SMITHFIELD CITY
PLANNING COMMISION MINUTES
July 21, 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, July 21, 2021

The following members were present constituting a quorum:

Members Present: Scott Gibbons, Katie Bell, Hutch Daniels, Brook Freidenberger, Jasilyn Heaps, Brian Higginbotham, Stuart Reis

Members Excused: Juli Weber

City Staff: Justin Lewis, Clay Bodily, Jon Wells (City Councilmember)

Others in Attendance: Bob, Holbrook, Marshae Stokes, Ashley Baker, Brice Christensen, Jay Jenks, Kenneth Bell, Sandra Atwood, Casey Clark, Debbie Zilles

6:30 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 June 16, 2021 meeting with changes noted by Commissioner Higginbotham.

RESIDENT INPUT

Ashley Baker has lived in Smithfield for over 5 years and built her home near Forrester Acres 18 months ago. She is concerned with vehicles speeding in the area and believes this will only get worse as Smithfield grows. Residents have gone to the City Council and the City Manager many times and nothing has been done to help the situation. She is hoping the Planning Commission can help. Chairman Gibbons explained that the Commission addresses land use and does not have authority regarding speed limits and/or traffic ordinances. Ms. Baker asked the Commission to consider safety infrastructure when reviewing any new development. Chairman Gibbons encouraged her to meet with the Police Chief and continue to work with City officials and the City Council. Commissioner Higginbotham noted that he wrote a grant for the Safe Sidewalk School program and encouraged her to look into similar options; UDOT's website has some good information.

Sandra Atwood has come to Logan to care for her father. Her son is also coming to help, and she would like to park a trailer for him to stay in for longer than the allowed 48 hours. Mr. Lewis said that the Conditional Use Permit application has been turned in and this will be considered at next month's meeting.

Casey Clark is concerned with the Golden Forest MPC. He would like to have a map and copy of the plat for residents to review before the meeting. Chairman Gibbons told Casey to contact City staff. Mr. Clark would like to keep the area 10,000 SF lots or larger. He searched for over 2 years to find a large lot. In reading past meeting minutes, he has seen comments about people wanting smaller lots, but he does not believe this is

the case for everyone. Smaller lots do not allow for RV and/or trailer parking/storage. He is concerned that MPC areas may become transient in the future. Chairman Gibbons said this item will be discussed at next month's meeting.

AGENDA ITEMS

Discussion and possible vote on the request by Smithfield Ridges, LLC for approval of the Final Plat for Smithfield Ridges Phase 11, a (4) lot/unit subdivision located at approximately 420 South 1140 East.

Mr. Lewis noted that Phases 12 and 13 have expired and will be on the City Council agenda next month for an extension. Phase 6 is just to the north of this phase and Phase 13 will border Sky View Heights. Mr. Bodily said this has been through STRC and there were no concerns.

MOTION: Motion made by Commissioner Heaps to **approve** the request by Smithfield Ridges, LLC for approval of the Final Plat for Smithfield Ridges Phase 11, a (4) lot/unit subdivision located at approximately 420 South 1140 East. Commissioner Freidenberger seconded the motion. Motion approved (**7-0**).

Vote:
Aye: Bell, Daniels, Freidenberger, Gibbons, Heaps, Higginbotham, Reis

Public Hearing, no sooner than 6:55 P.M., for the purpose of discussing Ordinance 21-27, an ordinance rezoning Cache County Parcel Numbers 08-118-0011 and 08-118-0014 from RM (Multiple Family Residential) to RM PUD (Multiple Family Residential Planned Unit Development Overlay Zone). The parcels are located at approximately 80 East 600 South. The parcels total approximately 3.80 acres.

6:55 p.m. Public Hearing Opened

6:56 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 21-27

Mr. Lewis explained that this has been zoned to RM and they are requesting a PUD overlay.

Marshae Stokes reviewed the elevation plans. The homes will have rear-loading garages and the fronts will face the patio and sidewalk. She answered for Commissioner Higginbotham that there is no way to stop the public from using the sidewalks. She has been working with staff on the preliminary plan.

