

**WOODS CROSS PLANNING COMMISSION MEETING  
MAY 14, 2024**

The minutes of the woods Cross Planning Commission meeting held May 14, 2024, 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

Jim Grover-remote  
Jake Hennessy  
Eric Jones

**COMMISSION MEMBERS EXCUSED:**

Mike Doxey

**STAFF PRESENT:**

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

**VISITORS:**

Sean Harris  
Kohle Newbold

Sam Harris  
Chad Salmon

Jose Brito  
Nick Smith

Jeff Moffat

**PLEDGE OF ALLEGIANCE:**

Eric Jones

**MINUTE APPROVAL**

Chairman Rupp called for the review of the minutes of the Planning Commission meeting held April 23, 2024.

Following the review of the minutes, Commissioner Blackley 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 Rupp then opened the meeting for comments from the public that were not on the agenda.

There were no comments for the open session and Chairman Rupp closed the open session.

Chairman Rupp then welcomed Curtis Poole as the new Community Development Director for the city of Woods Cross, and said the Commission is looking forward to working with him. Chairman Rupp said the Commission would enjoy working with Curtis again as he had served with many of them when he was on the Planning Commission a few years ago. The Commission said they were excited to be working with Mr. Poole again.

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**S.M.H. ELECTRIC HOME OCCUPATION—1252 SOUTH 1475 WEST—SEAN HARRIS**

Chairman Rupp gave the floor to the new Community Development Director, Mr. Curtis Poole. Mr. Poole reviewed this agenda item with the Commission. He said this applicant is requesting approval of a home occupation permit to establish a contractor office for S.M.H. Electric, LLC., at his residence. Mr. Poole said the applicant has indicated there will be approximately 100 square feet of a bedroom that would be used as an office and approximately 100 square feet of garage space that would be used for storing hand tools. Mr. Poole indicated there would be no tools or materials for the business stored at the home. Mr. Poole also noted that Mr. Harris would be the only employee and there would be no signage to advertise the business. Mr. Harris indicated on his application there would be a separate vehicle used for the business. He also noted there would be no deliveries or clients coming to the home.

Following the information given by Mr. Poole, Mr. Sean Harris addressed the Commission and noted he wanted to operate a small electrical business out of his home located in the city.

There were no further questions or comments, and Commissioner Jones made a motion to approve the home occupation for S.M.H. Electric home occupation and Mr. Sean Harris. Commissioner Hennessy seconded the motion, and all voted in favor of the motion through a roll call vote.

**JOSE BRITO CONDITIONAL USE—2262 SOUTH 1200 WEST SUITE 106—JOSE BRITO**

Mr. Poole then reviewed this agenda item with the Commission. He noted that Mr. Jose Brito is requesting approval of a conditional use permit for the purpose of establishing a CrossFit Gym at this location. He said that Legacy Preparatory Academy is located to the west of the subject property with Silver Eagle Refinery located to the east of the property across 1100 West. He said that other similar uses in the I-1 Zone are located at the north and south. He noted the northwest corner of the property is adjacent to a single-family residential neighborhood. He noted a recreational facility is allowed in this zone.

Mr. Poole explained this applicant is proposing to improve approximately 5,000 square feet within the existing Building A of the Woods Cross Industrial Park. He noted it would be a gym facility and it would be open Monday through Saturday from 5:30 AM to 7:00 PM, with three classes taught in the early morning hours. He noted the gym will have three employees. He also noted the unit will have 20 parking stalls assigned from those available for use.

Following the information given by Mr. Poole, Commissioner Jones asked what the parking requirement for a 5000 square foot building were. It was noted that 7 parking stalls would be required for that amount of square footage. Commissioner Jones said the ordinance may need to be looked at and be adjusted since that seems like a very limited number of parking stalls for that size of a building and the amount of parking that would be needed for a gym. Mr. Poole said the ordinance should be addressed so the parking could be available for the number of people who would be going to the gym. Mr. Stephens said there is also a soccer training facility, a basketball club, and a trampoline park, located in the area and there may be busier times when parking could become an issue. Mr. Stephens did say with multi-tenant buildings there is some sort of guessing on what the amount of shared parking might be. He said it is up to the applicant to ensure the use does not negatively impact the adjacent neighborhood.

