

Smithfield City Planning Commission

April 15, 2015

MINUTES

The Planning Commission of Smithfield City, Utah met at the City Council Chambers, 96 South Main, Smithfield, Utah at 7:00 p.m. on **Wednesday, April 15, 2015**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Pete Krusi (arrived at 8:55 p.m.) Jackie Hancock Curtis Wall Douglas Archibald Stephen G. Teuscher Steve Edwards
Engineering Staff	Clay Bodily
Planning Staff	Jon Wells
Deputy Recorder	Char Izatt
Minutes	Stacey Dority
City Council Member	Brent Buttars

The notice was provided to the Herald Journal and delivered to each Commission Member and posted at the City Office Building, the Smithfield City Web Page and the Utah Public Meeting Notice web site.

The meeting was called to order by Chairperson Anderson at 7:00 p.m.

Opening Ceremonies: Drew Conely

Visitors: Allen & Karen Dawes, Gib, Janet & Charlie Cellan, David & Edith Lillywhite, Nathan Mantz, Kip Lewis, Jake Hodges, Drew Conley, Tyler Hoggan, Jonathan Moser, Brad Lewis, Alan Hodges, Diane Esplin, Bruce Birky, Don Barringer, Lyle Coleman, Jim & Kim Tippetts, Lloyd Meyers, Ryan Rogers, Kristie Anderson, Kim Dority, Jenna Dority, Jeff Barnes, Chad Tarbet, Blake Dursteler,

Excused: Bryant McKay, Commissioner, Pete Krusi, Commissioner

Resident Input

No Resident Input

Consideration of Consent Agenda

Minutes of March 18, 2015 Planning Commission Meeting

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the March 18, 2015 planning commission meeting minutes as approved.

Comments on the Sign Ordinance:

Commissioner Teuscher was reading through the sign ordinance trying to get the definition clarified referring to the different types of signs. If someone would read the description and read carefully they can figure it out. He feels the sign ordinances are needed or there is no control.

Commissioner Wall would like to see information on how enforcement will take place and who will handle enforcement. He is good with the definitions.

Mrs. Izatt was happy to hear the definitions are being read through so we can find problems or changes that are needed.

Chairperson Anderson felt like some definitions were overlapping he struggled through some of the definitions.

Mrs. Izatt inquired if the last training on the Assisted Living was beneficial to the commission? Is training something that the commission would like to continue? There are a variety of topics we could be trained on.

Commissioner Wall really enjoyed the training on the Assisted Living. He felt Matt Redd, the owner of Sign Pro would be a good person to come and talk about the different signs that are coming out. He discussed LED signs and banners that are 30 ft. wide are items that are popular right now. Mr. Redd demoed a couple of signs today that showed how the lighting is controlled on signs and you could regulate the brightness; these were on back lit signs.

Mrs. Izatt wondered if quarterly training was too much.

Chairperson Anderson felt it should be determined by what was on the agenda.

Public Hearing to consider a request for approval of proposed Ordinance #15-08 which amends Title 17, “Zoning Regulations” in particular Section #17.12.200, “Division of Lots and Buildings”

The public hearing opened at 7:10 p.m.

Mr. Bodily wanted to explain what the topic is so if the public wants to make comments they will understand why the city is trying to change the ordinance and what it pertains to. In the past it was necessary to make sure that all of one piece of property was the same zone. That is no longer needed as we progress. We are trying to eliminate the whole #17.12.200 that states the presence of more than one zone within a lot shall not be permitted nor shall a building or structure be divided into two or more zones. If we eliminate that whole ordinance then one lot can be more than one zone.

Chairperson Anderson asked the audience, based on the information from Mr. Bodily was there any public comment on that topic.

There was no public comment.

The public hearing was closed at 7:13 p.m.

Commissioner Hancock wanted to clarify why they are taking that section out.

Mr. Bodily replied when the ordinance was written there was a reason for it and the reason is no longer necessary.

Commissioner Teuscher inquired about the difference in the structure; does that mean a building could be divided into two different zones?

Mr. Bodily clarified if they eliminate this section a building could be divided into two zones. Requests would still come before the planning commission and the council. If there were complications they could be addressed at that time.

MOTION: A motion was made by Commissioner Hancock to approve a proposed Ordinance #15-08 which amends Title 17, “Zoning Regulations” in particular Section #17.12.200, “Division of Lots and Buildings” The motion was seconded by Commissioner Teuscher. The voting was unanimous.

Commissioners voting in favor: Hancock, Wall, Anderson, Archibald, Teuscher, Edwards.

The ordinance passes onto the City Council.

Mrs. Izatt reminded the commission of a webinar tomorrow at 10:00 a.m. They are very informative and she would recommend listening to it, if the commissioners could fit it into their schedules. The webinars are posted on the Trust's website afterwards and you can go in at another time or you could get a copy and then read it when you have time.

Mr. Wells mentioned tomorrow's topic is on the Legislative update regarding Land Use and how it affects us.

Public Hearing to consider a request for approval of proposed Ordinance #15-07 which amends Title 17, "Zoning Regulations" in particular Section 17.88.060 "Application of PUD to underlying zone", paragraph "C" "Yard Setbacks", of the Planned Unit Development (PUD) ordinance.

The public hearing opened at 7:20 p.m.

