



SMITHFIELD CITY PLANNING COMMISSION MINUTES July 20, 2022

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 20, 2022

The following members were present constituting a quorum:

Members Present: Roger Davies, Scott Gibbons, Jasilyn Heaps, Bob Holbrook, Stuart Reis, Juli Weber

Members Excused: Brooke Freidenberger, Brian Higginbotham

City Staff: Brian Boudrero, Councilmember Jon Wells, Councilmember Sue Hyer

Others in Attendance: Curtis Wall, Amber Bradley, Jeff Bird, Ileen Bird, Wade Campbell, Jon Harrop, Sheryl Goodey, Jeff Barnes, Scott Nelson, R. Vincent Milligan, Karen Milligan, Christine Milligan Nash, Elayne Bair, Robert Laursen, 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 15, 2022 meeting to stand as submitted.

RESIDENT INPUT

Curtis Wall provided history regarding The Family Place's request for a fence (on tonight's agenda). They are located at 502 South Main (the old IHC building). A 6' vinyl fence was originally approved by the Mayor. A year ago, Smithfield City became a co-sponsor of a \$300,000 CDBG (Community Development Block Grant) grant. The fence was removed so playground equipment could be installed. They are requesting that a 6' fence (which is currently non-conforming) be allowed to be put back up.

AGENDA ITEMS

Public Hearing, no sooner than 6:35 p.m. for the purpose of discussing Ordinance 22-13, an ordinance rezoning Cache County Parcel Number 08-070-0016 from R-1-10 (Single-Family Residential 10,000 Square Feet) to RM (Multiple Family Residential). The parcel is located at 72 North 100 East and is approximately 1.00 acre.

6:36 p.m. Public Hearing Opened

Christine Milligan Hash said her father owns the property to the south of the subject property. "Zoning should preserve the character of the community, ensure that like development happens with like development, and that individual property rights and values be preserved". This proposal does not do any of those things. This zone would allow a fairly significant increase in density and would change the character of the area. Adjacent property owners purchased property with the assumption that zoning would

protect the area. The proposed rezone request and possible multi-family development would interfere with her father's right to enjoy his property and have his property value protected. She respectfully asked the Commission for consideration of these points.

Wade Campbell said he and his wife are purchasing his mother's property nearby which he houses livestock on. Although he understands a property owner's right to make money, he said adjacent property owners also have rights. He respects Mr. Laursen's rights but would like to see it balanced with the character of the surrounding area. He would support a subdivision of the property and two more homes added. He has liability insurance with his livestock, which would likely increase if density is increased. This rezone would change the neighborhood and alter the block's character.

Rex Vincent Milligan is an adjacent property owner. Opening up the possibility for what amounts to a commercial-type development nullifies the purpose of the zone for the original property. The purpose of zoning is a protective right for people who purchase property. He questioned the public noticing process; he did not know about this request until two days ago. Mr. Boudrero reviewed and confirmed that all the state requirements were met. He requested that he and his daughter's concerns be considered.

Louis Jerome lives in the duplex across the street. Change is guaranteed. This property could allow for an additional two homes, the rezone could allow for apartments, as far as he is concerned it will be fine with a privacy fence. He has no objections to the request and thinks it will likely increase property values.

Jeff Bird owns the lot to the north and his father owns the lot to the east. He agrees with Mr. Campbell's concerns and comments. The entire aspect of the neighborhood should not be changed, this zone change could affect nearby residents. A privacy fence will not solve all the concerns. He disagrees with the request for a zone change.

6:55 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance <u>21-13</u>
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Robert Laursen would like to rezone his property at 72 North 100 East to Multi-Family. The current zone is R-1-10. He said the neighborhood has changed in 21 years. There is another multi-family development about a block and ½ away. The privacy fence will help with the people but said it will not help with noise. He understands the concerns.

Commissioner Heaps had similar concerns when development was proposed behind her home, however, she has had a great experience and there were not as many problems as she had anticipated. It can be difficult to change areas that have been rural for so long, however, she shared her experience to assuage some possible fears.

Commissioner Holbrook would prefer to see the lot subdivided and a couple more homes added rather than what is proposed.

Commissioner Weber is conflicted because she understands the concerns but also noted the shortage in housing and desire not to have growth sprawl out and the rights of a property owner.

Commissioner Heaps said allowing small pockets of MF zoning is better than putting it all in one particular area. This area is within walking distance of Main Street and may offer more transit opportunities.

Commissioner Reis is concerned about the livestock in the area. Other areas where this has been allowed have had more open space. He does not think this would be fair to the residents who live there

MOTION: Motion by Commissioner Heaps to **forward a recommendation for approval** to the City Council for Ordinance 22-13, an ordinance rezoning Cache County Parcel Number 08-070-0016 from R-1-10 (Single-Family Residential 10,000 Square Feet) to RM (Multiple Family Residential). The parcel is located at 72 North 100 East and is approximately 1.00 acre. Commissioner Gibbons seconded the motion. **Motion denied (4-1).**

Vote:

Aye: Heaps

Nay: Davies, Holbrook, Gibbons, Reis

Abstain: Weber

Public Hearing, no sooner than 6:40 p.m. for the purpose of discussing Ordinance 22-14, an ordinance rezoning Cache County Parcel Numbers 08-042-0009, 08-042-0010, 08-042-0021 and 08-079-0006 from A-10 (Agricultural 10-Acre) and RA-2 (Residential Agricultural 2-Acre) to R-1-10 (Single-Family Residential 10,000 Square Feet). The parcels are located at approximately 440 North 600 West and total approximately 6.21 acres.

