

**WOODS CROSS PLANNING COMMISSION MEETING
AUGUST 8, 2023**

The meeting of the Woods Cross Planning Commission meeting held August 8, 2023, at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

COMMISSION MEMBERS PRESENT:

Joe Rupp, Chairman

LeGrande Blackley

Melanie Brooks-Remotely

Mike Doxey-Remotely

Jake Hennessy

Eric Jones

COMMISSION MEMBERS EXCUSED:

Jim Grover

STAFF PRESENT:

Tim Stephens, Community Development Director

Bonnie Craig, Secretary

Gary Sharp, City Council

VISITORS:

John Frenette

Sheli Adamson

Denise Barfuss

David Todd

Jeff Stauffer

Paul Keddington

Nick Barfuss

PLEDGE OF ALLEGIANCE:

LeGrande Blackley

APPROVAL OF MINUTES

Chairman Rupp called for the review of the Planning Commission minutes for the July 25, 2023.

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

OPEN SESSION

Chairman Rupp 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 was nothing for the open session and Chairman Rupp closed the open session.

DENISE BARFUSS BEAUTY HOME OCCUPATION—1448 WEST 1725 SOUTH—DENISE BARFUSS

Mr. Tim Stephens, the Community Development Director, said this applicant is proposing to operate a hair salon involving haircutting, coloring, styling, consulting, washing, and other typical hair related services.

Mr. Stephens noted this homeowner had appeared before the Commission previously, requesting to use a

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large accessory building in the side yard of her new home for this business. The Planning Commission had to deny the application due to the location of the shed. He said that in the new application it has been noted there will be demolition of the existing out of code shed and the building of a new shed which will be built to code. He said they have indicated the shed is expected to be approximately 190 square feet not to exceed $\frac{1}{4}$ of the total area of the back yard. He said it is assumed that the shed will be built with electricity and plumbing. Mr. Stephens also noted the applicant has indicated that clients will park in the driveway and no more than one vehicle is expected at any given time involving this business.

Following the information given by Mr. Stephens, Ms. Denise Barfuss and Mr. Nick Barfuss addressed the Commission. They said they are asking for approval in moving forward with their desire to have Denise work at home by constructing an accessory building that she could use as a hair salon. Mr. Barfuss said the current shed is not in compliance with city ordinance. They said it has not worked out with that shed so they would like to move forward with demolishing the non-compliant shed and build a new compliant shed in the back yard that would be plumbed with water and electricity, so it is compliant with city ordinance.

Commissioner Jones asked if the conditions were acceptable, and Mr. and Ms. Barfuss said they were good with the conditions as presented.

There were no further questions and Commissioner Jones made a motion to approve the Denise Barfuss beauty home occupation with the following conditions:

1. At no time may the business operation negatively impact adjacent homes of the neighborhood.
2. Applicant's business operation shall be in compliance at all times with any government entity having jurisdiction over the business or subject property.
3. Applicant shall obtain all necessary permits and approvals to construct the proposed accessory building.
4. Applicant shall obtain a South Davis Metro Fire inspection approval and provide a copy to the city prior to issuance of a business license.
5. Applicant shall obtain and maintain a Woods Cross City business license.

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

SHORT-TERM RENTAL CONDITIONAL USE—HARD 16 PROPERTIES—2011 SOUTH 1600 WEST—SHELI ADAMSON

Mr. Stephens reviewed this item with the Commission. He noted that this applicant is planning to utilize the home at 2011 South 1600 West as a short-term rental. He said the application appears to show that it will be owner occupied in the lower level of the home. He said the upper level will be utilized as the short-term rental section that has three bedrooms, and as per our ordinance they are required to provide three off-street parking stalls at a minimum. He said it appears that the home has a two car garage in addition to the ability to park two vehicles in the driveway and a third on an adjacent RV pad.

Mr. Stephens then went over the requirements for short-term rentals contained in Section 12-28-123 with the Commission. He noted the section covers issues such as taxes, nuisance, noise, pets, and parking to

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name a few. He said this section also covers revocation proceedings should they become necessary. He also noted the space used for a short-term rental must also comply with fire and building codes and should involve an inspection by the fire marshal and building inspector.

Following the information given, Ms. Sheli Adamson and Mr. Jeff Stauffer addressed the Commission. Ms. Adamson said she is not a resident of the city, but she and Mr. Stauffer had just purchased the home for short term rental purposes. Ms. Adamson said the drawing she had submitted to the city was not very good and she noted the whole house would be available for short-term rental except for the one bedroom in the basement that would be the owner's quarters.

