



**Kaysville City Planning Commission
Meeting Notice and Agenda**

The Kaysville City Planning Commission will hold a regular meeting on March 28, 2024, at 7:00 PM in the Council Chambers of the Kaysville City Municipal Building located at 23 East Center Street.. The public is encouraged to attend in person or may view the meeting online via www.Kaysvillelive.com.

1. Welcome and Meeting Order
2. Declaration of Conflict of Interest
3. Rezone request and Public Hearing for property at 1400 West Willow Brook Lane from A-5 (Heavy Agriculture) to R-1-14 (Single Family 14,000 ft²) for applicant Russell Wilson
4. Public Hearing for a text amendment to Kaysville City Code 17-31-2 Accessory Building
5. Approval of the minutes from the March 14, 2024 Planning Commission Meeting
6. Other matters that properly come before the Planning Commission
 - a. Reports
 - b. Correspondence
 - c. Calendar
7. Adjournment

On a Notice of Meeting was posted in accordance with Utah State Code Section 52-4-202 (3).

Mindi Edstrom
Community Development Department

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: March 21, 2024

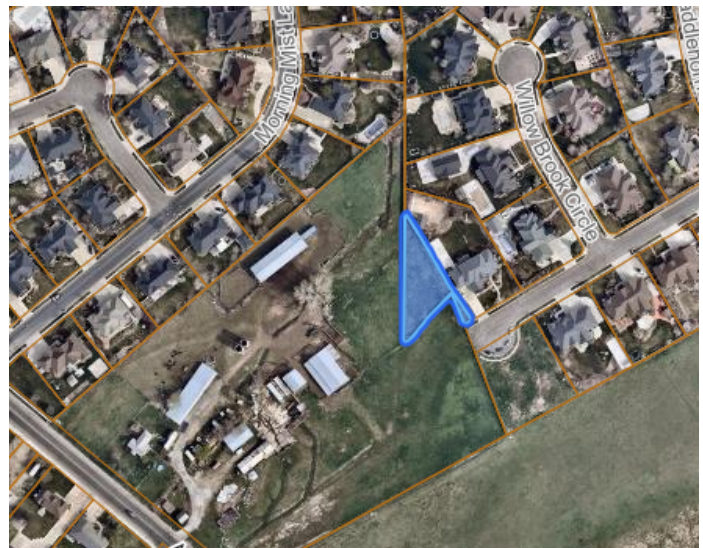
Agenda Item #3: Rezone request and Public Hearing for property at approximately 1400 West Willow Brook Lane from A-5 (Heavy Agriculture) to R-1-14

Meeting Date	March 28, 2024
Application Type	Rezone
Applicant Owner	Russell Wilson SDC Investments, LLC
Address Parcel ID Number	~1400 West Willow Brook Lane 08-009-0097
Lot Size	.31 acres 13,504 ft ²
Current Use	Agriculture
Current Zoning	A-5
Density Entitlement	0 (Non-conforming lot size)
Requested Zoning	R-1-14
Density Entitlement	0

1. BACKGROUND

The proposed rezone application from A-5 to R-1-14, was submitted by Russell Wilson of Symphony Homes. The property is .31 acres and located at approximately 1400 West Willow Brook Lane. The odd shaped parcel is non-conforming, lacking adequate square footage or required frontage to get a building permit.

The parcel is located east of the 7.74 acres at 367 South Angel, which was rezoned on February 15, 2024 from A-5, to R-1-14. Symphony homes now has that larger parcel under contract and is requesting this rezone so it can be included with the development of that property.



2. SURROUNDING LAND USE AND ZONING

The subject parcel is located at the west end of Willow Brook Lane. It is an odd shaped parcel on the north side of the street.

- **Adjacent** – Directly adjacent to the subject property is R-1-20 and R-1-14.
- **North** – The subject property is bordered by R-1-20, and R-1-14.
- **South** – Directly south of the parcel is R-1-14, and R-1-20.
- **East** – To the east is R-1-20 with established single-family dwellings.
- **West** – The newly rezoned R-1-14, which will become single family dwellings.