Mr. Bodily explained the verbiage in the ordinance by looking at the map on the overhead. The old 40 ft. right-a-way put the sidewalk not in the public right-a-way on public property and also had a 15 ft. setback. If you had a longer vehicle and pulled up against the building or where the setback was measured you would be overhanging the sidewalk. They are proposing a change to a 45 ft. right-a-way so the sidewalk is in the public right-a-way and there is a 20 ft. setback to the structure allowing for longer vehicles to sit in the space. This is only in the Planned Unit Development (PUD). All roads are public roads now.

Mr. Wells mentioned it doesn't change the width of the driving surface at all it incorporates the sidewalk that is in the public right-a-way and then pushes the building further away which gives an option to park vehicles there without encroaching on the sidewalk.

Chairperson Anderson asked for comment from the audience.

There were no comments.

The public hearing was closed at 7:23 p.m.

Mr. Bodily indicated this change still saves quite a bit of area from the regular right-a-way plus you don't have a sidewalk on both sides. It does help accommodate the reason for increased density. It is a plus.

Chairperson Anderson asked if they were okay with the verbiage.

The commission was okay.

MOTION: A motion was made by Commissioner Edwards to approve the proposed Ordinance #15-07 which amends Title 17, “zoning Regulations” in particular Section 17.88.060 “Application of PUD to underlying zone”, paragraph “C” “Yard Setbacks”, of the Planned Unit Development (PUD) ordinance. The motion was seconded by Commissioner Wall. The voting was unanimous.

Commissioners voting in favor: Hancock, Wall, Anderson, Archibald, Teuscher, Edwards.

David Lillywhite inquired what would be wrong with having the setback at 25 ft.

Chairperson Anderson stated there is probably nothing wrong with it; this is how the city staff has designated the way they would like the city to look.

Mr. Lillywhite inquired what would be wrong with shortening the distance to the setbacks on regular housing 25 ft. almost any truck would fit in that and save more useable space for the back of the house.

Chairperson Anderson responded there isn’t anything wrong with it; it is more a matter of preference and aesthetics. It is how Smithfield City wants to look and how city staff has decided to set it up.

Public Hearing to consider a request for approval by Ryan Reeves, agent for C & T Development LC, property owner, for a rezone of 7.64 acres located at 532 South Main, Parcel #08-110-0017, from CC (Community Commercial) to RM (Multiple Family Residential)”

The public hearing opened at 7:30 p.m.

Ryan Reeves explained they are back since there last approval and ready for any questions the commission has to ask.

Chairperson Anderson stated that this looks about the same as the proposal before but they have split off about 80% of it.

Mr. Reeves replied that was done per the code. It wasn’t our intention to put anything up front other than the Assisted Living Center.

Chairperson Anderson assessed at this point you are looking at the multi-family residential and the assisted living is dropped out?

Mr. Reeves responded no, the assisted living is the same on the front parcel on Main Street.

Chairperson Anderson asked for comments from city staff or the audience.

Allan Dawes had heard there are changes since the last meeting and he was interested in pictures to show what they would be doing. Mr. Wells showed Mr. Dawes a map. Mr. Dawes reminded the commission in the last meeting Mr. Reeves was looking at building town homes and retirement community along with the Assisted Living Center.

Chairperson Anderson inquired if that was still the same plan.

Mr. Reeves responded they are just trying to get a rezone at this point they don't have definite plans.

Mr. Dawes was concerned with the amount of Multi-family in that area. He worries that the area is going to look like the west side of Logan and isn't sure if that is what we want in Smithfield.

The public hearing was closed at 7:35 p.m.

Chairperson Anderson understood the reason why the City Council turned this down was due to wanting to keep the tax revenue from a commercial standpoint. Is that correct Mr. Buttars?

Mr. Buttars replied yes.

Chairperson Anderson wanted clarification on what materially has changed in what was proposed last time and this time?

Mr. Reeves had understood the reason they were turned down from city council was not wanting multi-family housing running up to Main Street. That was never his intention but per the code they had to ask for one zone for the entire piece. After concurring with staff they decided they would leave it Commercial and ask for a Conditional Use Permit to put in the Assisted Living Center. Nothing has really changed other than the way the city would like to see how it gets approved.

Councilman Buttars described the council's concern as being the area changing from a business that brings in tax dollars to something that wouldn't bring in the tax dollars. Now we are right

back in the same situation again. There were several comments in council meeting about not having a lot of apartments and condos in that area.

Chairperson Anderson inquired how much per month they are generating in sales tax revenue in that area.

Councilman Buttars commented about \$2000 - \$4000 dollars a month.

Chairperson Anderson questioned from a property tax standpoint that was developed into some type of residential do we know what that would generate from a tax standpoint?

Councilman Buttars replied nothing like a business would do.

Mr. Wells added it might be \$3000 a year.

Blake Dursteler interjected if you convert it to an Assisted Living it will actually be substantially more than \$3000. If you have 30 or 40 units those are taxed in two or three different ways and the property tax would be higher as well. As an Assisted Living Facility you have all those different uses going on.

Mr. Wells reminded the commission the municipality doesn't benefit a lot from those taxes.

Mr. Dursteler replied sales tax and use tax comes right back to the city.

Commissioner Edwards searched how close would you be to Main Street with the Assisted Living facility.

Mr. Reeves stated we would conform to your zoning regulations and setbacks for the building and side yards.