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Commissioner Grover asked if the applicant is applying as a sole proprietor. Mr. Jose Brito addressed the Commission and said it will be an LLC partnership. He said he and his wife, and a business partner will be the business owners. He said their highest demand for the gym is about 15 individuals per class. He said the classes are held in one hour blocks. He said he felt that the 20 parking spots would be sufficient for now but they are hoping to grow their business and move into a larger space. He said the times they hold classes are at 5:30 AM, 6:30 AM and then there is a break from 7:30-9:00 and then the 9:00 AM class is the smallest class and then there is another class held at 5:00 P.M. He said they operate during off traffic hours of the school and some of the other businesses located in the area. He said they try to work with traffic flow from the school, so it does not cause issues.

There were no further questions or comments, and Commissioner Jones made a motion to approve the conditional use for Jose Brito located at 2262 South 1200 West, with the following condition:

1. The applicant shall ensure the use does not negatively impact the adjacent properties, especially the adjacent neighborhood.

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

**MOFFAT PLASTERING CONDITIONAL USE—1237 WEST 2285—JEFF MOFFAT & KOHLE NEWBOLD**

Mr. Stephens then reviewed this agenda item with the Commission He noted that on April 27, 2021, the Planning Commission granted approval of a conditional use permit for Moffat Plastering with the following conditions:

1. Business operations shall not negatively impact adjacent properties or nearby residential areas.
  2. Applicant's business operation shall be in compliance at all times with any government entity having jurisdiction over the business operation or subject property.
  3. At no time may any equipment, materials, or business activity take place outside the enclosed building.
  4. The applicant shall obtain a South Davis Fire Inspection approval and submit a copy to the city prior to issuance of a business license.
  5. The applicant shall obtain and maintain a Woods Cross City Business License.
- Furthermore, the Planning Commission approved the Moffat Plastering Site Plan.

Mr. Stephens noted that the applicants did not actively pursue a building permit and commence construction on the project after the 2021 approvals. He noted it has been several years since the Planning Commission granted approvals for the project and those approvals have expired. As a result, the applicants have resubmitted their applications and are requesting the Planning Commission reapprove or reauthorize the conditional use permit and the site plan approvals.

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Mr. Stephens said the applicant will house their business, including offices and warehousing of equipment and materials within the proposed building. He noted the business has approximately 20 employees of which 5 to 8 works in the office. He said that Mr. Moffat does have trucks that on occasion may sit overnight unloaded on the following day or after a weekend. He said the applicant has previously indicated all of his materials are stored inside his facility. He also noted the applicants and staff, including the South Davis Fire Marshal have spent several months reviewing the resubmitted site plan drawings and staff has found them consistent with the previously approved plan and the standards of storm water engineering, landscaping, grading, etc.

Following the information given, Mr. Jeff Moffat and Mr. Kohle Newbold addressed the Commission. Mr. Moffat said he would just like to get this project going because it has been in the works for quite some time and the lot does not look good presently.

There were no further questions or comments, and Commissioner Blackley made a motion to approve the Moffat Plastering conditional use with the following conditions:

1. The business operation shall not negatively impact adjacent properties or nearby residential areas.
2. Applicant's business operation shall be in compliance at all times with any government entity having jurisdiction over the business activity taking place outside the enclosed building.
3. At no time may any equipment, materials, or business activity take place outside the enclosed building.
4. At no time shall lighting from the project negatively impact adjacent properties, particularly the nearby residential area.
5. The applicant shall obtain and maintain a Woods Cross City Business License.

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

**MOFFAT SITE PLAN—1237 WEST 2285 SOUTH—JEFF MOFFAT & KOHLE NEWBOLD**

Mr. Stephens noted this item had also been granted approval on April 27, 2021, for Moffat Plastering with the following conditions:

1. Business operations shall not negatively impact adjacent properties or nearby residential areas.
  2. Applicant's business operation shall be in compliance at all times with any entity having jurisdiction over the business operation or subject property.
  3. At no time may any equipment, materials, or business activity take place outside the enclosed building.
  4. Applicant shall obtain a South Davis 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.
- Furthermore, the Planning Commission approved the Moffat Plastering Site Plan.