The application for rezone to R-1-14 is appropriate for the location. The neighborhood characteristics are consistent to R-1-14 and R-1-20 with the established homes to the east, and the new R-1-14 single family dwelling development will be constructed to the west.

3. GENERAL PLAN

The Future Land Use Map in the 2022 General Plan shows the property at 1400 West Willow Brook Lane to be in a Single-Family Dwelling district. The rezone request to R-1-14 is supported by the Future Land Use Map. The yellow color indicates the single family zoning on the future land map below.

The approval of the rezone from A-5 to R-1-14 would provide more single-family lots adding to stock of desired lots to the new subdivision. The R-1-14 setbacks in the new subdivision are the same as the R-1-20 lots to the east. The 30' front, 8' foot sides and 15' rear are consistent with the zoning districts for the majority of the established neighborhoods on the east side of Angel Street. On page 27 of our 2022 General Plan Goal 1 is to preserve and protect Kaysville's "Small Town" atmosphere by limiting change in functioning neighborhood districts. The R-1-14 will provide lots that will accommodate similar houses with the same street appeal, look, and feel as the houses in the less dense R-1-20 adjacent to the proposed rezone.

Goal 3.2, to preserve neighborhood character on page 43 in Chapter 2 Transportation and Connectivity, shows we should use the street design to shape the neighborhood character which this rezone reflects. If this property rezoned to R-1-14 and developed with the neighboring property, the provisions of this goal would support the proposed rezone.



On page 49 of the 2022 General Plan, affordability is promoted. The smaller lots would somewhat assist in filling the gap between R-1-20, and smaller lots on the north end of Angel Street. Last but not least, it will promote Objective 1.3 on page 54, 1.3 allowing for a slightly higher density.

Staff believes the rezone is supported by the 2022 General Plan.

4. PUBLIC COMMENT

Public notices were mailed to affected entities and property owners within 500' radius of the subject property. A sign was placed on the property on Thursday March 7, 2024. To date, no public comments have been received.

5. RECOMMENDATION

Staff is recommending approval of the zone change from A-5 to R-1-14 with support from the 2022 General Plan as a compatible zone for the existing homes and neighborhood character.

The Planning Commission may make a recommendation to the City Council to approve or deny the rezone request.



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: March 21, 2024

Agenda Item #4: Public Hearing for a text amendment to Kaysville City Code 17-31-2 Accessory Buildings

Meeting Date	March 28, 2024
Application Type	Ordinance Text Amendment
Applicant	Kaysville City
Chapter Title Section	17-31-2 Accessory Buildings

1. BACKGROUND

This text amendment is before the Planning Commission as some language in KCC 17-31-2 Accessory is unclear, ambiguous and/or is in conflict by with building code. Staff believes the changes proposed will eliminate the confusion we have encountered with residents and contractors, and will be clear and concise as to the intention of the ordinance.

Staff is proposing changes addressing the language used for “required side yard” and changing that to “required setback of a side yard” which will address areas of confusion.

The proposed text amendment will also clarify and remove the discrepancy between the building code, which requires a building permit for any structure “in excess of 200 square feet,” but our code includes buildings which are 200 square feet in size.

Staff would like to clarify that an accessory building is prohibited in any R-1 district unless the main dwelling structure is constructed or under construction. Staff also has added clarification as to the one-foot setback minimum from any property line.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A Public Hearing Notice was posted on March 18, 2024. No comments have been received as of the date of this report.

3. GENERAL PLAN

In Chapter 1 of the 2022 General Plan, Land Use and Placemaking Plan the goal of “Preserve single family neighborhoods and preserve the established character of Kaysville” is established. We believe a clear and concise ordinance will help facilitate the objective goals better.

4. RECOMMENDATION

Staff recommends the Planning Commission send a recommendation of approval to the City Council for the text amendment to 17-31-2 Accessory Buildings as it clarifies the intentions, and makes consistent the definitions between city ordinance and building code.