Mr. Dursteler continued the Assisted Living draws a lot of family so they are more commonly placed in a less residential area. But the design of this facility is dependent on the code and what the city would require to allow for that and still have it look good in that area. It is hard to put it in a residential neighborhood if you have 20 or 30 units that require service people and family visiting. They would conform to what the city requires. It is a Conditional Use now in Smithfield and so we need to decide what the Conditional Use allows.

Commissioner Edwards still needed clarification if there would be apartments or Assisted Living.

Mr. Dursteler responded you can't put apartments in a commercial zone. There are two parcels that are all commercial right now.

Mr. Reeves referred to the map on the overhead showing the initial concept which gave the commission an idea of how the Assisted Living would fit on Main Street. This was a concept plan.

Mr. Dursteler referred to the overhead map and pointed out where the Assisted Living Facility would be. He even discussed the idea that there would be no access on Main Street. This shows a function of what the code would require. They are working with the commission to know what is allowed to put the facility on Main Street. The zoning wasn't allowed for the first concept plan, now we are looking at putting the commercial zone to use and generate tax dollars. Whether it is a residential facility or not it is a Conditional Use item. This is an idea of what we could do. There is still a lot of work to do here.

Chairperson Anderson would like to understand what the base objection from city council was. Was it truly the tax dollars or multi-family?

Mr. Dursteler felt they definitely didn't want Multi-family running up to Main Street which they understand, but as you do a tax analysis you are generating up to \$40,000 a year in sales tax out of that corner. If you put 30 units in there you will create a substantially higher number of revenue even though it may not be all sales tax. It would be a much more profitable tax base. We came back and met with the staff and now you have what we have come up with in front of you to allow for multiple zones in one piece. That alleviates having the Multi-Family running up to Main Street. You have lower density in Multi-family. This is the best we can do with the concept they have. To try and get everything the commission is asking for is to put commercial right up in front and the multi-family in the back. It may not be adequate and someone will want to put something commercial there. We have to try to configure it in.

Commissioner Wall referred to Mr. Dawes comment at the last meeting about not seeing through the two story apartments.

Mr. Dawes replied yes, he would like to see single family homes or something lower so he can see the mountains.

Mr. Dursteler commented that is a fair argument but the reality is it is zoned commercial right now. It is very costly land on the front and to divide that up into a few homes makes those homes very costly; for instance \$400,000 per acre.

Mr. Wall felt if we are not looking at doing something in the near future we may have a sore spot that collects weeds. He inquired about the Hyrum project and stated there is an open house on the 17th and everyone should go and look at it and see how professional it looks.

Mr. Reeves commented on the acre behind the Cantwell's that is the Champlain's piece. It is already zoned Multi-Family.

Mr. Edwards felt like Assisted Living has been on the agenda for several months and that is a logical place for it.

Mr. Dawes inquired why we are rezoning if they want to keep it commercial.

Mr. Dursteler replied the best way to address that is they are able to do an Assisted Living Facility then it would be relatively impractical to see it commercial use. Then it is no longer a Main Street frontage. It is too difficult to get something behind the commercial so the use would have to be some type of residential to use that area. The area right behind Firehouse Pizza is Multi-Family.

Chairperson Anderson called for a motion,

MOTION: A motion was made by Commissioner Hancock to approve a request by Ryan Reeves, agent for C & T Development LC, property owner, for a rezone of 7.64 acres located at 532 South Main, Parcel #08-110-0017, from CC (Community Commercial) to RM (Multiple Family Residential)" The motion was seconded by Commissioner Wall. The voting was unanimous.

Commissioners voting in favor: Hancock, Wall, Anderson, Archibald, Teuscher, Edwards.

The rezone passes and is on to City Council.

Public Hearing to consider a request for approval by Lowell & Nanette King, agents for Tout Properties LLC, to amend the Preliminary Plat for Apple Creek Commercial Subdivision located approximately between Main St. & 150 East and 800 South & 1000 South. Zoned GC (General Commercial) and CC (Community Commercial)

The public hearing opened at 7:53 p.m.

Mrs. Nannette King referred to the map that was handed out in the packets. They have had a development going for the past 20 years ago. There were 70 acres in the development; 32 acres are represented on the map. When they sold the land to Lee's Marketplace they set up the Apple

Creek Subdivision with 6 lots included in that plat. They also sold a partnership with Woodbury and came in with the partnership and came up with commercial buildings up front; USU Credit Union. This was the first phase of about 11,000 sq. ft. of a shopping mall. Lot 2 was just to the south and finished all the way down to Subway. Lot 4 was the Credit Union. There is a lot 3 that is behind Subway and goes up to Lee's Marketplace; this has not been developed yet. They have combined everything for the city so they can work through their water and road systems they find they need to amend the plat.

Looking at phase 3 lot 9 there is a business that wants to come in and develop that area. Below that, further south, there is a road called 920 south that we as property owners dedicated to the city to come into the first east road; this brings in traffic from the Stone Brook properties and the apartments. The preliminary for phase 4 would be further down south. They would like approval to change and modify the subdivision to be into one big development.

Mr. Bodily explained the original preliminary had expired and with the changes this needed to come before the Commission. Everyone should have received a letter addressing the curb and gutter on the west side of this plat.

Mrs. Edith Lillywhite inquired what the difference is between General Commercial and Community Commercial

Mrs. Izatt explained General Commercial is a heavier zone that allows light manufacturing and Community Commercial includes just about anything.

The public hearing was closed at 8:03 p.m.