7:07 p.m. Public Hearing Opened

7:08 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 21-14

Visionary Homes is requesting to rezone the old dairy property on 600 West and 440 North. They are proposing to rezone approximately 6.55 acres, which are on both sides of 600 West. The property is currently zoned A-10 and RA-2. Visionary has been working on the R-1-10 (Fox Meadows) to the south and the R-1-10 PUD (Village at Fox Meadows) to the north. It has RA-1 to the east that faces Saddleback Road.

Commissioner Holbrook said this request makes sense.

Chairman Gibbons noted that this will be a good improvement, especially bringing the road to meet the City standard. Commissioner Weber agreed.

Commissioner Heaps pointed out that this matches the development to the south. Commissioner Davies agreed and said it seems to be well planned.

Chairman Gibbons noted that the Commission did receive an opposition email.

MOTION: Motion by Commissioner Weber to **forward a recommendation for approval** to the City Council for Ordinance 22-14, an ordinance rezoning Cache County Parcel Numbers 08-042-0009, 08-042-0010, 08-042-0021, and 08-079-0006 from A-10 (Agricultural 10-Acre) and RA-2 (Residential Agricultural 2-Acre) to R-1-10 (Single-Family Residential 10,000 Square Feet). The parcels are located at approximately 440 North 600 West and total approximately 6.21 acres. Commissioner Holbrook seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Davies, Gibbons, Heaps, Holbrook, Reis, Weber

Discussion and possible vote on the request by Cowgirl Cuts to have a Home Occupation – Disruptive Business License for a business located at 500 South 200 West.

Tori Nelson is requesting to start a disruptive home occupation business at 500 South 200 West. The property is currently zoned A-3, which requires a conditional use permit. Cowgirl Cuts is a full-service dog grooming company with no employees. Mr. Boudrero explained that they would like to use one of the buildings on the Chambers Farm for the business. This area is near commercial and industrial zones. A business license is required to be renewed annually.

MOTION: Motion by Commissioner Holbrook to **approve** the request by Cowgirl Cuts to have a Home Occupation – Disruptive Business License for a business located at 500 South 200 West. Commissioner Heaps seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Davies, Gibbons, Heaps, Holbrook, Reis, Weber

Discussion and possible vote on the request by Lend LLC, for approval of the Preliminary Plat for The Knoll Subdivision, a (44) lot/unit subdivision located at approximately 510 East 600 North. Zoned R-1-12 (Single-Family Residential 12,000 Square Feet).

The Knoll Subdivision is requesting approval of a preliminary plat located at 510 East 600 North. The entire parcel has been recently rezoned to R-1-12. It is bordered by RA-1 and MPC (Neighborhood Housing Solutions) zones on the west and R-1-12 to the east and south. There is a small portion of R-1-10 to the north. The plat shows (44) lots of a standard subdivision that connects with a future street of the MPC to the west.

Mr. Boudrero said this has been reviewed by the STRC and there were no concerns. There will be a road that connects this development to the NHS development. The density is similar to what is already in the area.

Commissioner Holbrook noted that it may be difficult getting in/out of driveways along 400 North.

MOTION: Motion by Commissioner Heaps to **approve** the request by Lend LLC, for approval of the Preliminary Plat for The Knoll Subdivision, a (44) lot/unit subdivision located at approximately 510 East 600 North. Zoned R-1-12 (Single-Family Residential 12,000 Square Feet). Commissioner Holbrook seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Davies, Gibbons, Heaps, Holbrook, Reis, Weber

Discussion and possible vote on the application by The Family Place for a non-conforming fence structure located at approximately 502 South Main.

The Family Place in Smithfield has been given a grant to build a playground behind the building in the previously enclosed rear yard. To construct the playground, they needed to remove the existing fence and replace it after the playground was completed. The fence is as a non-conforming structure based on its height (6') in relation to the state highway (the Code requires 4'). They are requesting the use of an exception in the Code that will allow them to replace the fence in the same location. This exemption is based on the fence being 'more desirable' than it was previously. To meet the requirement, they are constructing a 12" wide concrete mow strip beneath the fence. 6' allows for the security of the children and individuals using the playground.

Scott Nelson and Dr. Sheryl Goodey, the Executive Director, explained that the mission of The Family Place is to help the children of families in crises. The fence will help with safety and confidentiality.

Mr. Nelson said the fence has been there for the last 18 months and was recently removed so that the playground equipment could be installed. There will be a cushion-type material with curbing around the fence, which will be an improvement.

MOTION: Motion by Commissioner Weber to **approve** the request by The Family Place for a non-conforming fence structure located at approximately 502 South Main. Commissioner Heaps seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Davies, Gibbons, Heaps, Holbrook, Reis, Weber

MEETING ADJOURNED at 7:28 p.m.

Minutes submitted by Debbie Zilles

Scott Gibbons, Chairman