

SMITHFIELD CITY
PLANNING COMMISSION MINUTES
April 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, April 21, 2021

The following members were present constituting a quorum:

Members Present: Scott Gibbons (Chairman), Katie Bell, Hutch Daniels, Brooke Freidenberger, Jasilyn Heaps, Stuart Reis, Juli Weber

City Staff: Justin Lewis, Clay Bodily

Others in Attendance: Marshae Stokes, Bruce Christensen, Kenneth Bell, Aaron Robertson, Bob Holbrook, Kathy Pitcher, Todd Horman, Brian Higginbotham, Lynne & Bill Gabrish, Marty Spicer, 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 March 17, 2021 meeting to stand as submitted.

RESIDENT INPUT

Bruce Christensen recently talked to Councilmember Wells about the possibility of changing or adding an ordinance that would allow for an accessory dwelling unit. He has a son coming home from the military and he would like to build an apartment above the shop on his property for his son to live. Chairman Gibbons invited Mr. Christensen to stay through the meeting because this issue will be discussed at the end of tonight's agenda.

AGENDA ITEMS

Public Hearing, no sooner than 6:35 P.M., for the purpose of discussing Ordinance 21-16, an ordinance rezoning Cache County Parcel Number 08-118-0014 from CC (Community Commercial) to RM (Multiple Family Residential). The parcel is located at approximately 80 East 600 South and is approximately 1.76 acres.

6:35 p.m. Public Hearing Opened

6:36 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 21-16

Marshae Stokes, from Heritage Land Development, said they own this parcel and the one to the south, which is already zoned RM. They are working on their preliminary concepts which is why they are requesting the zone change. The hope is to put in townhomes.

Commissioner Heaps said the property to the east is medium/high density and the property directly north was changed to RM. This request matches the zones around it.

Commissioner Bell said townhomes make sense in this location.

MOTION: Motion made by Commissioner Heaps to forward a recommendation to the City Council to **approve** Ordinance 21-16, an ordinance rezoning Cache County Parcel Number 08-118-0014 from CC (Community Commercial) to RM (Multiple Family Residential). The parcel is located at approximately 80 East 600 South and is approximately 1.76 acres. Commissioner Freidenberger seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Bell, Daniels, Freidenberger, Gibbons, Heaps, Reis, Weber

Public Hearing, no sooner than 6:40 P.M., for the purpose of discussing Ordinance 21-17, an ordinance rezoning Cache County Parcel Number 08-080-0008 from R-1-10 (Single-Family Residential 10,000 Square Feet) to R-1-10 (PUD) (Single-Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone). The parcel is located at 400 North from 200 West to 300 West and is 5.00 acres.

6:40 p.m. Public Hearing Opened

Kathy Pitcher said this property is located north of her home. She is concerned with additional traffic due to all the new homes being built and is wondering if there will be better outlets to get to the main roads, especially coming up 400 North. She is also concerned about her irrigation which runs on the north side of her property. Chairman Gibbons pointed out that the only thing being addressed tonight is the rezoning of the parcel.

6:42 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 21-17

Scott Archibald said they have taken the Commission's recommendations from prior meetings about using a PUD Overlay. This will provide open space in the back (nature park with trees and a bench) and a circular path will be created around the park for connectivity from the cul-de-sac. This is the old brickyard area and there are steep banks that make it challenging. They have been working with staff and have met all the requirements. In reference to Ms. Pitcher's concern, he said the irrigation would be protected.

Chairman Gibbons asked if the smaller units would be 55+ housing. Mr. Archibald said it will not be adult housing or twin homes, they will be smaller residential lots. The

Mr. Archibald confirmed for Commissioner Daniels that there will be sidewalks and park strip all the way around. They are requesting a 50' cross-section which will be dedicated to the City. The subdivision to the south was built with a wider cross-section, so there will be a little bit of a taper coming from the south to the north and be narrowed down just a bit to match up with the existing cross-section. The north end sidewalk will be narrowed along 400 North with a 6' park strip to prevent the sidewalk from hanging over the steep slopes. With the uniqueness of the property and the history of the east end, he thinks this proposal will benefit the area.

Commissioner Reis asked if there would be enough room for off-street parking in the cul-de-sac; Mr. Archibald said it would be a typical 50' cross-section so there can be parking but it might be more narrow than normal. He also pointed out that there are additional parking spaces proposed.

Mr. Archibald confirmed for Commissioner Freidenberger that the open space would be maintained by the HOA (which is a requirement for a PUD).