Chairperson Anderson opened discussion with the commission regarding the email from Jim Gass. Is there any problem meeting those requirements he is asking for.

Mrs. King had a few problems with Mr. Gass' requests. The first item is on the road on 1st east west of phase 3. On the west of that road lot 3 of Apple creek square has not been developed. On phase 3 we called that 900 south. The only thing that was put in there was curb and gutter but no sidewalk. The city did not require it on phase 4 because that was not developed yet. On both sides of phase 3, the roads should be half roads until phase 3 of Apple Creek Square is developed. The one reason is because lot 3 is not developed and they will put curb and gutter in when it is developed. The second reason is because he wanted to put waste water in there. In lot 4-8 there is waste water taken care of by the property owners. Phase 3 lot 9 ought to do the same thing. They could do sump pumps there. Instead of bringing the city waste water they can do that on a private level. They are proposing to put a drain field all the way down 800 south and 100 East.

Lowdy King interjected the reason they don't want curb and gutter behind the strip mall is because it is non-developed and he would have to tear it out when they develop the property. They would like to do a half road and then when it is developed they will do sewer, water and the rest of the road. The storm drain runs on phase 3 and stops there so they can run it back north on phase 3 or run it south. There doesn't need to be anything on the west side yet because it is on undeveloped ground, water can just run. One is a hayfield and one area is a mess and he doesn't understand why they need a storm drain there if there is nothing there.

Mrs. King noted on 920 south that was dedicated to the city but there is not going to be a 920 south running to the highway. On a commercial subdivision like that you will not have a street running through it. The apartment owners speed there by Subway, but it is a convenient way to get to Lee's.

Mr. King restated their main concern is on west side on phase 3 for the curb, gutter and road and the same on phase 4. When it is developed they will put in the curb, gutter, sewer and water. They have done it on everything else.

Mrs. King mentioned Mr. Bodily wanted a light there on 920 south and they felt it would be better on the back street up to Sky View.

Mr. Bodily responded the ordinance states a light at every intersection; that one has to be there. The curb and gutter on the west side has to be there. They should have put it in when the strip mall was put in. We are allowing them to do it in phases, so the south side of 920 would wait until phase 4 was done. They did move the fire hydrant and on the water and sewer laterals they are still digging into the new road. On the new preliminary plat, they will refer to the curb and gutter every time it comes in. That is why they ask for a complete preliminary. To address the storm drain, there is a pipe that starts on 8th south and goes under the existing parking lots and buildings. He heard the comment the Kings could make phase 3 go to the north but that is going against the grade.

Mr. King is against putting the road in but there is no sewer and water. They want him to pay for a road with curb and gutter and sidewalk for maybe three to five years then dig it all up and pay for it again when it is developed. That isn't fair.

Mr. Bodily restated that they don't know who will buy it that is why the City asks for the sewer and water laterals to be put in before the curb and gutter is put in

Mrs. King stated there is a sewer line all the way to 10th south that was put in 20 years ago.

Mr. Bodily reminded the Kings that is why we have a preliminary so you can show us what you want to do in the future. That is where they are now, looking at the preliminary plat. There really isn't a choice, when you do a subdivision you have to put the curb and gutter in both sides if you own both sides.

Mr. King said he owns the east property and he doesn't own the west property.

Mr. Bodily replied at one time they owned both sides and then it was subdivided. That negates your argument on not having to put in sewer and water if you no longer own that property. It was one piece.

Mrs. King referred to the plat that was done 20 years ago. It is nothing like this preliminary plat now. It was one big huge development. If they develop lot 4 they have to build a road to nowhere from nowhere because things won't be developed for another 20 years.

Chairperson Anderson restated the point of contention is whether or not they put in curb, gutter and sidewalk on the west side of the street.

Mrs. King replied only because it is a big financial issue and then it will be ripped up when you have development. As soon as they find someone that wants to buy they will build it.

Chairperson Anderson understood the subdivision ordinance states if you are building a subdivision you have to put the curb and gutter in as the phases are sold off. Mr. Gass is requiring you to have curb and gutter to 9th south and that is where you have someone interested in purchasing the lot.

Mrs. King responded yes, but the west side is not their property.

Mr. Bodily reaffirmed there is no choice on the curb and gutter it is in the ordinance. In the original one piece of property that curb and gutter should have been put in.

Mrs. King denied it, stating it had to do with lot 2 and lot 1 but not lot 3.

Mr. Wells said currently our ordinance treats all residential and commercial subdivision the same. When a developer comes in with a residential subdivision he puts the curb, gutter and sidewalk in on both sides of the roads. Those building lots, lot 3 and the west side of that road, is a building lot and it may stay vacant but the ordinance requires curb and gutter. If they changed their ordinance where a commercial subdivision might be different than a residential subdivision

that might be a different story but as it stands today we treat a residential and commercial the same.

Mr. King inserted he put in 800 south there was nothing in there for 10 years. There was nothing on the north side until Leo Pitcher died why didn't you make me do it then?

Mr. Wells stated it wasn't required because it wasn't part of your preliminary plat. You only platted out the south side of the road.

Chairperson Anderson stated we can't go back to what should have happened we just go by what the ordinance states now.

Mrs. King summarized lets work together on this because space 4 isn't going to have development and lot 3 shouldn't have to be completed. You can't put four or five water and sewer stubs there and then rip them all out if it is going to be one building back there.

