



SMITHFIELD CITY PLANNING COMMISSION MINUTES December 15, 2021

The Planning Commission of Smithfield City met in the City Council Chambers
96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, December 15, 2021

The following members were present constituting a quorum:

Members Present: Katie Bell, Brian Higginbotham, Bob Holbrook, Scott Gibbons, Brooke Freidenberger, Jasilyn Heaps

Members Excused: Juli Weber

City Staff: Brian Boudrero, Clay Bodily, Jon Wells (City Councilmember), Mayor Jeff Barnes

Others in Attendance: Dale Sliger, Kohlin Sliger, Roger Welsh, Brenda Humphreys, Dan Larsen, Kris Monson, Sue Hyer, Dixie & Rolf Neugebauer, Debbie Zilles

6:32 p.m. Meeting called to order by Chairman Gibbons

Consideration of consent agenda and approval of meeting minutes

After consideration by the Commission, Chairman Gibbons declared the meeting agenda and the minutes from the November 17, 2021 meeting to stand as submitted.

RESIDENT INPUT - None

AGENDA ITEMS

Discussion and possible vote on the Conditional Use Permit request by Sliger Designs to operate a light manufacturing facility at approximately 100 West 800 South. Parcel Numbers 08-202-0005, 08-202-0006 and 08-202-0007.

Sliger Design Company is requesting a conditional use permit for a commercial building located at 100 West 800 South. Light manufacturing is allowed with a conditional use permit. They create custom computer cases and server racks. There are three parcel numbers listed on the agenda, however, it is one building. They will purchase and use 3/4 of the building and lease out the rest. The current zone is General Commercial. Community Commercial is to the east, General Commercial is across 100 West to the south, and Manufacturing to the north. The building is new and has not had previous tenants

Dale and Kohlin Sliger explained that they are relocating from Reno, Nevada.

Councilmember Wells asked if there was ample parking for employees. Kohlin Sliger said they have 38 parking spots and will not have more than 20 employees on shift at any given time; they do not have customers come in. They will be occupying 18,000 SF and leasing the other 9,000 SF. They are in process of purchasing the building and their real estate agent has had some inquiries on sub-leasing.

MOTION: Motion made by Commissioner Higginbotham to **approve** the Conditional Use Permit request by Sliger Designs to operate a light manufacturing facility at approximately 100 West 800 South. Parcel Numbers 08-202-0005, 08-202-0006 and 08-202-0007. Commissioner Heaps seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Heaps, Higginbotham, Holbrook

Discussion and possible vote on the Conditional Use Permit request by Brenda Humphreys to obtain a kennel license at 405 East 120 South. Parcel Number 08-128-0002. The parcel is approximately 0.19 acres.

Brenda Humphreys is requesting a temporary kennel permit. She lives at 405 East 120 South and is currently zoned R-1-10. They have an enclosed backyard, however, if the lot is smaller than 10,000 square feet (their lot is .19 acres or 8,276.4 square feet), so they have to get a conditional use permit for a kennel. This permit is temporary. Ms. Humphreys said they have two dogs of their own and their nephew, who is staying with them temporarily, has one dog, which requires a kennel license.

MOTION: Motion made by Commissioner Holbrook to **approve** the Conditional Use Permit request by Brenda Humphreys to obtain a kennel license for three (3) dogs at 405 East 120 South. Parcel Number 08-128- 0002. The parcel is approximately 0.19 acres. Commissioner Bell seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Heaps, Higginbotham, Holbrook

Discussion and possible vote on the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 1, a (23) lot/unit subdivision located at approximately 500 North 300 West.

Dan Larsen, with Kartchner Land Management, said the phases are the same as in the preliminary plat that was previously reviewed. He confirmed for Commissioner Freidenberger that no lots have been sold but there has been quite a bit of interest.

Mr. Bodily said there is a requirement that 10+ units require a second outlet onto a public street. Mr. Larsen said one reason they will be doing all the phases at the same time is to provide the appropriate connections. Mr. Bodily confirmed the plan has gone through the Subdivision Technical Review Committee (STRC) and the water model is complete. There are no changes from the preliminary review.

MOTION: Motion made by Commissioner Freidenberger to **approve** the Final Plat for Golden Forest, Phase 1, a (23) lot/unit subdivision located at approximately 500 North 300 West. Commissioner Heaps seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Heaps, Higginbotham, Holbrook

Discussion and possible vote on the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 2, an (18) lot/unit subdivision located at approximately 460 North 200 West.

Mr. Larsen said this is the area behind the church (east to west) and connects the three (3) stub roads.

MOTION: Motion made by Commissioner Heaps to **approve** the Final Plat for Golden Forest, Phase 2, an (18) lot/unit subdivision located at approximately 460 North 200 West. Commissioner Bell seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Heaps, Higginbotham, Holbrook

Discussion and possible vote on the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 3, a (16) lot/unit subdivision located at approximately 600 North 300 West.

Mr. Larsen said this phase continues up 300 West.