Commissioner Heaps asked about the existing fencing. Mr. Archibald said the current barbed wire fencing will be removed. Individual owners could fence around their lots if they chose.

Commissioner Heaps said the rezone makes sense and likes the idea of having single-family housing here.

Commissioner Weber likes that 400 North will have a sidewalk and believes this will help spruce up that area.

Mr. Bodily pointed out that approval of a PUD overlay includes 20' setbacks and 50' road widths and different-sized park strips on 300 West, 200 West, and 300 North. The approval would also allow the density bonus.

MOTION: Motion made by Chairman Gibbons to forward a recommendation to the City Council to **approve** Ordinance 21-17, an ordinance rezoning Cache County Parcel Number 08-080-0008 from R-1-10 (Single-Family Residential 10,000 Square Feet) to R-1-10 (PUD) (Single-Family Residential 10,000 Square Feet Planned Unit Development Overlay Zone). The parcel is located at 400 North from 200 West to 300 West and is 5.00 acres. The approval includes 20' setbacks, 50' road widths, and 6' park strips on 300 West, 200 West, and 300 North as discussed. Commissioner Bell seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Bell, Daniels, Freidenberger, Heaps, Gibbons, Reis, Weber

Discussion and possible vote on the request by Scott Archibald for approval of the Preliminary Plat for the Gregory Stables Subdivision, a (26) lot/unit subdivision located at approximately 400 North from 200 West to 300 West.

Commissioner Bell suggested adding swings or other playground equipment in the open space area. Mr. Archibald said they do not plan on that due to the increase in insurance that it would require.

Commissioner Freidenberger asked how kids sledding in the area would affect an insurance increase for the HOA. Mr. Archibald explained that using the area is different; providing amenities increases the base rate.

Commissioner Heaps asked about softening along the east side due to the steep drop-off. Mr. Archibald said they will do as much as they can. They can use some of the fill from digging basements to help blend the area.

Commissioner Freidenberger asked about adding switchbacks. Mr. Archibald said that is what he is trying to do with the sidewalks, which can be moved to the north. Chairman Gibbons pointed out on the east side, the length up the hill traverses almost 40% of the lot, which flattens the grade out. Mr. Bodily said it will also be made ADA-compliant.

Mr. Archibald answered for Commissioner Daniels that lots 17 and 18 do not come off 400 North due to the steep bank and getting sewer lines in.

MOTION: Motion made by Commissioner Bell to **approve** the request by Scott Archibald for approval of the Preliminary Plat for the Gregory Stables Subdivision, a (26) lot/unit subdivision located at approximately 400 North from 200 West to 300 West with the allowances contained in the rezone approval. Commissioner Daniels seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Bell, Daniels, Freidenberger, Heaps, Gibbons, Reis, Weber

Discussion and possible vote on the Conditional Use Permit request by Mike Myers to operate a firework stand at 355 West 100 North. Zoned GC (General Commercial).

Mike Myers said the stand will have an opening at the front. The stand will be located on the southeast corner of the property. There is off-street parking to the north and east. He confirmed for Commissioner Weber that the hours of operation are regulated by the state, the booth will be manned by him and his family and there will always be an adult there. He has obtained all the necessary licenses.

MOTION: Motion made by Commissioner Daniels to **approve** the request by Mike Myers for a Conditional Use Permit to operate a firework stand at 355 West 100 North. Zoned GC (General Commercial). Commissioner Weber seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Bell, Daniels, Freidenberger, Gibbons, Heaps, Reis, Weber

Public Hearing, no sooner than 7:00 P.M., for the purpose of discussing Ordinance 21-18, an Ordinance rezoning Cache County Parcel Number 08-062-0006 from CBD (Central Business District) to CBD (MU) (Central Business District Mixed-Use Overlay). The parcel is located at 32 East 100 North and is 0.18 acres.

7:08 p.m. Public Hearing Opened

7:09 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 21-18

Andy Bentley explained that the plan is to put in three (3) live/workspaces (like the ones on 200 East in North Logan). The units will be two (2) stories with commercial on the bottom and residential above. There will be parking in the front with the entrance to the residential portion in the back.

Commissioner Freidenberger asked how large the residential portion would be. He said the commercial component will be ~447 SF with the residential component ~900 SF (allowing for a 2-bedroom, 2-bathroom unit). Mr. Bodily confirmed for Chairman Gibbons that a minimum of 33% can be commercial.

Chairman Gibbons said an e-mail was received and reviewed by the Commission before the meeting. A neighbor expressed concern with the commercial component in a residential area. He suggested there might be a need for privacy mitigation (e.g. fencing) to provide a separation from the neighbors. Mr. Bentley said that would be no problem.