Chairperson Anderson restated what Mr. Gass is saying is as lots 3 and 4 develop construction of curb, gutter and sidewalk on the east side will be required along the same as the west side as there developed. If you're not developing lot 4 right now we are okay on that one but if you are going to develop three you need to have the curb and gutter on both sides of the street.

Mrs. King restated that four and three aren't developed therefore she feels they can put the curb in and the road in and then if you need to rip that up for development.

Chairperson Anderson clarified further Mr. Gass is saying you don't have to add curb, gutter, sewer and water today it is when you develop the area.

Mr. Wells felt they needed to identify lot three and four because there is a phase three in Apple Creek Commercial and there is a lot 3 in Apple Creek Square and that was already platted out and developed years ago when they built those buildings where Subway now resides. The curb and gutter should have been put on 1st west because it was part of that subdivision and lot 3, which is behind it, and faces first east hasn't been sold yet but it still requires improvements. If you stub in more than one water and sewer it doesn't matter if you don't use them they can sit in the ground.

Mr. Bodily replied this map is the preliminary and what the city will refer to so Mrs. King needs to show everything that will be there so the city can refer to it as it is being developed.

Commissioner Archibald asked if there is a part of the road that is chip and seal?

Mr. Bodily stated yes the city put that in to control the dust. It is about 27 ft. wide with no curb and gutter.

Commissioner Edwards felt they need to hold to what the ordinance states.

Chairperson Anderson felt they are ready to consider a motion on the preliminary plat. If we choose to approve we need to refer to Jim Gass' email and ordinance.

Mr. Bodily would also like a deadline as to when the preliminary plat would reflect the items discussed so we would have it on file to refer too. We need the actual preliminary correct with the improvements the city requires.

Chairperson Anderson inquired if the Kings have a date of when they could have a preliminary plat in place?

Mrs. King inquired if they had made a decision on the drains that are required from lot 9.

Mr. Bodily stated they need drains that connect to take the storm water out to 10th. The pipe is already at a lower elevation from the curb.

Mr. King stated they would put a sump on their corner.

Mr. Wells replied sumps work fine but there will be overflow that needs to flow to the south and they need a pipe for that to carry the overflow further south. That is the requirements for storm water. The overflow needs to go to 10th south and then west.

Mr. Bodily informed Mrs. King they currently do not have any detention in the city it is all retention. It has to have an outlet from the sump.

Chairperson Anderson summarized as a commission we are not the experts on storm water runoff and things like that so we have to rely on city staff to help us understand the requirements and needs. We will continue this for the next meeting and he suggested the Kings meet with city staff and iron out what is going to happen there with that storm line. At this point we need to table this until the next meeting.

MOTION: A motion was made by Commissioner Wall to table the request for approval by Lowell & Nanette King, agents for Tout Properties LLC, to amend the Preliminary Plat for Apple Creek Commercial Subdivision located approximately between Main St. & 150 East and 800 South & 1000 South with the requirements they meet with city staff and come back with a time frame and date of when they can revise the preliminary plat and come back with specifics

for the proposed improvements. The motion was seconded by Commissioner Edwards. The voting was unanimous.

Commissioners voting in favor: Hancock, Wall, Anderson, Archibald, Teuscher, Edwards.

Public Hearing to consider a request by Gib and Janet Cellan, 142 West 400 South, for approval of a conceptual plan review and rezone of 9.37 acres, parcel numbers: 08-105-0015 & 08-105-0016 located at approximately 500 South 150 West from RM (Multiple Family Residential) to RM (PUD) (Multiple Family Residential/Planned Unit Development Overlay Zone)."

The public hearing opened at 8:32 p.m.

Mr. Charlie Cellan informed the commission this plan has basically been rezoned to multiple family and we would like it to be a PUD multiple family. Their engineer talked with Jim Gass and the way he designed to lay it out, to make everything fit and possibly sell off a part of it, it would need to be a PUD to get all the clearances from the city.

Chairperson Anderson inquired if they are just focusing on the overlay zone. He also sees he is looking at a commercial piece of that as well.

Mr. Cellan replied yes that is basically from where it shows the 5th south commercial zone. They would like it to stay as is.

Chairperson Anderson thought it was an Agricultural zone on the zoning map. Can we clarify that?

Mrs. Izatt mentioned it is coming in separately it is not part of the PUD. It is the conceptual part we are discussing; it comes in together. That is the way the PUD ordinance is written.

Chairperson Anderson clarified we are focusing on the PUD right now. He asked for public comment about the PUD.

Mr. Cleon Chambers had no idea of what was going on with the PUD or numbers. What can be built there, what is the difference in the changes.

Mr. Cellan stated it isn't changing the building structures. The clearances are what changes in a PUD.

Mr. Bodily explained in a PUD overlay zone you are allowed more density because you have a trade off with the open space alignment. A PUD does allow you for higher density and you can get the open space in other ways. In a PUD the whole area is public area, if you were in one unit you could go out anywhere in the PUD and not be in someone else's back yard.

Chairperson Anderson inquired what he was planning on building there.

Mr. Cellan explained he is putting in four or five complexes.

Chairperson Anderson inquired if they will be two story units or one story units.

Mr. Cellan responded they will be two story units.

Mr. Chambers referred to another PUD subdivision he is familiar with and said if there was a snowstorm there is no place to push the snow.