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He went on to say the applicant's 2021 approval has also expired. He noted the applicants are also resubmitting their site plan and other information to request the Planning Commission reapprove or reauthorize the conditional use permit and the site plan approval.

Given to the Commission is a copy of the site plan and other supporting drawings including the architectural elevations. He said the subject lot shares a drive access with the adjacent Thomas Sign site and building on 1250 West Street. He said the project also has a small parking lot on the north side of the proposed building which is accessed from 2285 South.

Mr. Stephens also said the applicants have spent the last several months reviewing the site plan drawings with the staff including the South Davis Fire Marshal. He said the staff has now found it consistent with the previously approved plan and the standards for storm water engineering, landscaping, grading, etc.

There were no further questions and Commissioner Blackley made a motion to approve the Moffat Plastering site plan with the following conditions:

1. At no time shall lighting from the project negatively impact adjacent properties, particularly the nearby residential area.
2. Applicant shall obtain all required building, SWPP, and excavation permits prior to construction.
3. Applicant shall ensure, during construction, that dust control be provided and ensure that no construction debris or trash is left unsecured to blow onto adjacent streets or properties and is properly deposited.
4. The applicant and their contractor shall be in compliance at all times with the city's noise ordinance and restrictions regarding construction activity as outlined in the noise regulations.

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

**PORTOFINO SUBDIVISION AMENDING LOT 3B**

Mr. Stephens noted that a few years ago, the city approved the Portofino Subdivision. He said the subdivision is presently home to FlexPak and Bryson Bus. He went on to say the subdivision has an unusual configuration that resulted in three long, narrow lots with Lot 3B being one of those lots. He said the configuration of these three narrow lots has and will make it a challenge to develop the site buildings and other improvements. He noted that during the surveying for the Portofino Subdivision, it was discovered south and adjacent to Lot 3B there was a long narrow strip approximately 14-feet wide. He noted the parcel showed in the ownership of Call Air, an entity which no longer exists, and in addition, the owner of the property passed away some years ago. He said the owner had sold the property south and adjacent to the strip to Rockwell, but for whatever reason, this small remaining narrow strip of property was overlooked and left off.

Mr. Stephens went on to say that Chad Salmon, the owner of the adjacent Portofino lot has been working with the county recorder's office and his attorneys to acquire this property. He said it was determined that

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narrow strip of leftover property would be split between the adjacent Portofino lot and the Rockwell property to the south. Given to the Commission is the proposed plat amendment which will absorb approximately 12 feet of this remaining property, so it is necessary for an amended plat to be approved. Staff has reviewed this item and recommends the subdivision amendment approval.

Following the information given there was discussion on how the property would be recorded and getting the title report in order.

Mr. Nick Smith and Mr. Chad Salmon addressed the Commission. Mr. Smith said the 15 foot strip of property has been adjudicated and it has been sent to be recorded at the county. He said they are requesting approval from the Planning Commission that the 15 feet of property be added on to the plat.

There were no further questions or comments, and Commissioner Jones made a motion that the Planning Commission recommend approval to the City Council of the Portofino Subdivision Plat amending Lot 3B. Commissioner Hennesy seconded the motion, and all voted in favor of the motion through a roll call vote.

**DISCUSSION OF ZONING AND POTENTIAL LAND USE OF PROPERTY LOCATED AT 1379 SOUTH REDWOOD ROAD**

Mr. Stephens then reviewed this item with the Commission. He said that approximately a year ago, Chad Salmon, the owner of Lot 3B Portofino Subdivision, met with the Planning Commission and discussed zoning. He said as the Commission may recall, Lot 3B was split between two land use zones. He said the west half of the lot is in the C2-A Neighborhood Commercial Zone with the east half located within the I-1 Light Industrial/Business Park Zone. He said that during the previous discussion, Mr. Salmon discussed the fact that he would like to headquarter Salmon Electric on the lot within one building that would be within the C2-A Zone. He said the building would be constructed with offices for the company's support staff, but he also desired another large portion of the building to be a warehouse in which all the materials used as an electrical contractor could be stored and distributed from. He noted that at that time, the Commission reviewed the permitted uses in the new C2-A Zone and the allowed and conditional uses in the I-1 Zone. He noted it was obvious that office use was clearly a use that was allowed in the C2-A Zone and also the I-1 Zone. He noted that the warehouse, distribution activity would only be permitted as conditional use in the I-1 Zone.