Commissioner Weber asked about parking. Mr. Bentley said the requirement is for six (6) and they are proposing 10.

Commissioner Higginbotham asked about trash cans. Mr. Bentley said they will be located behind the units.

MOTION: Motion made by Commissioner Bell to forward a recommendation to the City Council to **approve** Ordinance 21-18, an ordinance rezoning Cache County Parcel Number 08-062-0006 from CBD (Central Business District) to CBD (MU) (Central Business District Mixed-Use Overlay). The parcel is located at 32 East 100 North and is 0.18 acres. Privacy fencing will be required on the north and west sides as discussed. Commissioner Freidenberger seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Bell, Daniels, Freidenberger, Gibbons, Heaps, Reis, Weber

Commissioner Heaps said this project is a good way of increasing density without a major impact.

MOTION: Motion made by Commissioner Heaps to approve the request by Two Brothers Inc. for approval of a Conditional Use Permit and Final Plat for Summit Creek Landing, a (4) lot/unit minor subdivision located at approximately 247 West Center Commissioner Bell seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Bell, Daniels, Freidenberger, Gibbons, Heaps, Reis, Weber

Discussion and possible vote on the request by Two Brothers Inc. for approval of the Preliminary Plat for the George R. Weeks Subdivision, Phase 3, a (9) lot/unit subdivision located at approximately 220 South 1100 East.

Mr. Bodily said this has been previously approved but has expired.

Mr. Horman said the previous phase was on 300 South, from 1000 East to 1100 East; 10 of those 12 lots have been completed. This will be the next phase.

MOTION: Motion made by Chairman Gibbons to approve the request by Two Brothers Inc. for approval of the Preliminary Plat for the George R. Weeks Subdivision, Phase 3, a (9) lot/unit subdivision located at approximately 220 South 1100 East. Commissioner Reis seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Bell, Daniels, Freidenberger, Gibbons, Heaps, Reis, Weber

Discussion and possible vote on the request by Two Brothers Inc. for approval of the Final Plat for the George R. Weeks Subdivision, Phase 3, a (9) lot/unit subdivision located at approximately 220 South 1100 East.

MOTION: Motion made by Commissioner Bell to approve the request by Two Brothers Inc. for approval of the Final Plat for the George R. Weeks Subdivision, Phase 3, a (9) lot/unit subdivision located at approximately 220 South 1100 East. Commissioner Daniels seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Bell, Daniels, Freidenberger, Gibbons, Heaps, Reis, Weber

Public Hearing, no sooner than 6:45 P.M., for the purpose of discussing Ordinance 21-14, an Ordinance amending the Construction & Design Standards Part I “Design Standards”, Chapter 5.0 “Culinary Water System Design”, Chapter 7.0 “Sanitary Sewer Design”, Section 7.1 “Sewer Mains”, Chapter 6.0 “Irrigation Water Design”, Section 6.1 “General” and Chapter 8.0 “Storm Water Drainage”, Section 8.1 “General”.

7:33 p.m. Public Hearing Opened

7:34 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 21-14

Mr. Bodily said the requirements of a subdivision were amended during the last legislative session. This streamlines the process for amending a plat. Easements can be preserved for culinary water, sanitary sewer, irrigation water, and stormwater drainage. This updates the ordinance to meet the legislative changes.

MOTION: Motion made by Commissioner Freidenberger to forward a recommendation to the City Council to **approve** Ordinance 21-14, an Ordinance amending the Construction & Design Standards Part I “Design Standards”, Chapter 5.0 “Culinary Water System Design”, Chapter 7.0 “Sanitary Sewer Design”, Section 7.1 “Sewer Mains”, Chapter 6.0 “Irrigation Water Design”, Section 6.1 “General” and Chapter 8.0 “Storm Water Drainage”, Section 8.1 “General”. Commissioner Bell seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Bell, Daniels, Freidenberger, Gibbons, Heaps, Reis, Weber

Public Hearing, no sooner than 6:50 P.M., for the purpose of discussing Ordinance 21-13, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”; amending Chapter 17.92 “Accessory Apartment”, Section 17.92.020 “Conditions”, Section 17.92.030 “Application Procedures”, Chapter 17.120 “Use Matrix Table”, Section 17.120.010 “Use Allowance Matrix”, Chapter 17.04 “General Provisions”, Section 17.04.070 “Definitions”, Chapter 2 “Administration and Personnel”, Chapter 2.36 “Planning Commission”, Section 2.36.040 “Duties and Powers”, and Chapter 16 “Subdivision Regulations”, Chapter 16.09 “Preliminary Plats”, Section 16.09.030 “Preliminary Plat Required Information”, Chapter 16.12 “Final Plats”, Section 16.12.020 “Filing Deadline, Application and Fees”, Section 16.12.090 “Expiration of Final Approval” and Chapter 17 “Zoning Regulations”, Chapter 17.89 “Mixed-Use Overlay Zone”, Section 17.89.130 “Site Plan Required”.