Chairperson Anderson clarified the city staff would make sure there are proper clearances and ways to clear the roads. We have gotten away from private roads where the developer or home owner association is responsible for snow removal, the city is trying to get away from that and does not allow private roads anymore. All roads inside this PUD would be public and the city would be responsible for maintaining and cleaning the snow from it.

Mr. Chambers was concerned with the narrow roads which inhibits visitors from coming in and parking.

Chairperson Anderson confirmed there are requirements for parking and setbacks. That will be part of the final approval.

Mr. Chambers wondered where the storm and waste water would be going.

Chairperson Anderson explained there is a requirement for retention areas as well and that is up to the developer to incorporate that into the development.

Mr. Cellan restated this plan is the same as the other conceptual plan it is an adjustment in the wording for the PUD.

The public hearing was closed at 8:41 p.m.

Mr. Bodily referred to the email that mentioned they are public roads and they suggested the road go all the way out so plows and garbage trucks can go through. In the backyard where it

goes against the residential has to have a 30 ft. setback. It is shown as a 20 ft. setback so that needs to be changed. These are a few things that have not been addressed and where this comes in as a concept plan with the rezone it can't be approved because of those two items.

Mr. Wells informed the commission the PUD ordinance requires the PUD overlay and zone request needs to be addressed at the same time you look at the concept plan. You need to look at both of them simultaneously. If there are concerns and issues as Mr. Bodily has pointed out, you need to proceed along those lines.

Chairperson Anderson needed clarification regarding the email from Mr. Gass which states the main east, west, street which separates the commercial from the multi-family as 500 south which is an extension of the street from the Monte Vista subdivision which is yet to be built. This street, when complete, will go from Main Street on the east to 200 on the west. Does that go right through the Del Monte property?

Mr. Wells confirmed the Monte Vista subdivision is the Del Monte property.

Mr. Bodily explained this plan has expired already but it does show a road going through there. That is part of the reason we have preliminary plats so when a subdivision comes in next to the adjoining one the city knows where the roads are going to be.

Chairperson Anderson finished by saying this is one of the things he couldn't grasp, where Mr. Gass says, "Because of the delay in completing the Monte Vista Subdivision that developer would be required to resubmit the subdivision for approval." In order to clarify, the Monte Vista developer has to complete 500 south and Main Street down to where the Cellans want to put their PUD.

Mr. Bodily described in the Monte Vista plan that has expired, he did show that road going through.

Chairperson Anderson clarified is the Cellans development is contingent on the Monte Vista guy completing 500 south.

Mr. Bodily designated if the Cellans get approval the Monte Vista guy will be held to developing the road. He will have to put the road in because it is in the plan.

Chairperson Anderson wondered if there was a time frame in which he would have to complete that road.

Mr. Bodily explained once the Cellans subdivide and records his final plat the city has escrow money and there is a time limit when everything is recorded.

Chairperson Anderson inquired what would happen if he doesn't record his final plat.

Mr. Bodily mentioned it has a road that is down to the south and possibly to the east but that is someone else's property and then we can only say that is the way they planned it.

Mr. Wells described the Monte Vista subdivision's preliminary plat is expired and they will have to start all over again. If they phase their development like all the sub dividers do they will have to build the road to 5th south and connect with what the Cellans have done.

Chairperson Anderson inquired if Mr. Cellan was aware of city staffs concerns and recommendations around the setbacks, parking stalls, covered parking?

Mr. Cellan felt at this point he just wants to have the PUD approved.

Mrs. Izatt confirmed that Mr. Cellan can come in and find out if he can get a rezone. There is no legal requirement to go further.

Chairperson Anderson sorted out that they are already in a multi-family residential zone and they are asking for a PUD overlay which is fine but do we have to have the conceptual plan at the same time to approve the PUD overlay zone?

Mrs. Izatt confirmed yes.

Chairperson Anderson explained this concept plan doesn't meet the ordinances.

Mr. Wells assessed if they can approve the rezone and continue the concept plan.

Mrs. Izatt wasn't sure.

Chairperson Anderson stated the commission was not opposed to what Mr. Cellan was doing but they do have to understand that what he is proposing meets the ordinances as they are outlined. The stub out to 400 south needs to be addressed as well.

MOTION: A motion was made by Commissioner Archibald to table the request by Gib and Janet Cellan, 142 West 400 South, for approval of a conceptual plan review and rezone of 9.37 acres, parcel numbers: 08-105-0015 & 08-105-0016 located at approximately 500 South 150 West from RM (Multiple Family Residential) to RM (PUD) (Multiple Family

Residential/Planned Unit Development Overlay Zone)” until the May commission meeting. The motion was seconded by Commissioner Hancock. The voting was unanimous.

Commissioners voting in favor: Hancock, Wall, Anderson, Archibald, Teuscher, Edwards.

Chairperson Anderson invited Commissioner Krusi to join the commission on the stand.

Public Hearing to consider a request for approval of proposed Ordinance #15-09 which amends Title 17, “Zoning Regulations”, in particular adding to section 17.04.070 “Definitions” and Chapter 17.120 “Use Matrix Table” to allow for “Assisted Living Facilities” in certain zones.”

The public hearing opened at 8:53 p.m.

Chairperson asked if anyone was interested in discussing this topic.

No comment.

The public hearing was closed at 8:54 p.m.

MOTION: A motion we made by Commissioner Hancock to approve a request for a proposed Ordinance #15-09 which amends Title 17, “Zoning Regulations”, in particular adding to section 17.04.070 “Definitions” and Chapter 17.120 “Use Matrix Table” to allow for “Assisted Living Facilities” in certain zones.” The motion was seconded by Commissioner Krusi. The voting was unanimous.