Mr. Stephens explained at that time Mr. Salmon was pursuing the idea of rezoning the entire lot to I-1 Light Industrial to accommodate his business use, but the Planning Commission felt that the split zoning is based on the general plan, and would not be supportive of a rezone application to zone the entire lot to I-1. He said the general plan envisions properties fronting 500 South and Redwood Road be more of an office or commercial nature and not involve light industrial, warehousing, or distribution activities.

Mr. Stephens also said that now Mr. Salmon has requested an opportunity to discuss with the Commission further thoughts or ideas involving his proposed use for the property and the present zoning and land use regulations. He said Mr. Salmon would like to present some of his recent ideas regarding the C2-A and I-1 zoning. He noted that if the Commission feels further consideration be given the subject, they can take it under advisement and even instruct staff to review the matter and provide further input. They have provided a site plan mockup for the Commission's review.

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Following the information given by Mr. Stephens, Chairman Rupp said there had previously been a step type of building proposed for the property in question and the C2-A Zone required smaller buildings but if it is I-1 Light Industrial, the taller building would abut right up against Redwood Road. Mr. Stephens said they wanted to discuss the office space and the possibility of warehousing in the back of the building. Chairman Rupp said he is less concerned about the activity in the building than the size of the building. He said he thought maybe using some flexibility for the building and leaving the zoning as it is but having a warehouse in the back as other retail types of businesses have might work out to be the best option. Mr. Stephens said since it is by the airport there may be restrictions about the size of a building.

Mr. Salmon addressed the Commission and gave a brief history of what had transpired with his property to this point. He said he had been working on this piece of property for over 20 years and trying to get it developed. He said he had a property deal with a partner that did not go as planned and he was left with three small lots that were hard to work with. He noted the piece of property that is left is in the C2-A zone. He said he had tried to get it changed to I-1 and was unsuccessful. He said they plan to leave the building in the commercial zone. He said there is a title and a land amendment to add to the Portofino subdivision so they have gone through the process and would now like to put their building in. He said their electrical business has grown and the new building would be primarily for office use for engineers, and he would like to now move forward with the project. He said they do not want to spend any further funds if they cannot get their building built. He noted on the building plans they put parking in the I-1 Zone of the property for convenience because of the airport.

Chairman Rupp asked if the building they are proposing can fit within the C2-A zone regulations. Mr. Salmon said yes, he believes it will. He said the C2-A Zones use is for office space, but their building will have some garage fronts where materials would be dropped off briefly and then moved to their prefab location. He also said the building would be used for training purposes.

Chairman Rupp said there are two parts to consider for this project, the physical building and activity within the zone. Mr. Salmon said he believed the activities within the building would be compliant with both zones because the C-2A zone allows for office space. He said they are not asking the zoning be changed but are looking at how uses in both the zones would be allowable.

Mr. Stephens said the uses fit in the I-1 zone but wondered if the uses fit in the C2-A zone as an electrical contractor for the warehousing and storage. Mr. Stephens said he thought before there was discussion about the similar uses and compatibility of the zone and if it fit the purpose statement for the zone. Mr. Stephens said there had been discussion on how a retail use has storage areas in the back of their buildings to use for their retail products before they are sold, which may be considered as similar to what Mr. Salmon is now proposing. Mr. Stephens said that Mr. Smith had pointed this out to him in a previous discussion and said their use would be similar. Mr. Salmon said they are not planning to store materials at this building but plan to use it as a drop off for materials that would then be moved and located in another building. He said there would be no fabrication and no long term storage in the proposed building.