Mr. Bodily pointed out that there is a sidewalk on 100 East and on both sides of the road in between. Commissioner Freidenberger asked if parking would be allowed on 100 East for guests. Ms. Stokes said it is being designed with 2-car garages and the driveways are deep enough to accommodate another vehicle; 100 East will be a public street. Mr. Bodily said, as presented, the project has met the parking requirement for a

PUD. Commissioner Freidenberger is concerned with cars parking along the street; there is more parking needed around this area because it is already quite congested.

Mr. Bodily said the Commission should determine whether to accept the proposed road as a 50' right-of-way road. Commissioner Freidenberger asked about fire requirements. Ms. Stokes noted that these items were reviewed at the STRC meeting. Chairman Gibbons pointed out that during one of the first reviews there was discussion about the road going straight through. Commissioner Higginbotham asked why the road going through was not feasible. Ms. Stokes explained that it is a private road. When the previous subdivision went in, the road was ended with the intention that they would be acquiring this property. The road is private and is maintained by an HOA and it is currently not possible to join their HOA and connect the road. This is why the buildings and road were shifted to align with the road across from 100 East.

Councilmember Wells noted that the driveway is 20' and there are many vehicles longer than 20'. If the driveways are counted as parking, there is a potential for vehicles to be parked over the sidewalk. There might be enough room to make them 25' which could accommodate larger vehicles. Mr. Bodily said if a PUD abuts a residential zone, a 30' setback is required, which would make this suggestion difficult. Councilmember Wells said the road itself could be shifted because the east side of the project is against a PUD. Chairman Gibbons said adjusting this could reduce the common area.

Commissioner Freidenberger said parking on 100 East will increase the congestion. Chairman Gibbons suggested possibly having front-loaded garages that load from the new road, which would eliminate the sidewalk on the east side and allow for an additional 5'. The road could be shifted, thus creating 25' long driveways without reducing the open space too much. Front-loading may also help eliminate some of the parking on 100 East. Ms. Stokes will work with the engineer about making these changes. Commissioner Bell asked why the road could not be 60'. Mr. Bodily said it might affect open space. Commissioner Higginbotham said if the applicant is willing to front-load both sides of the new road, having a 60' road would make more sense.

Chairman Gibbons suggested changing the loading location from rear to front, increasing the driveway lengths by 5', adding 10' to the road - making it 60', eliminating the sidewalk in the back, and recalculating the open space as discussed. The Commission will continue this discussion at the next meeting.

Public Hearing, no sooner than 7:00 P.M., for the purpose of discussing Ordinance 21-24, an Ordinance amending the Smithfield City Municipal Code Title 17, "Zoning Regulations", Chapter 17.92 "Accessory Apartment", Section 17.92.010 "Purpose of Chapter", Section 17.92.020 "Conditions" and adding in its entirety Section 17.92.040 "Definitions".

7:14 p.m. Public Hearing Opened

7:15 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 21-24

Chairman Gibbons said this was discussed last month and asked if any other items should be addressed. Commissioner Freidenberger asked about impact fees. Commissioner Higginbotham said fees are not addressed in the ordinance. Mr. Bodily said an accessory dwelling unit (ADU) will need to be registered and there will be a $150 fee accessed for a site plan review. They will be using the same meter for water and sewer. Commissioner Freidenberger thinks it should be addressed to help track what is going on, to help pay for maintenance and new wells, and to help landlords bill more accurately. Chairman Gibbons said landlords can address how to bill for gas and electric fees. Mr. Lewis advised that studies are run on each impact fee; fees are already in place and the Commission cannot place impact fees on an ADU.

The Commission agreed that ADUs should be registered with the City. Chairman Gibbons suggested removing any potential barriers that that might discourage people from registering units. One suggestion would be not to require a business license for each unit.