Commissioners voting in favor: Krusi, Hancock, Wall, Anderson, Archibald, Teuscher, Edwards.

Don Barringer has requested time with the Commission to discuss property located at 354 Saddleback Road. Zoned RA-2 (Residential Agricultural – 2 acre)

Mr. Don Barringer would like to see the feasibility of following through with what they would like to do. They are looking to request permission to create a one acre building lot on the west side of the property to provide a home site for his grandson. The Barringers have had health issues come up and would like to find a way they could stay in their home. They are bordered on the east by R-1-12 and south by R-1-12 and on the north by RA-1 and across the road is a parcel of A-10 that would be developed in the future. This is their request, can they proceed with it and have it engineered and come back with a formal rezone request.

Mr. Wells stated he is in an RA-2 so he would need to request to rezone as an RA-1.

Mrs. Izatt questioned if they had figured out their frontage.

Mr. Barringer replied as it stands it is a 100 ft. frontage and it would make it a nicer approach if it was 80 ft. frontage because of the turn in the road.

Mr. Wells commented the minimum frontage on an RA-1 is a 130 ft. Do you have 240 ft. along Saddleback?

Mr. Barringer replied yes they have space but the position of their existing home creates a problem.

Mr. Bodily inserted if you look at the master plan for the roads we actually show 4th north connecting into Saddleback. If you deeded the right-a-way and put in the road because it would be a subdivision you could have frontage on 400 north as it connected into Saddleback

Mr. Barringer inquired if the double dotted line on the map was 400 North? 400 North is at the back of their property. He wasn't sure how that would work because there is no access in the back currently. It would be like an island by itself.

Chairperson Anderson questioned if we split the property so he gets at least two acres then does he need to rezone it since it is already an RA-2.

Mr. Barringer replied he could do that but he would have to go to the opposite side of the property. The problem with that is the house is oriented to that side of the property. The back piece was just pasture and never intended for livable space. He is discussing the piece that is west and north of his house. There is a piece that is outside of the city limits.

Chairperson Anderson discussed a couple of options. Either split the property so it stays RA-2 or figure out if you are just going to give him an acre, figure out how to make it an RA-1 with the proper frontage to qualify for an RA-1.

Mr. Barringer if they can find frontage of 130 ft. is that something you would approve.

Mr. Wells mentioned they can reduce the frontage and square footage by 10% on one of the lots because he is dividing the piece of property into less than four parcels. So that would be 117 ft. Side yards would be 12 ft.

Chad M Tarbet, 879 South 250 East #20, Smithfield, has requested consideration for approval of a Conditional Use Permit to allow a Commercial Firearms business for the

manufacture, wholesale/retail sales, and service of firearms. To include the sale of accessories, components, ammunition and sporting goods and apparel. Zoned GC

Mr. Chad Tarbet was looking to open a shop at 125 West 560 South Unit 4. They are opening Intermountain Gun Shop; light manufacturing of less than 50 firearms a year. Mostly they will work with custom firearms and ATF will require them to be a manufacturer to build firearms for people on a one on one basis. They are not Remington or Colt size they will have relatively low numbers with general gun smithing. They will be test firing in Richmond. Their hours of operation will be from 6 a.m. to 10 p.m. Monday through Saturday with five employees.

Chairperson Anderson felt like all normal questions are in order.

Commissioner Krusi asked if there was plenty of parking.

Mr. Tarbet replied there is plenty.

Commissioner Wall what kind of ammunition would be kept on site?

Mr. Tarbet responded they will have enough ammunition to practice at the range; between five and twenty rounds.

MOTION: A motion was made by Commissioner Krusi to approve a request by Chad Tarbet for the approval of a Conditional Use Permit to allow a Commercial Firearms business for the manufacture, wholesale/retail sales, and service of firearms, located at 560 South 125 West #4 with the hours of operation from 6 a.m. to 10 p.m. Monday through Saturday. Zoned GC. The motion was seconded by Commissioner Edwards. The voting was unanimous.

Commissioners voting in favor: Krusi, Hancock, Wall, Anderson, Archibald, Teuscher, Edwards.

The Commission will consider recommending approval of proposed Ordinance #15-05 which amends Title 16: Subdivision Regulations, I particular Section 16.20.070 “Secondary Water” and Section 16.16.050, “Dedication of Water”; 16.04.030 “Definitions”.

Chairperson Anderson mentioned that they made recommendations last month and city staff has considered those recommendations and made more changes. Is there anything else we need to address?

Commissioner Wall inquired if there were any changes other than what they talked about in the last meeting.

Mr. Wells detailed they added a definition of the canal. The impact fee for the purchase of water is required by state to be stated in the ordinance.

Chairperson Anderson identified one change that was left in was where it says, "One share of capital stock shall represent three acre feet of useable water." Mr. Gass's point was depending on the water year the share of water fluctuates as far as how much a share is. He would like to keep the 3 acre ft. of useable water in there. Do we need further clarification or can we move this on to city council.

MOTION: A motion was made by Commissioner Edwards to approve the proposed Ordinance #15-05 which amends Title 16: Subdivision Regulations, I particular Section 16.20.070 "Secondary Water" and Section 16.16.050, "Dedication of Water"; 16.04.030 "Definitions". The motion was seconded by Commissioner Hancock. The voting was unanimous.

