

**WOODS CROSS PLANNING COMMISSION MEETING
AUGUST 22, 2023**

The meeting of the Woods Cross Planning Commission meeting held August 22, 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
Mike Doxey

Jim Grover-remotely
Jake Hennessy
Eric Jones

STAFF PRESENT:

Tim Stephens, Community Development Director
Bonnie Craig, Secretary
Gary Sharp, City Council

VISITORS:

Don Schrader
Selena Taylor

Rollene
Rachel Dennis

Lauralee Anderson
Chase Freebarin

Braden
Greg Timothy

PLEDGE OF ALLEGIANCE:

Mike Doxey

APPROVAL OF MINUTES

Chairman Rupp called for the review of the Planning Commission meeting held August 8, 2023.

Following the review of the minutes by the Planning Commission, 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.

M N M PRESCHOOL HOME OCCUPATION—1524 WEST 1725 SOUTH—RACHEL DENNIS

Mr. Tim Stephens, the Community Development Director, reviewed this agenda item with the Commission. He noted that this applicant is proposing a home preschool that operates for 2 ½ hours a day for 3 and 4 year olds. He said that it appears that no more than 8 children would be involved in the home occupation. He said the applicant has also indicated her mother may assist her with the preschool. He said it is assumed that the basement is finished as required in the standards found in section 12-29-108 for preschools and other group classes. Mr. Stephens said the ordinance states that the number of students cannot exceed 8 per session. He said the total area used for instructional purposes should not exceed

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30% of the finished living space of the residence to a maximum of 500 square feet. He also noted the applicant should be able to demonstrate to the Commission they can operate in a 500 square foot area.

Following the information given, Commissioner Jones asked if there are any requirements for a preschool by any government entities. Mr. Stephens said he was not aware of any regulations from the state.

Ms. Rachel Dennis was then invited to address the Commission. She said she had checked into whether there were any state or government requirements for preschools and she found there are only requirements if classes are held for more than four hours a day. She said there will be 8 children or less in her classes and she is only having one session for 2 ½ hours a day until she is able to build her student base to add a second session. She also said her mom may come occasionally to help her in her classes.

Chairman Rupp asked Ms. Dennis if there was anything the Commission needed to be aware of regarding her business. Ms. Dennis said she was aware that she could use 500 square feet or less of her home space to hold her classes.

Chairman Rupp said traffic is always a concern for a home based business and this should be something to be aware of. Ms. Dennis said there is an area across the street from her home that would work for parking pick up that would help alleviate congestion if needed.

Commissioner Doxey asked if there is a six foot fence around the yard of her home. Ms. Dennis said she does have a six foot fence but one opening into the fence might need to be modified for a gate. Commissioner Jones said a self-closing, self-latching gate is required as well. Ms. Dennis said she would make sure to put in that type of gate at her home.

Chairman Rupp asked Ms. Dennis if the conditions as presented were acceptable, and Ms. Dennis said they were acceptable. Ms. Dennis did say there were no unfinished areas in her home.

There were no further questions and Commissioner Doxey made a motion to approve the M N M Preschool home occupation with the following conditions:

1. Applicant shall obtain a South Davis Metro Fire inspection approval and submit a copy prior to the issuance of a business license.
2. Should any exterior yard area be used as part of the preschool, it shall be fenced with a minimum 6-foot high fence with openings no larger than a 4 inch sphere that can pass through and have self-closing and self-latching gates.
3. Applicant's business operation shall be in conformance with any government entity having jurisdiction over the business or subject property.
4. Applicant's business operation shall not negatively impact adjacent properties or the neighborhood.
5. Children shall not be allowed in areas of the home with unfinished construction.

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

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PAINTS BY SELENA HOME OCCUPATION—1986 SOUTH 1550 WEST—SELENA TAYLOR

Mr. Stephens then reviewed this item with the Commission. He noted that Ms. Selena Taylor is proposing to operate a nail salon from her home located in the R-1-8 Zone. Mr. Stephens noted the business would provide manicures, pedicures, nail enhancement, and nail artwork. He noted the application indicates that 150 square feet of the home will be used for the home occupation. He said it also indicated a window will be replaced with a sliding door for entrance to the salon.

Following the information given by the Community Development Director, Ms. Taylor addressed the Commission. She said she just graduated from the DATC and she was planning on doing nails in her home. She said there is currently a window in the area she is planning to use for the business, and she will be putting in a sliding door so clients can access the salon. She said she was not sure if she might modify her existing fence and move it so clients would have to go through a gate in her fence and then enter the sliding glass door to her home to make the entrance more secure.