**KAYSVILLE CITY
ORDINANCE 24-03-XX**

WHEREAS, the City Council of Kaysville City, State of Utah, has determined in an open public meeting to amend Kaysville City Code 17-31-2 Accessory Buildings to clarify language and match building code;

WHEREAS, said meeting was duly and regularly held and the interested parties were given an opportunity to be heard;

WHEREAS, on March 28, 2024, with a vote of X-X, the Kaysville City Planning Commission held a public hearing and made a recommendation of approval to the City Council of the proposed text amendment to 17-31-2 Accessory Buildings; Uses

WHEREAS, the City Council, after due consideration of said amendment, has concluded that it is in the best interest of the City and the inhabitants thereof that said amendment to 17-20-4 Central Commercial Conditional Uses be implemented;

NOW THEREFORE, be it ordained by the Council of the Kaysville City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “17-31-2 Accessory Buildings” of the Kaysville City Code is hereby *amended* as follows:

BEFORE AMENDMENT

17-31-2 Accessory Buildings

1. All accessory buildings shall comply with the provisions of this Title. No accessory building shall be located in any front yard, required side yard, or yard abutting a street.
 - a. Exceptions:
 - i. On multiple frontage lots, the rear yard abutting a street may allow accessory buildings such as a garden or tool shed which is under 200 sq. ft. and less than 10 feet in height.
 - ii. On a corner lot, an accessory building such as a garden or tool shed under 200 sq. ft. and less than 10 feet in height may be located in a corner side yard abutting a street so long as the side yard does not abut the front yard of an existing dwelling.
 - iii. An accessory building may be located in a side yard between the side property line and a portion of the main building where the footprint of a dwelling narrows by at least 20 feet a minimum of 30 feet from the front of the dwelling.
 - b. Flag Lots:

- i. As all yards surrounding a dwelling on a flag lot are at least 20', all yards may be treated as a rear yard.
 - ii. Accessory buildings are not permitted in a required flag lot projection.
2. A property owner must obtain written permission from an easement holder in order to locate an accessory structure on any recorded easement. Structures located in an easement such as a Public Utility Easement (P.U.E.) are placed at the property owner's risk and the structure may be required to be removed at the property owner's personal expense should an entity with rights to the easement require access to that easement at any time.
3. Any accessory building attached to the main building shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Title applicable to the main building.
4. One story detached accessory buildings smaller than 200 square feet shall not be located so that they cause storm water runoff onto the adjacent property. Accessory buildings 200 square feet or larger shall have the required permits and be located not closer than one foot (1') to the adjacent property line and so that storm water does not run off onto the adjacent property.
5. Accessory buildings in any zone shall occupy no more than twenty percent (20%) of the lot area less the footprint area of the main building. An accessory building shall not exceed ten percent (10%) of the lot area.
6. Accessory building shall not exceed in height the line created by a point twelve feet (12') above ground at the property line and extending upwards from that point at a 45 degree angle towards the interior of the property, up to the maximum building height allowed in the zone.
7. Buildings housing farm animals shall comply with [KCC 17-24-3](#).

AFTER AMENDMENT

17-31-2 Accessory Buildings

1. All accessory buildings shall comply with the provisions of this Title. No accessory building shall be located in any front yard, required [setback of a side yard](#), or yard [setback](#) abutting a street.
 - a. Exceptions:
 - i. On multiple frontage lots, the rear yard abutting a street may allow accessory buildings such as a garden or tool shed which is ~~under~~[not in excess of](#) 200 sq. ft. and less than 10 feet in height.
 - ii. On a corner lot, an accessory building such as a garden or tool shed ~~under~~[not in excess of](#) 200 sq. ft. and less than 10 feet in height may be located in a corner side yard abutting a street so long as the side yard does not abut the front yard of an existing dwelling.
 - iii. An accessory building may be located in a side yard between the side property line and a portion of the main building where the footprint of a dwelling narrows by at least 20 feet a minimum of 30 feet from the front of the dwelling.