7:35 p.m. Public Hearing Opened

7:36 p.m. Public Hearing Closed

“Duties and Powers”, and Chapter 16 “Subdivision Regulations”, Chapter 16.09 “Preliminary Plats”, Section 16.09.030 “Preliminary Plat Required Information”, Chapter 16.12 “Final Plats”, Section 16.12.020 “Filing Deadline, Application and Fees”, Section 16.12.090 “Expiration of Final Approval” and Chapter 17 “Zoning Regulations”, Chapter 17.89 “Mixed-Use Overlay Zone”, Section 17.89.130 “Site Plan Required”. Commissioner Freidenberger seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Bell, Daniels, Freidenberger, Gibbons, Heaps, Reis, Weber

OTHER

Chairman Gibbons said there is currently nothing in the ordinance allowing for a detached accessory dwelling unit. Commissioner Higginbotham has done some research with other local cities (specifically North Logan).

Commissioner Higginbotham said when the Commission first addressed this issue it was to help with citizens who were requesting the best ways to maximize the use of their land and to help provide an alternative to affordable housing with the opportunity of taking advantage of existing structures. In Salt Lake County they have made their conditional use permit zoning the same, regardless of whether it is attached or detached. In an interview with the Salt Lake County Planning Director, he said “it was one of the first attempts to remove zoning barriers to build more housing”. This will allow more flexibility for homeowners as Cache Valley continues to grow, and the cost of housing continues to increase. North Logan currently allows detached accessory dwelling units; they are only getting about 10 requests annually, however, that is with no advertising. Most of the time denial is based on more square footage than is allowed by ordinance. The lack of use is not because it is not a useful ordinance, it is simply that many people are unaware that it is allowed. North Logan feels that this is a proactive approach and is a strategy, that will not solve the entire problem, but is one more tool in the toolkit. Commissioner Higginbotham said, in his opinion, after doing this research is that it is an good option that can be used.

Chairman Gibbons noted that utilities must be on the same meter, which helps make it affordable. Commissioner Higginbotham said the intent is not to put any additional burden on the City. The detached unit will also have to meet all applicable building code requirements.

Commissioner Freidenberger asked about a trailer pad. Chairman Gibbons said this would apply only to a permanent structure.

Commissioner Bell asked about public notice. Mr. Lewis said the project will be noticed as it pertains to being on the meeting agenda, however, notices will not be sent to each adjacent property owner.

Mr. Lewis said the easiest way to begin is to come up with a draft ordinance. He will work with Mr. Boudrero and bring an ordinance for the Commission to review at a future date.

Commissioner Weber asked about the need for an ordinance to deal with Airbnbs. Chairman Gibbons said this issue has been discussed in the past and the outcome was that at this time there are not enough to worry about.

Chairman Gibbons briefly overviewed changes in **Section 2.36.040 Duties and Powers** of Ordinance 21-13. Planning Commissioners must complete four (4) hours of training annually and the municipality will retain and track records of said training.

1. One (1) hour must pertain to the general duties and powers of the Land Use Development Management Act (LUDMA). Newly appointed members may not participate in public meetings as an appointed member until the member completes the one-hour training.
2. One (1) hour can be met by attending twelve (12) Planning Commission meetings in a calendar year.
3. Any other land use training can be used for required hours.
4. Conferences, seminars, or in-house training can meet the requirements of this section.

Chairman Gibbons noted that he had received a flyer on the upcoming Cache Summit, which will be held June 15, 2021, from 8:30 a.m. to 1:30 p.m. at the Cache Events Center. This training would help meet the requirements and has been a very informative event in the past. Online training can also count. All training hours should be reported to Mr. Boudrero. Depending on the length of the agenda, some training can also be incorporated during Commission meetings. Commissioner Higginbotham said he will forward more training opportunities out to the members.

MEETING ADJOURNED at 8:15 p.m.

Minutes submitted by Debbie Zilles

Scott Gibbons, Chairman