Commissioner Freidenberger asked how the City would determine that these are not used for short-term rentals. Commissioner Higginbotham said the length of the rentals was purposefully not addressed in this ordinance. The belief is that there is a segment of the population that will use these as traditional “mother-in-law apartments” or places for adult children to live (especially in the current tight and expensive housing market). Requiring a business license may create an unnecessary barrier. This has been crafted as a good foundation/starting point that can be tweaked as necessary. Commissioner Bell said determining the length of the occupancy may be difficult to control. Chairman Gibbons said the City is not allowed to control short-term listings. Commissioner Higginbotham said some cities manage this by having a separate ordinance dealing with short-term VRBOs. This ordinance should not be that driver. Commissioner Bell said there is not a perfect ordinance that will address every little thing, this seems to be a good starting point that can be adjusted over time as needed.

Mr. Bodily confirmed for Councilmember Wells that a Conditional Use Permit is required for an ADU and will be approved by staff. Mr. Lewis noted that utilities are treated as a duplex.

Commissioner Freidenberger wants to make sure current residents are not overtaxed by increased usage. She thinks short-term rentals should be addressed to make sure all impacts are addressed. Councilmember Wells agreed that these types of units will impact current systems, but there are specific guidelines and procedures for impact fees to be assessed. Commissioner Higginbotham does not share the assumption that this will be a major impact, although that is a possibility in a few, he believes the majority of the use will be for immediate family members as previously discussed. Often there will likely be the same number of people in a structure, just broken down differently (e.g. a family of seven versus a family of 5 with two adult children living downstairs). He believes the net effect will be neutral to a very small increase.

Chairman Gibbons thinks this ordinance addresses most of the issues while still be concise.

Commissioner Bell asked about setbacks. Chairman Gibbons noted that they will need to comply with current Code requirements.

Chairman Gibbons recommended approving the ordinance with the changes listed in the June 16, 2021 minutes as previously discussed.

MOTION: Motion made by Commissioner Bell to forward a recommendation to the City Council to **approve** Ordinance 21-24, an Ordinance amending the Smithfield City Municipal Code Title 17, "Zoning Regulations", Chapter 17.92 "Accessory Apartment", Section 17.92.010 "Purpose of Chapter", Section 17.92.020 "Conditions" and adding in its entirety Section 17.92.040 "Definitions" with the changes as listed in the June 16, 2021 meeting. Commissioner Higginbotham seconded the motion. Motion approved (**7-0**).

Vote:
Aye: Bell, Daniels, Freidenberger, Gibbons, Heaps, Higginbotham, Reis

Public Hearing, no sooner than 7:05 P.M., for the purpose of discussing Ordinance 21-26, an Ordinance amending the Smithfield City Municipal Code Title 17 "Zoning Regulations", by amending Chapter 17.44 "Zones Generally", Section 17.44.010 "Establishment of Zones", Chapter 17.100 "Site Development and Landscaping", Section 17.100.030 "Landscaping Requirements In Commercial Zones" and adding in its entirety Section 17.100.045 "Landscaping Requirements In Multi-Family Zones".

7:36 p.m. Public Hearing Opened

7:37 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 21-26

Mr. Bodily reviewed the new sections being added, specifically 17.100.05 Landscaping Requirements in Multi-Family Zones. He pointed out that the curb, gutter, and sidewalk "*shall be installed in accordance with City standards*".

MOTION: Motion made by Commissioner Daniels to forward a recommendation to the City Council to **approve** Ordinance 21-26, an Ordinance amending the Smithfield City Municipal Code Title 17 "Zoning Regulations", by amending Chapter 17.44 "Zones Generally", Section 17.44.010 "Establishment of Zones", Chapter 17.100 "Site Development and Landscaping", Section 17.100.030 "Landscaping Requirements In Commercial Zones" and adding in its entirety Section 17.100.045 "Landscaping Requirements In Multi-Family Zones". Commissioner Heaps seconded the motion. Motion approved (**7-0**).