Commissioner Jones asked if there were any regulations for moving the fence so you would have to pass through the gate in the fence to access the salon. Mr. Stephens said there should be no problem moving the fence.

Ms. Taylor said there are plenty of spaces to park in her driveway so that should not be a concern. It was noted that if there is a lot of activity at the home there could be an issue with the neighbors which could result in complaints. Ms. Taylor said she did not anticipate having large groups to her home but if she did it would not happen often. The Commission encouraged Ms. Taylor to be aware of activity that may negatively impact the neighborhood.

Ms. Taylor did note that she had contacted the South Davis Metro Fire Agency about a fire inspection, and they indicated she did not need one for this business.

There were no further questions and Commissioner Jones made a motion to approve the Paints By Selena home occupation with the following conditions:

1. At no time may the home occupation negatively impact the 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 subject property.
3. Applicant shall obtain a building permit, inspections, and approvals for the proposed additional entrance to the home.
4. Applicant shall obtain a South Davis Metro Fire inspection approval and submit a copy to the city prior to the issuance of a business license.
5. Applicant shall obtain and maintain a Woods Cross City Business License.

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

Commissioner Brooks left the meeting at this time.

CONTINUATION OF SFRT TEXT AMENDMENT DISCUSSION & RECOMMENDATION TO CITY COUNCIL

Mr. Stephens then noted for the Commission that CW Urban had previously appeared before the Commission regarding the possibility of having the Commission consider a text amendment to the SFRT Zone in regard to their Audrey subdivision. He noted there had been a public hearing held previously regarding this matter and the matter is now coming back to the Planning Commission to consider the changes CW Urban are asking for and the Commission needed to consider making a recommendation to the City Council for where they would like to go from here.

The Community Development Director said he had spoken with the city engineer and also to the city attorney regarding the changes that are being proposed. He said he had been working through things with them regarding the changes CW Urban is proposing.

Mr. Chase Freebarin, a Representative for CW Urban, was at the meeting and noted that in 2022 the Audrey subdivision was approved as a 61-unit community of townhomes. He noted that prior to the construction of these homes, the market shifted and to adapt to the changing market and still wanting to add to the housing supply in Woods Cross, the Audrey pivoted into a proposed 52-unit community of single family homes.

Mr. Freebarin went over the code changes that were being proposed by CW Urban which included minimum lot sizes, frontage setbacks, side yard setbacks, side yard corner setbacks with clear vision triangles, driveway sizes, development standards, and that lots and streets are clearly defined.

Commissioner Doxey asked about the need to standardize these types of projects. Mr. Stephens said that would be considered in a different format when the site plan was discussed.

Mr. Freebarin said they are trying to go to a better plan with less units but are looking for the product that would fit the community the best. He said the setbacks and the product is what will be the best fit for the community and the homeowners. Mr. Freebarin said they have a similar product in Centerville, and they measured to see if a truck would fit in the driveway of those homes. He said they tried a Ford F-150 truck, and it can fit in the 20 1/2 foot driveway as they had measured it in Centerville.

There were no further questions for Mr. Freebarin and the Commission discussed the changes that CW Urban is proposing.

Commissioner Jones said he is having a bit of a hard time with this product as he does not personally like the aesthetic of this type of product. He said he also has concerns over the modifications being proposed because they would apply to any project in this zone within the city going forward. He said he felt like the

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setbacks are too small and he does not like the small lot sizes. He said he does realize townhomes are denser but there is more open space in a townhome project than would be in this proposed project.

Commissioner Hennessy said he does not like this type of project either. He said he was not sure why the change was made from townhomes to cottage homes. He said he does not like the smaller lots.

Chairman Rupp said he is a proponent for a landowner being able to use his land as he chooses, but he is having a hard time wanting to change the regulations in the zone just for one subdivision. He said as they are looking at residential in this zone, they need to look at what will be best for all of the development in this zone. He said he understands why the developer is asking for this, but he is wondering if this is best. He said the code changes were made about two years ago and the numbers in the codes were chosen by relying on the recommendations of the experts. He said he did not know exactly how the numbers were chosen but they are the standard in the code at this time.

Mr. Stephens said this zone was reviewed for the general plan and Landmark Design had compared it to information from city staff, the Commission and the Council and public open houses that were held.