- b. Flag Lots:
 - i. As all yards surrounding a dwelling on a flag lot are at least 20', all yards may be treated as a rear yard.
 - ii. Accessory buildings are not permitted in a required flag lot projection.
- 2. A property owner must obtain written permission from an easement holder in order to locate an accessory structure on any recorded easement. Structures located in an easement such as a Public Utility Easement (P.U.E.) are placed at the property owner's risk and the structure may be required to be removed at the property owner's personal expense should an entity with rights to the easement require access to that easement at any time.
- 3. Any accessory building attached to the main building shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Title applicable to the main building.
- 4. One story detached accessory buildings smaller than 200 square feet shall not be located so that they cause storm water runoff onto the adjacent property and shall be at least one foot (1') from the property line.
- 5. Accessory buildings in excess of 200 square feet ~~or larger~~ shall have the required permits and be located not closer than one foot (1') to the adjacent property line and so that storm water does not run off onto the adjacent property.
- 6. Accessory buildings in any zone shall occupy no more than twenty percent (20%) of the lot area less the footprint area of the main building.
- 7. An accessory building shall not exceed ten percent (10%) of the lot area.
- 8. An accessory building is not allowed in any R-1 district unless the main dwelling structure is constructed or under construction.
- 9. Accessory building shall not exceed in height the line created by a point twelve feet (12') above ground at the property line and extending upwards from that point at a 45 degree angle towards the interior of the property, up to the maximum building height allowed in the zone.
- 10. Buildings housing farm animals shall comply with [KCC 17-24-3](#).

PASSED AND ADOPTED BY THE KAYSVILLE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Adams	_____	_____	_____	_____
Council Member Blackham	_____	_____	_____	_____
Council Member Hunt	_____	_____	_____	_____
Council Member Jackson	_____	_____	_____	_____
Council Member Oaks	_____	_____	_____	_____

Presiding Officer

Attest

Tamara Tran, Mayor, Kaysville City

Annemarie Plaizier, City Recorder,
Kaysville City

Kaysville City Planning Commission Meeting Minutes
March 14, 2024

The Planning Commission meeting was held on Thursday, March 14, 2024 at 7:00 pm in the Kaysville City Hall Council Chambers located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Steve Lyon, Commissioners Wilf Sommerkorn, Debora Shepard and Erin Young

Planning Commissioners Absent: Commissioners Paul Allred, Mike Packer and Megan Sevy

Staff Present: Melinda Greenwood, Dan Jessop and Mindi Edstrom

Public Attendees: City Councilmember Abbi Hunt, Eric Cheney, Charlie Hunsaker, Miles McFarland, Mark Reed, Randy Clem, Katie Ellis, Dwain Klein, Laurene Starkey, Jill Dredge, Matthey Steed, Brandon Wood, and Kevin Porter

1- WELCOME AND MEETING ORDER

Chair Lyon opened the meeting by welcoming all in attendance to the March 14, 2024 Planning Commission meeting.

2- DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest from the Commissioners.

3- CONDITIONAL USE PERMIT FOR AN INSTRUCTIONAL HOME OCCUPATION FOR SOPHIE'S SUNSHINE PRESCHOOL LOCATED AT 10 SOUTH 100 WEST

Mindi Edstrom introduced the agenda item for Sophie's Sunshine Preschool for an Instructional Home Occupation. The applicant will be running a preschool at 10 South 100 West in the detached garage and she provided a letter of consent from the property owner in her application because this is not her residence. Ms. Asay will be holding preschool sessions Monday, Tuesday, Wednesday, and Thursday and the hours will be from 9:00 am to 11:30 am and 12:30 pm to 3:00 pm. Ms. Asay provided a map with the drop off and pick up plans so students will not be crossing the road.

Staff recommended approval for the Instructional Home Occupation Conditional Use Permit with any conditions Planning Commission felt necessary as allowed by code.