Commissioner Rupp asked if there would be an owner there all of the time. Ms. Adamson said Mr. Stauffer would just be there part time and would stay in the area that is designated as the owner's quarters and it would be a locked off area that would be separated from the other living quarters. Mr. Stauffer said they did not plan to make changes to the home or do any construction to the home.

Commissioner Jones said there are concerns for larger gatherings with short term rentals. Ms. Adamson said there would be a rules for no parties, shutting things down from 10:00 PM to 8:00 AM and they are also planning on putting in security cameras. She also said there would not be any pets allowed.

Chairman Rupp asked if the conditions were acceptable as outlined and Ms. Adamson said the conditions were acceptable.

Commissioner Jones asked if they would be using the garage for the rental, and they said they would let the people use the garage. Commissioner Jones said there is no on-street parking allowed. Ms. Adamson also noted there would be no signage.

There were no further questions and Commissioner Jones made a motion to approve the short-term rental conditional use for Hard 16 Properties and Sheli Adamson with the following conditions:

1. This permit is issued specifically for the space indicated in the application. Any expansion or modification of the unit will require review and approval by the Planning Commission.
2. The short-term rental shall be in compliance at all times with all applicable ordinances of Woods Cross City, particularly those of section 12-28-123 entitled Short-term Rentals.
3. Applicant shall, prior to operating the short term rental, register the business with the State of Utah and obtain a state sales tax ID number and file proof of the same with the city.
4. Applicant shall obtain a South Davis Metro Fire Inspection approval and submit a copy to the city prior to issuance of a short-term rental permit.
5. Applicant shall obtain a building inspection and any required building permits from the Woods Cross City Building Inspector prior to issuance of a short-term rental permit.

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

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MAGIC VAC INC CONDITIONAL USE—2292 SOUTH 1250 WEST, UNIT C & D—MATTHEW WILKINS

Mr. Stephens then reviewed this agenda item with the Commission. He noted that Magic Vac is a manufacturer of custom plastic products. The company utilizes a process called vacuum thermoforming with seven machines. He said the Vacuum thermoforming is the process of forming plastic by heating sheets of plastic until they are pliable and able to form over a mold. He said the company plans to operate between 7:00 A.M. and 12:00 A.M. in two shifts. He said the company maintains 15-20 employees. He said they also indicated they have one company pick-up truck and two trailers that would be kept on the site. He also noted they will also utilize propane forklifts and various saws and cutting tools to process the products.

Following the information given by Mr. Stephens, Mr. John Fernette, co-owner of Magic Vac addressed the Commission. He said as far as addressing the concerns over the noise level, he did some decibel readings at his current facility and the reading showed near the residential at 30-35 decibels during the full working day and he said the TRAX train nearby showed at 75 decibels, 5 feet from the back wall. He said that shows a comparison of the noise level.

The Commission asked Mr. Fernette about what kind of odors might be produced by the business. Mr. Fernette said they do not burn the plastic as part of their business activity. Mr. Fernette said they soften the plastic and mold it over a form. He said there is very minimal smoke or odor and that it is contained inside the building. He said plastic puts out a very minimal amount of smoke or odor.

Commissioner Jones asked about operating until 12 AM. Mr. Fernette said it is a very small second shift and they are picking up the work that has not been finished. Mr. Fernette said there are only two operators, and it would be one machine and one saw operating after hours. Mr. Fernette said the second shift would only be 20-25 decibels as far as the noise level goes.

Chairman Rupp said the Commission is concerned that since the business will be located close to the residential neighborhood, they like to make sure there will be no noise that will negatively impact the adjacent neighborhood. Chairman Rupp said when doors are open, there can be more noise heard so the doors would need to stay closed to keep noise levels down near the neighborhood. Mr. Fernette said they do keep the doors closed while they are working.

Mr. Dave Todd representing ownership of the building spoke to the Commission. He said the bay doors face east and so there are no doors that face west that would affect the neighborhood. Commissioner Rupp said the concern is for the doors opening and there being noise. Mr. Fernette said they like to keep the doors shut because it messes up their heat pattern and they try to keep the heat consistent for their work.

Commissioner Jones asked about deliveries and Mr. Fernette said there are only daytime deliveries. It was noted this business is near train tracks which are probably louder than anything the business would produce.

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Mr. Fernette was asked if the conditions were acceptable as outlined and he said the conditions were acceptable.