MOTION: Motion made by Commissioner Higginbotham to **approve** the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 3, a (16) lot/unit subdivision located at approximately 600 North 300 West. Commissioner Freidenberger seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Heaps, Higginbotham, Holbrook

Discussion and possible vote on the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 4, a (53) lot/unit subdivision located at approximately 730 North 300 West.

MOTION: Motion made by Commissioner Bell to **approve** the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 4, a (53) lot/unit subdivision located at approximately 730 North 300 West. Commissioner Heaps seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Heaps, Higginbotham, Holbrook

Discussion and possible vote on the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 5, a (75) lot/unit subdivision located at approximately 730 North 90 West.

Mr. Larsen said they have been working with the canal company on an agreement to pipe the canal through this section. There is a 30' easement and the pipe will be straight rather than following the existing channel. This will not change the plan for the proposed units.

MOTION: Motion made by Commissioner Holbrook to **approve** the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 5, a (75) lot/unit subdivision located at approximately 730 North 90 West. Commissioner Bell seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Heaps, Higginbotham, Holbrook

Discussion and possible vote on the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 6, a (20) lot/unit subdivision located at approximately 770 North 90 West.

Mr. Larsen pointed out that this is the northeast corner of the development. He confirmed for Commissioner Freidenberger that the power lines are located further to the north and south.

Councilmember Wells pointed out that the easement on Lots 194 and 195 will need to be changed to 30' (listed as 20' on the plat). Mr. Larsen said that change will be made.

MOTION: Motion made by Commissioner Freidenberger to **approve** the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 6, a (20) lot/unit subdivision located at approximately 770 North 90 West including a 30' right-of-way easement to the canal company on Lots 194 and 195. Commissioner Holbrook seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Heaps, Higginbotham, Holbrook

Discussion and possible vote on the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 7, a (13) lot/unit subdivision located at approximately 770 North 300 West.

MOTION: Motion made by Commissioner Heaps to **approve** the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 7, a (13) lot/unit subdivision located at approximately 770 North 300 West. Commissioner Bell seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Heaps, Higginbotham, Holbrook

Discussion and possible vote on the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 8, a (60) lot/unit subdivision located at approximately 500 North 200 West.

Mr. Larsen said this section is between 200-300 West.

Commissioner Freidenberger asked who would be responsible if power lines fall on homes. Mr. Larsen explained the power company would be liable, however, this is the reason homes are not located under power lines.

MOTION: Motion made by Commissioner Higginbotham to **approve** the request by Golden Forest Smithfield LLC for approval of the Final Plat for Golden Forest, Phase 8, a (60) lot/unit subdivision located at approximately 500 North 200 West. Commissioner Heaps seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Heaps, Higginbotham, Holbrook

Initial discussion on setbacks in Commercial zones.

Mr. Boudrero explained that the City Council requested that the Commission discuss setbacks in commercial zones.

Chairman Gibbons said this also deals with the former Expertec Automotive property (~1200 South Main) that was recently rezoned to the Central Business District [see 10/21/21 minutes regarding the Commission recommending approval of Ord. 21-34 for Parcel 04-006-0005 to be rezoned from Community Commercial (CC) to Central Business District (CBD) located at 1215 South Main]. Councilmember Wells explained that the City Council denied the request because the CBD zone is related to a specific central area in town and they did not feel the zone change complied with the overall intent of the CBD. The CBD is the only commercial zone with a zero-front setback. The applicant of that request, Dan Sundstrom, would prefer a zone that has a zero-front setback. The Council would like to discuss and entertain the possibility of adjusting another commercial zone to include a zero setback. Because there will be a road going through the property, a reduced setback would be the only way to effectively utilize the property.

Chairman Gibbons pointed out that this is only a discussion and is not a review of a specific application.

Mr. Boudrero explained that the other commercial zones have setbacks because they allow a residential component.

Mr. Bodily pointed out that the main difference between the Community Commercial (CC) and the General Commercial (GC) zones are the allowed uses. The CC zone allows for a mixed-use component and is geared more for light industrial/manufacturing uses.

Commissioner Holbrook noted that there are no north/south limitations with the CBD. Chairman Gibbons agreed that was never formalized. Commissioner Holbrook said there was a citizen at the City Council meeting who expressed concern with expanding the CBD and opposed the proposal because he owns property in the current CBD zone, however, there is no north or south limit and he suggested removing the word "Central".

Commissioner Freidenberger asked if residential is allowed in the CBD. Mr. Bodily noted SMC 17.64.060 B "*A single-family or multiple-family dwelling unit shall be allowed with a conditional use permit in this zone only if the dwelling is part of a new or pre-existing commercial building... if certain conditions are met (listed 1-7)*". Commissioner Freidenberger said zero setbacks for residential is a bad idea.