Commissioner Blackley said the ordinance as it is now, was set because of the comfort of what went into this zone. He said there is a developer that is looking at the zone differently, but the developer has some good points. He said he does not love the five foot side yards, but if people are willing to move into a space with that, they realize that is what it is, and they would be happy with it. He said he would not move into this type of development but there would be people who might like it and be fine with it.

Commissioner Grover said this is a new product, but he is also concerned about adopting a product and if they would be comfortable with the decision moving forward in what would be used for the zone in the future. He said he felt like it would be up to what the market says about it. Commissioner Grover said he is a little concerned about the corner setback because it is a little slim.

Commissioner Jones said he would be okay with a slight modification of the side yards. He said he would be willing to look at 8-foot and 8-foot side yard but not 5-foot and 5-foot. He said the corner setback is very important for the aesthetic of the neighborhood. He said he would ask if it were safer and better for the neighborhood in consideration of the reduced front yard and back yard setback. He said he could not see how it improves the subdivision except for adding more units. He said he did realize it was not part of the discussion today but wanted to add his thoughts. He said he would not be comfortable recommending these changes to the City Council at this time.

Mr. Freebarin said there are portions of the current city code that allows for five foot setbacks and wondered how different this is compared to the setbacks CW Urban is asking for. He said with the difference between this subdivision and the townhomes, the townhomes are separated and have a five foot side yard. The Commission did not see where there were five foot side yards allowed in the code.

Mr. Freebarin asked if the Commission liked the product. He said he thought this is a better product than a townhome and that you get a private yard and a private space for animals and dogs which is nice for

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people with pets. He said CW Urban could go back to the townhome product, but most communities are asking for single family home products. He said it has less units but a better product.

Chairman Rupp said it is not just for the product they are proposing, he said the Commission and Council will have to live with the changes that were made well into the future.

Mr. Freebarin said at the end of the day the City Council could make their recommendation, but he is expressing the need for different product types and the code on the shelf might not work for every product type.

Chairman Rupp said there have been changes in the code for more product types in the city.

Mr. Freebarin said there may not be the need to amend the text, but the change could be in a development agreement which might be a good vehicle to use. He said he has used development agreements with other cities, and they have worked well.

Council Member Sharp said he has had some unique experiences with this type of product. He said his daughter lives in a four bedroom home that has a smaller home footprint. He said they have five feet on each side of their home, and it works for them. He said they are close to the lake in West Syracuse. He said he was not sure what the right numbers were for these types of products, but it is not as bad as he thought it would be with his daughter's home. He said any change is going to be a hard sell, but there is a housing shortage right now, and these are more affordable than other homes out there. He said as things go west on 500 South there may be more SFRT zones that might need to be considered in the future. He said he is more concerned about the five foot corner clear view in the proposal, but he leaves that to the experts to decide. He said there needs to be a different mind set because there are individuals who want this type of product. He said we need different products in the community that other developers had already had experience with in the past.

Commissioner Doxey said he felt like there were two concerns, the first one is setting a precedent for all developers by making changes. He said the second part of the piece is balance. He said the code was not arbitrarily decided on and there needs to be a balance. He said the numbers are not exactly what they need to be. He said by his calculation CW Urban is asking for a 32% reduction of space in each lot from what the current code allows, but only a 10% reduction of space in the house. He said the frontage of the yard would go from 70% of the sidewalk being house to 80% being house. He said that equates to four out of every five feet you would be looking at a house. He said the total footprint of the house on the yard goes from 29% to 38% of the entire yard of the lot size. He said it is starting to throw the balance off of the subdivision. He said he is fine with looking at changes in setbacks, but CW Urban is asking for changes in every aspect of the subdivision.

Commissioner Hennessy said there is a reduction of only 9 units and the balance did not seem innovative to him. He said the reduction request is so drastic, and he is struggling with that fact, and it needs to be considered.

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Chairman Rupp said the different things that the Commission is being asked to address are broken down to the frontage of the home with the garage space being based on the frontage of the home instead of tied to the lot going to 70% of the frontage of the house versus 50%. He said he did want to allow the garage to be reduced.

Commissioner Jones said if there is allowance for the 3400 square foot lot, the garage has to be larger than the house because that is how the math works out. Commissioner Jones asked if there was concern from the Commission in the consideration of the reduction of the lot size. If so, many of the other things would also need consideration to be changed.

