded the motion, and all voted in favor of the motion through a roll call vote.

CITY COUNCIL REPORT

Council Member Terry was at tonight's meeting, and he reported on the City Council meeting held October 4, 2021. Please see the minutes of that meeting for the details of his report.

Council Member Terry said they were hoping to get back to city hall for City Council meetings if they are able to get the part that was needed to make the video equipment work.

He also invited the Commission to come to a walk through at Hogan Park to look at what changes are being proposed.

Chairman Sharp said he would ask that the Planning Commission attend the City Council meeting where the zoning updates will be approved so they can see this process to its completion.

GENERAL AND PENDING

Mr. Stephens noted that he has let the City Council know they will have some time to review the zoning ordinance updates. Council Member Terry said he would like to have at least one meeting to be able to discuss any questions the Council may have on the zoning updates and then possibly plan a public hearing for both November 2nd for public comment and then take any public comment under advisement and then a final public hearing at the City Council meeting on November 16th for possible approval at that time, unless all is found to be in order on November 2nd and the zoning updates can be approved at that time.

Mr. Stephens noted there will be a project coming for review for a project master plan in the SFRT Zone of 61 townhomes. He asked the Commission to review that zone so they can be familiar with that zone for that discussion.

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ADJOURNMENT

There being no further business before the Planning Commission, Commissioner Doxey made a motion to adjourn the meeting at 8:32 P.M.

Gary Sharp, Chairman

Bonnie Craig, Secretary