Mr. Stephens noted if there are any negative impacts to the adjacent neighborhood, the business owners may need to come back to the Commission to have them addressed and may result in revoking the conditional use.

Commissioner Brooks then joined the meeting remotely.

There were no further questions and Commissioner Blackley made a motion to approve Magic Vac Inc. conditional use with the following conditions:

1. At no time may the business operation negatively impact adjacent properties particularly the neighboring residential area.
2. At no time shall any noxious odors, noise, light, or vibration emanate from the subject building.
3. Applicant's business operation shall be in conformance at all times with any government agency having jurisdiction over the business or subject property.
4. Applicant shall obtain a South Davis Metro Fire inspection approval and submit a copy to the city prior to issuance of a business license.
5. Applicant shall obtain and maintain a Woods Cross City business license.

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

KENAI DEFENSE COMPANY CONDITIONAL USE—1604 WEST 2350 SOUTH—JEREMIAH RILEY

Mr. Stephens reviewed this item with the Planning Commission and said this business appears to be operated in one of two buildings on a lot within the Skypark Industrial Park. He said this is within the airport business park just east and adjacent to the Skypark runway and is located in the AP Zone. He noted the application indicates this will be a technology research and development business including engineering activities such as computer modeling, materials, structural analysis, prototype development and similar work. He noted the business operations will include typical office administrative tasks.

Following the information given by Mr. Stephens, Mr. Jeremiah Riley addressed the meeting by Zoom. He said he is the CEO of Kenai Defense. He said Kenai Defense is a defense contractor and they do research and development work for the military. He said the main focus at this location would be engineering and computer modeling. He said the work they do is work supporting AirForce requirements around airfield sustainment technologies. He said a lot of the work is computer modeling so mechanical engineers work on certain stresses of materials or surfaces they encounter. He said they do some stress testing for small samples. He said there would also be some administrative activities. He said they do things that are similar to a mechanical engineering firm. He said they would do some 3-D printing and would operate during standard operating hours M-F 8-6 five days a week. He said the leased building is on the west side and they are looking at creating jobs in Woods Cross.

Commissioner Blackley asked which building and it was noted it was the west building.

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Commissioner Jones asked if the conditions were acceptable, and Mr. Riley said they were acceptable.

Chairman Rupp asked if the testing of the equipment would be outside of the building and Mr. Riley said no, they are small samples about one foot by one foot in size and would be tested inside. He also said there would be no sound and no odor issues with this business.

There were no other questions and Commissioner Jones made a motion to approve the Kenai Defense Company conditional use with the following conditions:

1. At no time may the business operation negatively impact adjacent businesses or properties.
2. Applicant's business operation shall be in conformance at all times with any government entity having jurisdiction over the business or subject property.
3. Applicant shall obtain a South Davis Metro Fire inspection approval and provide a copy to the city prior to issuance of a business license.
4. Applicant shall obtain and maintain a Woods Cross business license.
5. At no time may any materials or equipment be stored outside of the building.

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

CITY COUNCIL REPORT

Council Member Sharp reported on the City Council meeting held August 1, 2023. Please see the minutes of that meeting for the details of his report.

GENERAL AND PENDING

Mr. Stephens noted that there were still questions from Paul Keddington, the gentleman operating the jet ski business from his home, and he wanted to know where things were regarding the amendment to the ordinance for his type of business. Mr. Stephens said he was unable to speak with Mr. Bell at this time, so things had not moved forward yet. Mr. Stephens said there had been several complaints to the code enforcement officer regarding this business because of dust and traffic. He said the code enforcement officer was going to contact Mr. Keddington about operating his business without a business license. Mr. Keddington indicated he had spoken to the code enforcement officer who said he could move his operation to a commercial property to hook up the jet skis at this time. Mr. Stephens said there had been complaints about Mr. Keddington using the nearby stub street access for the jet ski business because it was causing dust and there were neighbors who were not happy with this operation. Mr. Keddington said because of the construction on 1100 West he has been unable to use his driveway. Mr. Stephens said they would have to look further into the code enforcement and see what had been found out regarding the complaints from the neighbors. Mr. Keddington said he thought everything in the area was coated in dust because of the ongoing construction on 1100 West.

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ADJOURNMENT

There being no further business before the Commission, Commissioner Hennessy made a motion to adjourn the meeting at 7:22 P.M.

Joe Rupp, Chairman

Bonnie Craig, Secretary