Chairman Rupp asked about the consideration to change the lot size to 3400 square feet instead of 5000. Chairman Rupp asked if there is a difference in the green court home compared to a patio home. Commissioner Jones said a green court home has green space in the middle and the entrance to the home is on the opposite side of the garage, so vehicle and pedestrian traffic is separated. He said there are different circulation pathways and different access to the properties and pedestrians enter from the front of the home.

Commissioner Jones said he is having a hard time with the lot size. He said he understands the economic concerns, but anything will sell because that is the housing market we are in right now. He said he felt like that can't be the deciding factor because there is a housing shortage. He said if it were just providing housing, townhomes would provide more units. He said he is just having a hard time with the lot sizes for a single family home and the aesthetics in the community is where he is having a problem.

Chairman Rupp said after living in a townhome himself, he would like people to have a small lot with a fence around it to keep their pets and there messes on their own property because in townhome communities that does not happen, and problems occur in the common areas with pets.

Commissioner Jones said this plan is very dense and there is just home after home all the way through. He said they are still just 10 foot spaces in between the homes.

Commissioner Grover said he did not have a concern about lot size as much as the driveway lengths and safety concerns with the setbacks. He said he likes looking at the project but doesn't know if it is reasonable.

Chairman Rupp said he is more concerned about the space in between the homes. He said he is okay with looking at a smaller lot size, the smallest he thought reasonable being 3400 square feet and he said these communities are feasible.

It was noted there would be a 32% reduction of the lot from the existing code and the home would be 8% to 10% smaller. The reduction of the space is coming from the yard and making the yard much smaller.

Chairman Rupp said CW Urban wants a 3400 square foot lot with a 5 foot side yard setback, but he would rather see it be a 3600 foot lot and a 6 foot side yard setback to be able to get by with a garbage can in between the home. He said with the larger side yard setback you would be able to allow for things to grow

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and be better at taking care of that piece of property better. He said he is not as concerned with the corner side yard setback because the city has limited control over that part of it. He said he thought there is more of a safety concern with the 3400 square foot lot, and he would like it to be at 3600 square feet with a 6 foot setback.

Commissioner Jones said when the setbacks are set then the developer can build what they want determined by what they decide to build.

Chairman Rupp asked if this type of development accomplishes what the city wants. He asked if this type of development meets the intent of the general plan to provide an opportunity for a different type of home product in the community. He said he would still like to move to a 3600 square foot lot and a 6 foot side yard setback so there is a safer environment and to avoid obstacles in the side yard because it becomes congested and can be a safety hazard. He said the other concerns outweigh the 5 foot efficiency.

Commissioner Jones asked Mr. Stephens where the Commission went from here following the discussion because there is not a clear direction.

Mr. Stephens said the Commission needs to give input to the applicant considering the text amendment for them to consider making revisions according to tonight's discussion. He said this matter does need to move forward to the City Council if some of it, or all of it, is approved or whether it is recommended to be denied.

Chairman Rupp asked if there is enough of a consensus for a recommendation to go back to Mr. Bell and have him draft something up for the Commission to review and consider. Chairman Rupp said he wanted something with specific language to recommend to the City Council. He said he would like to see the actual text and then the Commission could vote on it and recommend it to the City Council.

Mr. Freebarin said what he is hearing was that the lots are too small, and the Commission does not like the setbacks, but it did sound like there might be some room to negotiate and maybe go back to the drawing board and work on a revised plan and then come back with an amended plan for the Commission to consider. He said it would take some work, but they could see what they could do.

Chairman Rupp said it seems to come down to lot size and some concessions would have to be made if other things, if lot size is allowed to be smaller. He said he wanted the Commission's thought on minimum lot size.

Commissioner Jones said he would not go any smaller than an 8 foot side yard. He said as far as minimum lot size he would like to see it be more like 3900 to 4000 square feet to make it work with the side yards. He said on corners he would prefer a larger setback.

Commissioner Doxey said he also feels like an 8 foot side yard would be acceptable. He said he would be willing to look at a 6 foot side yard, with the larger side yards the lot size would need to be larger too, possibly 3600 square feet or 3900 square feet for his preference.

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Commissioner Blackley said his concerns are side setbacks. He said he would prefer the 3600 square foot lot size with 6 foot setbacks in between.

Commissioner Hennesy said he did not think there was a lot of change between a 5 and 6 foot setback. He said he thought an 8 foot setback would be best with a 3900 to 4000 square foot lot size.

Commissioner Grover said he would be fine with a 6 foot side yard setback and did not have an opinion on the lot size.