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Commissioner Jones said in looking at the building he thought as long as it is aesthetically compliant with the C2-A zone it should work, especially if the office part of the building is located on the street. Mr. Rupp said he does not have issues with either proposal, but his concerns were the size of the building.

Commissioner Jones said part of the reason for the C2-A zone is to encourage a certain use and type of activity along Redwood Road, and this will have the professional use in the building that the C2-A zone requires and would have the professional aesthetic look for the Redwood Road corridor but would have some staging behind the building. He said limitations would be in place for other uses, so he does not see a problem with this use.

Mr. Stephens looked at the C2-A Zone ordinance and read its stated purpose and the uses that are allowed in that zone. He said Mr. Salmon's use is not specifically listed, but he noted that in the ordinance it does allow for the Planning Commission to approve any use determined to be substantially similar to the permitted or conditional uses described or any use that is generally compatible to the objectives of the zone.

Chairman Rupp asked if there are any uses that are prohibited, and Mr. Stephens said he did not see any specific prohibited uses in the zone.

Chairman Rupp asked Council Member Sharp what his thoughts were, and he said he thought it was important to support businesses who own land in the city, and he said he does not have any concerns with what is being proposed. He said they are not asking for a rezone, and he felt like the use would be for more of a business office and he thought it would be a good project.

Commissioner Hennesy said he did not have any issues with what is being proposed and said he appreciated the work they had put in to be compliant with the code.

Commissioner Blackley said he felt the building looked good, and he did not have any concerns with the project.

Commissioner Grover said he felt like the aesthetics and the building looking sharp was important and he felt comfortable with what is being proposed.

Commissioner Jones said he did not have any issues with the proposal.

Mr. Stephens said the staff are more used to seeing this type of proposal in a business park instead of in a commercial zone, but they are not assembling anything, and the electrical items will be taken to offsite jobs.

Chairman Rupp asked if the staff would be comfortable with what is being proposed and Mr. Stephens said he felt good about what is being proposed. He said there is no manufacturing going on and it would not be allowed in this zone, but the use is similar and compatible with the other uses in the zone. Chairman Rupp said he felt it was also a similar and compatible use within the zone. He said the Commission is concerned with the aesthetic and the building as well as not having a big, large building located right on Redwood Road.



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Commissioner Jones noted the building should be looked at closely using the design ordinance, so the designer understands what the ordinance is asking for and time is taken to review the design ordinance carefully.

Chairman Rupp said it would be good to have specifics so when it is reviewed, they have details and make sure there are comparisons to other compatible uses in the zone. He said he feels like it is substantially compatible with other uses going on in that zone.

Commissioner Grover said they did not want to see the “party in the back” and they just want to make sure they avoid that as they move forward.

Mr. Salmon thanked the Commission for their time and help with this project.

At this point in the meeting Chairman Rupp then noted this would be Mr. Stephens last Planning Commission meeting as he would be retiring. The Commission and staff thanked Mr. Stephens for his years of service for Woods Cross City and for his work with the Planning Commission. They wished him luck with his future plans in retirement.

**DISCUSSION OF PLANNING COMMISSION BYLAWS AND PROCEDURES—JOE RUPP**

Chairman Rupp said he had asked the Commission to review the bylaws for the Planning Commission to see if there were any updates or changes, they would like to make to them.

The Commission gave their suggestions on the changes they would like to see made in the by-laws.

**CITY COUNCIL REPORT—GARY SHARP**

Council Member Sharp said he was out of town at the last City Council meeting, so he did not have a City Council report. Please see the minutes of the City Council meeting held May 7, 2024, for the details of that meeting.

**GENERAL AND PENDING BUSINESS**

Mr. Stephens said he and Mr. Poole had talked about the Station Area Plan and choosing the consultant for that project.

Mr. Stephens thanked everyone for their kind wishes for his retirement.

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**ADJOURNMENT**

There being no further business before the Commission, Commissioner Hennessy made a motion to adjourn the meeting at 8:05 P.M.

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Joe Rupp, Chairman

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Bonnie Craig, Secretary