Chairman Gibbons said removing the word “Central” would not prohibit owners in the core of the City from using it, however, it would also allow other areas to utilize it as appropriate. Commissioner Freidenberger asked why it contains that verbiage. Councilmember Wells explained that the purpose of the Central Business District as stated in 17.64.010 Purpose “*The central business district zone is established to provide locations for convenient shopping in a downtown pedestrian-oriented atmosphere. The zone encompasses the traditional commercial activity core of the city. Central business district uses are encouraged to develop in a manner which is architecturally compatible with the historical flavor that exists within the zone*”. This is what the City Council considered; the Commission can consider re-wording the purpose statement.

Commissioner Freidenberger asked about the benefits of setbacks in an industrial area. Chairman Gibbons said it allows for movement around the building, including a turnaround area for deliveries and parking. Commissioner Higginbotham pointed out that deliveries are generally not done in the front and parking can be located behind the building.

Chairman Gibbons said the type of uses should also be considered and whether those uses would be appropriate in certain areas (i.e. the south end of town). Councilmember Wells noted that General Commercial (GC) could include auto repair, which can often include multiple vehicles. Mr. Boudrero outlined the permissible uses in the GC. Chairman Gibbons noted that might include “heavier” uses than what would be acceptable. He is inclined to modify the CBD (changing the name and adjusting the purpose statement) rather than trying to create a new zone.

Commissioner Bell asked if modification would allow any residential uses within a zero setback. Mr. Boudrero said any residential would have to be attached and part of the structure. Councilmember Wells answered for Commissioner Holbrook that the residential component cannot exceed more than 50% of the square footage of the structure. Commissioner Freidenberger does not want any residential in a zero-setback zone. She also pointed out how busy the mixed-use area along 200 East in North Logan is. Commissioner Bell said there may be times where it could be appropriate, e.g. an upstairs living area.

Commissioner Freidenberger said it would be unlikely that the Council would consider a zero setback when they denied the proposal for a 15’ residential setback. Commissioner Higginbotham clarified that the Council did not say no to the 15’ residential setback, they felt that the proposal was incomplete because the corners were not adequately addressed. He wanted to make sure the Commission realized there was no implication of non-support by the Council.

Commissioner Higginbotham pointed out the need to be more creative about affordable housing options, if someone wants to have a residential element with their business, as long as no front door opens onto the street, that might be an option. He thinks the Commission should at least consider all opportunities. Chairman Gibbons agreed that this type of housing could be needed and used. Setbacks are related to yards and might not be as important in all scenarios.

Chairman Gibbons asked Mr. Boudrero to provide and include the suggestions and comments that have been discussed in the ordinance for review discussion at the next (January) meeting.

OTHER ITEMS

Commissioner Higginbotham asked staff to consider adjustments that need to be made regarding corner lot setbacks in Ordinance 21-32, which could then be re-sent to the City Council for consideration because that is what they expressed concern with. Chairman Gibbons asked that this be added to next month's agenda for discussion.

Chairman Gibbons advised that the City Council discussed Ord. 21-24 regarding Accessory Dwelling Units (ADU) at last week's meeting but a vote was not taken because there were questions, specifically regarding the metering of sewer and water. Commissioner Higginbotham said one of the suggestions was to put in a new water/sewer line, however, this option is cost-prohibitive. Chairman Gibbons said this issue needs to be discussed because it is quite likely that it will be addressed in future legislation as a way to help with affordable housing. Commissioner Higginbotham agreed that the City should be proactive on this matter and he is happy to do some research regarding how other areas deal with metering.

Councilmember Wells generally does not present his opinion at these meetings, however, regarding this issue he is considering it from the "staff's perspective" rather than as an elected official. He spent over 20 years as a Smithfield City employee. Accessory units can be a recipe for people violating zoning ordinances; oftentimes by not being aware of all the requirements. This issue can also provide possible opportunities for splitting lots and can create problems when properties are sold with the assumption that they are more than one unit (e.g. a buyer could buy a home thinking it is a legal duplex because it has been used as such). Commissioner Higginbotham agreed that there are challenges, however, this is one way to help address the need for more affordable housing, and the decision should not be denied based only on the difficulty of enforcement. Chairman Gibbons agreed that this concern should be kept in mind, however, there is a need to come up with possible solutions. Commissioner Bell agreed and said the Commission has heard concerns from citizens about urban sprawl, this could be one way to mitigate some of those worries. Commissioner Freidenberger noted that the City has made some progress in affordable housing by approving NNHC developments.

Councilmember Wells said that Commissioner Holbrook will become a regular Commissioner with Commissioner Daniel's resignation. Commissioner Weber has also requested release because she is building a home outside the City.

Councilmember Wells said the Commission should consider whether or not to address short-term rentals. Chairman Gibbons said there has been past discussions on this issue. Councilmember Wells will talk to staff and the police department to see if there have been any complaints or problems.

Mayor Barnes thanked the Commission and expressed appreciation for their hard work.

MEETING ADJOURNED at 8:05 p.m.

Minutes submitted by Debbie Zilles

Scott Gibbons, Chairman