Commissioner Young made a motion to approve the Conditional Use Permit for Sophie's Sunshine Preschool per the findings from staff. Commissioner Shepard seconded the motion for approval. The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay
Commissioner Lyon: Yay
Commissioner Young: Yay
Commissioner Sommerkorn: Yay

4- REZONE REQUEST AND PUBLIC HEARING FOR APPROXIMATELY 1325 WEST 200 NORTH FOR BRANDON WOOD FROM GC- GENERAL COMMERCIAL TO RA-RESIDENTIAL AGRICULTURAL

Melinda Greenwood introduced the agenda item for the rezone for Brandon Wood and explained the property is located behind the new Ogden Clinic facility. This property was rezoned in 2019 from A-5 Heavy Agricultural to GC General Commercial. Ogden Clinic only needed 3.3 acres of the total 4.7 acreage and now Brandon Wood, the applicant wants to rezone the unneeded property to R-A for his personal use.

Ms. Greenwood shared the surrounding land uses and zoning in relation to the subject parcel. She also referred to the Future Land Use Map which shows that this parcel would be used for a single family zone and felt that when the Land Use Map was updated that perhaps the front parcel was to be General Commercial and not the parcel behind it.

Ms. Greenwood said that this property's setbacks would be 30' in the front, 8' for the sides and 30' for the rear yard and does not have any frontage because it has not ever been through a subdivision process. She explained the parcel has some unique conditions with grade drop and long distances to make utility connections. She said if the parcel is rezoned then the City Council will need to amend the Development Agreement from 2019.

Ms. Greenwood said the General Plan is used when consider a rezone application and the General Plan didn't have information enough to tip the scales to either a recommendation or a denial. However, one goal in the General Plan is to keep the small town atmosphere. By returning the property back to Agricultural Residential it would allow the property to be utilized the same as the property to the east of it, preserving the feel of the surrounding area.

Ms. Greenwood said staff is neutral on a recommendation for the rezone and that there was only one phone call from the public inquiring about the rezone.

Chair Lyon invited the applicant, Brandon Wood to approach the Commissioners.

Brandon Wood said that he represents Ogden Clinic as a Real Estate Broker and was tasked with marketing the unused commercial property. He said development costs to make the parcel viable are more than what the property is worth. They also discovered that the proposed uses weren't desirable because they would be accessing the clinic's parking lot. Ogden Clinic determined that they would just sell the parcel as residential lot so they could choose not to have a neighbor. After talking to Catherine Smith, an adjacent property owner, she said would sell the property so they could combine them both and he fell in love with the property and wanted to purchase both pieces of land. He said he is under contract for the Catherine Smith property, and if the sale goes through, it will have a 35-year deed restriction on the lot so that nothing can be changed beyond what the R-A zone will allow for.

Mr. Wood said that many of the adjacent neighbors reached out to him to let him know they were in support of the purchase and rezone.

Commissioner Sommerkorn asked Mr. Wood what the intent of the rezone was.

Mr. Wood said that the property will remain as R-A for the next 35 years to preserve the open space and he planned to live in the home on the property.

Chair Lyon said that this rezone makes sense for this parcel because there is not enough economic viability in the property.

Commissioner Sommerkorn asked if the fall for the sewer line was coming from 200 North or Flint Street.

Mr. Wood said that he would have to go through Ms. Smith's property for the sewer to connect to Flint Street and that 200 North is not be cost effective option.

Chair Lyon opened up the Public Hearing.

Mark Reed lives east of the property and loves the large pine trees on the street and mentioned the need for curb and gutter for drainage. However, he would hate to see the trees torn down to add in curb and gutter. Mr. Reed also asked for clarification of the use of the property once it is rezoned.

Dwain Kleins said that the rezone in combination with the purchase of Catherine Smith's property makes sense and appreciates the efforts in keeping the small town feeling. He believes this is a great fit for the area and is support of the zone change.

Randy Clem lives east of the property and would be happy to have Brandon Wood for a neighbor and feels strongly that the property remain a residential zone.