Chairman Rupp said the changes being considered should not be based on CW Urbans requests because the zone changes will need to be considered for all future projects in that zone. He said he did feel like CW Urban could make some requests since they are the first project looking to make revisions in this zone. Chairman Rupp asked if the Commission could send CW Urban back to review their project based on tonight's discussion regarding the Commission's preferences for side yard setbacks and lot size, and then make a few more modifications to their plan and see what this product could look like, and the bring it back to the Commission for them to review again.

The Commission said they would like to see the full text amendment in writing before a recommendation to the City Council.

Commissioner Jones suggested that CW Urban needs to come back to the Planning Commission so they can present what they are proposing to the Commission, so the Commission could then make the decision on what recommendations they had for the City Council regarding the text amendment. He said he would like CW Urban to come back with what works for them and show the numbers to the Commission.

Mr. Freebarin said he is grateful to the Commission and for their willingness to work with them and appreciated their input and CW Urban is sensitive to what the Commission has said tonight and will go back and make changes and bring it back to staff with another concept plan layout.

Mr. Freebarin said there was the choice to make a development agreement as well, which they have done in other cities and there is room for negotiation and an easier vehicle to use to come to an agreement. He said it might be easier than a text amendment.

Mr. Stephens said they have used development agreements in the past, but the city attorney has advised the city they should not use development agreements to modify the requirements of the zoning ordinance.

Chairman Rupp said they want get things right on both sides. He said he wanted to make sure the Commission feels good about their recommendation to the City Council and to have the rest of the ordinance be correct in moving forward.

Commissioner Jones said he felt like this had been a good discussion to refine what types of things may be wanted in this zone.

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Mr. Freebarin said he appreciated the time and discussion as well and will take back what had been discussed and look at the options, they may have to revise their project. He said they would like to move forward in getting the project done.

UPDATE-RAIL STATION AREA PLAN

Mr. Stephens then updated the Commission on the Rail Station Area Plan. He said he had a meeting with Duane Huffman, City Manager for West Bountiful, and with UTA and the Utah Wasatch Front Regional Council on the city's Station Area Plan. Mr. Stephens said that last winter there had been discussion with West Bountiful about doing a joint venture with West Bountiful on a station area plan, but West Bountiful decided to do their own plan and have received grant funds for their station area plan. He said now there will be two parts to this station area plan. He noted that Woods Cross would do the station area plan and West Bountiful would use their funds for a feasibility study with the refinery and how that will impact the plan. He said over the next several months West Bountiful would take the lead on the feasibility study and that will help with the actual plan. He said that will set the timeline back a little further than hoped for, but it might push it into late next summer next year before the station area plan is in place. He said the city has until 2025 to have those plans in place and to meet the state deadline.

CITY COUNCIL REPORT

Council Member Sharp was at the meeting representing the City Council. He reported on the City Council meeting held August 15, 2023. Please see the minutes of that meeting for the details of his report.

GENERAL AND PENDING

Mr. Stephens noted there is another planning effort by Davis County that is being put together for an active transportation plan that will be an overall county plan. He said Avenue Consultants will be putting together a steering committee as they work through the plan. He said there will be two public workshops and there will be a focus committee with staff and residents from the different cities involved. Commissioner Grover said he would be interested in serving on the committee as he is a cyclist and is interested in helping with this type of planning.

Mr. Stephens said he had spoken with one of the police officers that is working on taking care of the jet ski matter that the Commission had reviewed a few weeks ago. Mr. Stephens said the officer he spoke with told him he had spoken with the jet ski owner and told him could not rent the jet skis from his home as he did not have a home occupation approval or a business license to do so. Mr. Stephens noted the jet ski matter has taken a direction with the jet skis being parked on Redwood Road in an area where trucks are being parked. Mr. Stephens said the jet ski owner still needed to address getting a home occupation and a business license for a home office if he desired to do so, to be able to rent out the jet skis legally within the city.

Commissioner Jones asked if the Code Enforcement Officer could address some outside storage on Redwood Road in front of the Postmatic Signs building. He said the owner of the property is storing items in some of the parking stalls that are supposed to be used for the Postmatic Signs business but are being

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blocked by the property owner's storage items. Mr. Stephens said he would pass that concern along to the Code Enforcement Officer.

ADJOURNMENT

There being no further business before the Planning Commission, Commissioner Hennessy made a motion to adjourn the meeting at 8:38 P.M.

Joe Rupp, Chairman

Bonnie Craig, Secretary