Vote:
Aye: Bell, Daniels, Freidenberger, Gibbons, Heaps, Higginbotham, Reis

Initial discussion and review of building height requirements in the Municipal Code

Councilmember Wells pointed out that this will not include temples, tabernacles, or religious institutions. There is a federal statute that addresses religious buildings.

Mr. Bodily said the current maximum height is 35'. Multi-family can go higher with setbacks. The Del Monte building is currently the City's highest building at 95-97'. The Fire Department is capable of handling a building of 100', which could be 6-7 floors. A change in height could serve multi-family and commercial areas well.

Councilmember Wells said the current ordinance has exceptions to the height limitation with things such as silos, steeples, and communication towers.

Commissioner Daniels said apartment buildings and hotels might be buildings that could be considered. Councilmember Wells noted that there are some tall buildings located up near the University. Commissioner Freidenberger noted that taller buildings usually result in more traffic and congestion.

Commissioner Heaps pointed out that apartments often allow for more walkability and would work well in Mixed-Use areas. Downtown is a good area, but there are also other places where this might work well.

Commissioner Bell said there have been concerns from residents on the west side of town about more housing; the Commission has also spent time discussing how more housing can be achieved. The possibility of going up instead of out is an option that should be considered.

Chairman Gibbons said different heights could be considered in different areas. Commissioner Heaps agreed.

Mr. Bodily said each zone has a specific height limitation. Chairman Gibbons likes the idea of considering heights in different zones. He suggested having staff compile a table of zones, setbacks, and height limitations to review. Commissioner Higginbotham agreed that it should be considered holistically. Mr. Bodily will have Mr. Boudrero work on this for the next meeting.

Commissioner Heaps said at the recent Cache Summit there were some potential ideas discussed that might work. Chairman Gibbons said there are areas where this might work well and be beneficial. Commissioner Bell agreed and said the need is there.

Initial discussion and review of setback requirements in the Municipal Code

Chairman Gibbons asked for feedback about the reasons for changing the current setbacks. Commissioner Freidenberger noted the drought, Commissioner Reis said space and water consumption are factors. Commissioner Bell said ADUs could also have a potential impact on setbacks, especially related to existing buildings where an ADU can be added.

Mr. Bodily said setbacks are set for drip lines and fire and building regulations. Current setbacks are 30' for the front and rear and 10' on sides in residential areas. PUD and MPC zones are different.

Commissioner Higginbotham said currently, people are forced to use their property within certain setbacks. Research suggests that individuals should be able to maximize the use of their land within conformance to overall standards. He would like to see changes that allow for better use of space. Items such as aesthetics and safety can be discussed.

Mr. Bodily confirmed for Chairman Gibbons that minimum setbacks for an MPC are defined. Councilmember Wall said changes in certain areas and/or for certain items (e.g. garages and driveways) can be discussed.

Mr. Lewis asked the Commission to consider that many trucks and trailers are longer than a traditional 20' driveway. The City would like to keep vehicles from hanging out over sidewalks. Commissioner Higginbotham suggested looking at reduced front setbacks of homes and adjust driveways accordingly. Chairman Gibbons said many designs can be adjusted, if this makes sense, it should be discussed.

More discussion will be held at the next meeting.

OTHER

Commissioner Bell asked about an update of the Future Land Use Map, which is part of the Master Plan. Mr. Lewis said the Plan was adopted in 2017; the Council would like to address this in the next fiscal year because of the expense involved. Councilmember Wells said it should be brought back to the Council's attention in March as they are preparing the budget. There are grants available that can help with some of the funding.

Mr. Bodily noted the recent KSL article regarding the new well. Currently, the City is getting 3,000 gallons/minute, which came out much better than expected. 1000 South will begin on August 2. Green Gorilla Car Wash will open the first part of August. Sky View Heights subdivision has been recorded and they can begin selling lots.

MEETING ADJOURNED at 8:15 p.m.

Minutes submitted by Debbie Zilles

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Scott Gibbons, Chairman