Chair Lyon closed the Public Hearing.

Ms. Greenwood addressed the question regarding curb, gutter, and sidewalk saying the city always likes to have that in place, but that is not something the city would require unless or until the property was developed or subdivided.

Commissioner Young stated she feels comfortable with the rezone and thinks that it is a pleasant piece of property with the nearby trail, residential neighbors and is a great solution.

Commissioner Sommerkorn said that the property does not lend itself to commercial development very well and is favor of the rezone.

Ms. Greenwood said that Ogden Clinic has satisfied the terms of the Development Agreement as promised and still allows for adequate parking for the clinic.

Commissioner Sommerkorn made a motion to recommend approval of the rezone to the City

Council for the property at approximately 1325 West 200 North from the current GC General Commercial zone to the R-A Agricultural Residential zone. Commissioner Young seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay
Commissioner Lyon: Yay
Commissioner Young: Yay
Commissioner Sommerkorn: Yay

5- CONDITIONAL USE PERMIT FOR ELECTRONIC MESSAGE CENTER SIGN FOR CHARLIE'S CAR WASH LOCATED AT 331 NORTH 400 WEST

Chair Lyon wanted to open this item up for public comments and asked for a motion because there had been some impacts to the community.

Commissioner Young made the motion to allow for public comment and Commissioner Shepard seconded the motion. The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay
Commissioner Lyon: Yay
Commissioner Young: Yay
Commissioner Sommerkorn: Yay

Dan Jessop introduced the agenda item for a Conditional Use Permit for Charlie's Car Wash and the Electronic Message Center Sign. He said that the EMC is more than 300' from the freeway and a 30' tall sign is allowed. However, the electronic messaging cannot exceed 50% of the allowed sign and 75% of the sign cabinet. The sign size is well under what is permitted. The sign installed is 30' high, the sign set back is 4'x6' from the east property which is well beyond the minimum set required of 18" from the leading edge to the property line. The sign is also 80 ft² in size and 40 ft² or 50% of the sign is the EMC.

Mr. Jessop said that the city code has conditional uses for the EMC signs and the sign fits the height, size and setbacks. The Planning Commission can impose conditions so that the sign does not have detrimental impacts to the surrounding areas. After Charlie's car wash sign was put in the public reached out to the city to see what could be done to have the sign dimmed at dark because of the brightness of the sign. The city reached out to the owner and they gladly adjusted their signs brightness to lessen the impact on the residential neighbors.

Chair Lyon asked Mr. Jessop what hours of operation the car wash.

Mr. Jessop answered saying that the sign is still running at night, however the sign has been dimmed much lower than regular brightness during the day. Mr. Jessop said he called other cities to see how they regulate a sign's brightness. Several of the cities require signs to be dimmed to 3% or 4% after 10:00 pm.

Commissioner Sommerkorn asked how long the sign has been in operation and Mr. Jessop said the sign had been in a couple of months.

Ms. Greenwood added that the city code allows us to regulate size, height, and setbacks and asked the Planning Commission to have those conditions as the sign currently exists so there is no expense to the city because the sign is already in place. She noted that city code requires that EMC signs have the capability of being dimmed but it doesn't say to what percentage it would have to be dimmed or how bright it can be. She said the city cannot legally require a condition of having it dimmed to 30% because our code does not allow us to regulate that.

If the applicant is amenable and agreeable to having us impose that condition, then Planning Commission can add that as a condition. She said the city did receive complaints from the residents in the town homes across from Main Street, which is the reason we wanted to allow residents to make a comment.

Ms. Greenwood thanked the applicant, Mr. Hunsaker, for his willingness to dim the sign down to 75% at 6:00pm.

Commissioner Sommerkorn said that there is a provision in the city code stating that a lighted sign shall not permit lights to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties. When this is alleged the Building Official can investigate and if such light is determined to be in violation the owner of said light shall take appropriate corrective action as directed. The code implies that the city can do something about the brightness but the problem is that the city does not have any standards to regulate the light.

Charles Hunsaker, the applicant and business owner, approached the Commissioners along with the store manager. He said that the sign company came and put up the sign, got it working and left without any adjustments to it. He was made aware of the brightness shortly after that and began the process of figuring out how to rectify the sign's brightness. He said that his manager, Miles assisted in setting a brightness schedule.

Miles McFarland approached the Commissioners and said that the sign's brightness is at 100% from 10:00 am to 4:00 pm. At 5:00 pm it goes down to 70%. At 6:00 pm it goes down to 40% and 7:00 pm to 9:00 pm it goes to 25%. Then the sign goes down to 5% from 10:00 pm- 6:00 am where it starts to get brighter again.

Chair Lyon opened up the meeting to the public for comments.

City Councilmember Abbi Hunt said she worked with a resident who had reached out to her with concerns regarding the sign's brightness. She had noticed that the sign was not as bright at night and appreciates the owners working to fix it.

Commissioner Sommerkorn asked Councilmember Hunt if she had heard from the resident

after the sign had been dimmed at 10:00pm.

Councilmember Hunt said when she reached out to the resident after it the sign had been adjusted that he indicated to her that the sign was not on at 11:00 pm when he checked. She added that the resident lives in the town homes across from Main Street.

Chair Lyon closed public comments.

Commissioner Sommerkorn asked staff what their recommendations are for the sign's brightness and if what the applicant is already doing is sufficient.

Ms. Greenwood responded saying that what Charlie's is doing is sufficient and appreciates their responsiveness. She thinks that in the summer months they will want to adjust some of the times and brightness where the days will be longer and brighter.

Commissioner Young said that Mr. Hunsaker is being a good neighbor right now, however, is there a condition that needs to be in the motion for the future?

Chair Lyon feels that it would be enough to put the dimming percentages of the sign into the motion.

Mr. Hunsaker approached the Commissioners saying that there will need to be different brightness in the summer months versus the winter months and the sign has the capabilities to do that.

Commissioner Sommerkorn suggested adjusting the brightness according to the sunset and sunrise. He also asked what hours the car wash is open.

Mr. Hunsaker said that they are open from 7:00 am to 8:00 pm during the summer months and 7:00 am to 7:00 pm in the winter months.

Commissioner Sommerkorn made a motion to approve the Conditional Use Permit for the electronic message center sign for Charlie's Car Wash with the following conditions to mitigate the lighting nuisance:

- From 6:00 am until sunset and/or closing the sign can operate at 100 %.
- From sunset and/or closing until 2 hours after sunset and/or closing the sign can operate at 40%.
- From 2 hours after sunset and/or closing until 10:00 pm the sign can operate at 25%.
- From 10:00 pm until 6:00 am the sign can operate at 5%.

Commissioner Young seconded the motion to approve.

Ms. Greenwood said that we can only regulate the hours of operation and not the brightness. We also do not regulate the static part of the sign.

Mr. Hunsaker said he feels it is fair to be able to have his sign on just like the other surrounding signs that are on all night. He is happy to turn it down, but it is a sign for advertising and would like for it to be lit.

The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay
Commissioner Lyon: Yay
Commissioner Young: Yay
Commissioner Sommerkorn: Yay

6- CONDITIONAL USE PERMIT FOR ELECTRONIC MESSAGE CENTER SIGN FOR DESERET LANDING LOCATED AT 559 SOUTH DESERET DRIVE

Dan Jessop introduced the agenda item for a Conditional Use Permit for the Electronic Messaging Center on 559 South Deseret Drive. He said property is 305,355 ft² and the EMC sign is about 125' from the I-15 corridor. He suggested that because the sign is on the east side of the property there seems to be little light nuisance to the residential neighborhood to the west. The sign is permitted to be 45' tall and can be up to 300 ft² and the messaging area is allowed to be 50% of the sign. The sign is 45' tall and the site plan shows the sign is set back more than 20' from the property line. The sign is 238.8 ft² and 147.8 ft² of the sign is for the electronic messaging, which is less than 50% of allowable messaging area.

Commissioner Sommerkorn asked if the sign is on Deseret Drive.

Mr. Jessop responded saying that it placed near the rear of the lot up against I-15 to the north east corner.

Commissioner Sommerkorn asked how this is different from being a billboard.

Ms. Greenwood said that the sign is advertising for the on-premise businesses that are in the buildings on that parcel. If the sign were to start advertising for other businesses off-premise then we would need to contact the sign owner and let them know that was not legal.

Commissioner Young asked if the sign is visible to the residents on or near Deseret Drive.

Ms. Greenwood said that there have not been any complaints from the residents regarding the sign. The residents to the south are over 500' away and the building height is 35'.

Eric Cheney, a representative from Yesco Signs who is representing the applicant, approached the Commissioners. He said the sign has the capability to dim and is run by their team. The sign has a photo cell on it so the sign is automatically controlled.

Commissioner Young asked if the sign is on all the time.

Mr. Cheney said that it has been running 24-7 since it was placed on the location.

Chair Lyon asked if there had been any complaints for the sign's brightness.

Ms. Greenwood said that there had not been any complaints for the sign, but that the digital sign was noticed when driving by the sign on I-15 and she realized it had not come before Planning Commission for a Conditional Use Permit.

Mr. Cheney said that all the advertising on the sign is for on-premise businesses and no outside businesses.

Commissioner Shepard made a motion to approve the Conditional Use Permit for the Electronic Messaging Center Sign for 559 Deseret Drive. Commissioner Sommerkorn seconded the motion as recommended by staff. The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay

Commissioner Lyon: Yay

Commissioner Young: Yay

Commissioner Sommerkorn: Yay

7- PUBLIC HEARING FOR A TEXT AMENDMENT FOR TITLE 17-20-4 CENTRAL COMMERCIAL CONDITIONAL USES

Dan Jessop introduced the agenda item for a Public Hearing for Title 17-20-4 Central Commercial Conditional Use text amendment. He explained that this item is before the Planning Commission because there is a limited amount of commercial property and the city should not allow for dwellings to consume commercial property. He said that if there is a mixed-used overlay then a dwelling would be allowed.

Commissioner Young asked for clarification that this amendment would still allow for mixed-use dwellings.

Commissioner Sommerkorn said that this amendment would still allow for a mixed-use dwelling in Central Commercial.

Chair Lyon opened up the Public Hearing but there were no comments. Chair Lyon closed the Public Hearing.

Ms. Greenwood said that staff is recommending approval of this amendment.

Commissioner Sommerkorn made a motion to recommend to City Council the modified list of conditional uses in the Central Commercial zone to remove dwellings. Commissioner Young seconded the motion. The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay
Commissioner Lyon: Yay
Commissioner Young: Yay
Commissioner Sommerkorn: Yay

8- APPROVAL OF THE MINUTES FROM THE FEBRUARY 8, 2024 PLANNING COMMISSION

Commissioner Young made the motion to approve the minutes from February 8, 2024 Planning Commission. Commissioner Shepard seconded the motion. The vote was unanimous in favor of the motion (4-0).

Commissioner Shepard: Yay
Commissioner Lyon: Yay
Commissioner Young: Yay
Commissioner Sommerkorn: Yay

9- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood reminded the Commission of the ULUI Conference March 22, 2024 and the upcoming APA Conference.

Ms. Greenwood said that the State Legislative session is finished and that there were not many changes that impact the Community Development Department and Planning Commission.

Ms. Greenwood shared the updates to the city's website for the recent subdivision changes which were required by state law. At the direction of the City Council, staff created a forum where they could communicate with the public about the subdivision applications and allow them to comment on the subdivision. Comments will be submitted to the developer and will also be accessible to the public, City Council and Planning Commission on the website.

10- ADJOURNMENT

Commissioner Shepard motioned to adjourn and Commissioner Young seconded the motion. The meeting ended at 8:38 pm.