Commissioners voting in favor: Krusi, Hancock, Wall, Anderson, Archibald, Teuscher, Edwards.

The Commission will review an annexation request from Gary A. Hansen and Rigo Chaparro for property containing 4.87 acres, parcel #'s 08-044-0006 (4.85 acres); 08-044-0007 (0.02 acre) located at approximately 700 North on the west side of Main Street (Hwy 91)

Chairperson Anderson worked through the check sheet for annexation.

- 1) Does the property under consideration for annexation fall within the area designated for expansion in the city's annexation policy plan? **Yes**
- 2) Is the property under consideration for annexation contiguous to existing city boundaries? **Yes**
- 3) Are only whole parcels being considered for annexation, except in cases where the property owner has signed the petition? **Yes**
- 4) Have the petitioners stated a proposed land use for the property under consideration? Is the proposed land use in harmony with the General Plan? **No** multiple family residential.

Chairperson Anderson questioned in the past they had talked about the land use potentially being used for storage facilities and a commercial shop has that changed?

Mr. Rigo Chaparro replied yes, to multi-family apartments.

Commissioner Archibald stated it is the same thing that is across the street.
Mrs. Izatt felt it depends on what they ask to rezone too.

Chairperson Anderson replied they haven't asked for that yet so we know it comes in as agricultural.

Mrs. Izatt replied the general plan shows commercial.

- 5) Has the city's General Plan indicated a need for park or trail land within the area proposed for annexation? **No**
- 6) Will the annexation likely encourage urban sprawl? **No**

Commissioner Wall inquired why they changed from storage sheds to multi-family.

Mr. Chaparro explained the business that was going to come with them had found other property in Smithfield so they didn't have the investment funds that made it feasible to do storage sheds. Residential or multi-family fits better and seems like it carries itself as an investment project at this stand point.

Commissioner Wall was concerned of the speed limit out in that area.

Mr. Bodily commented when Mr. Chaparro spoke with UDOT he was told there would be one access and you can only have 32 units with one access so he would need to find another access.

Mr. Chaparro pointed out he had spoken with Mr. Gyllenskog about having access through his property and south out on Oak Street and they would be willing to make an access point there if that was an issue.

MOTION: A motion was made by Commissioner Krusi to adjourn the meeting at 9:15 p.m. The motion was seconded by Commissioner Teuscher. The voting was unanimous.

Commissioners voting in favor: Krusi Hancock, Wall, Anderson, Archibald, Teuscher, Edwards.

Jamie Anderson, Chairperson

Attested:

Charlene Izatt, Deputy Recorder

**SMITHFIELD PLANNING COMMISSION
Smithfield City Council Chambers
96 South Main
Smithfield UT 84335**

NOTICE and AGENDA

Public Notice is hereby given that the Smithfield Planning Commission will hold a regular Planning Commission Meeting at 7:00 p.m. on **Wednesday, April 15, 2015** in the Smithfield City Council Chambers, **96 South Main**, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Agenda items:

1. 7:03 p.m. Resident Input
2. 7:08 p.m. Consideration of Consent Agenda
Minutes of the March 18, 2015 Planning Commission Meeting
3. 7:10 p.m. **Public Hearing** to consider a request for approval of proposed Ordinance #15-08 which amends Title 17, "Zoning Regulations" in particular Section #17.12.200, "Division of Lots and Buildings".
4. 7:20 p.m. **Public Hearing** to consider a request for approval of proposed Ordinance #15-07 which amends Title 17, "Zoning Regulations" in particular Section 17.88.060 "Application of PUD to underlying zone", paragraph "C" "Yard Setbacks", of the Planned Unit Development (PUD) ordinance.
5. 7:30 p.m. **Public Hearing** to consider a request for approval by Ryan Reeves, agent for C & T Development LC, property owner, for a rezone of **7.64 acres** located at 532 South Main, Parcel # 08-110-0017, from CC (Community Commercial) to RM (Multiple Family Residential)"
6. 7:40 p.m. **Public Hearing** to consider a request for approval by Lowell & Nanette King, agents for Tout Properties LLC, to amend the Preliminary Plat for Apple Creek Commercial Subdivision located approximately between Main St & 150 East and 800 South & 1000 South. Zoned GC (General Commercial) and CC (Community Commercial)
7. 7:50 p.m. **Public Hearing** to consider a request by Gib and Janet Cellan, 142 West 400 South, for approval of a conceptual plan review and rezone of 9.37 acres, parcel numbers: 08-105-0015 & 08-105-0016 located at approximately 500 South 150 West from RM (Multiple Family Residential) to RM(PUD) (Multiple Family Residential/Planned Unit Development Overlay Zone)."
8. 8:00 p.m. **Public Hearing** to consider a request for approval of proposed Ordinance #15-09 which amends Title 17, "Zoning Regulations", in particular adding to section 17.04.070 "Definitions" and Chapter 17.120 "Use Matrix Table" to allow for "Assisted Living Facilities" in certain zones."

9. 8:10 p.m. Don Barringer has requested time with the Commission to discuss property located at 354 Saddleback Road. Zoned RA-2 (Residential Agricultural - 2 acre)
10. 8:20 p.m. Chad M Tarbet, 879 S 250 E #20, Smithfield, has requested consideration for approval of a Conditional Use Permit to allow a Commercial Firearms business for the manufacture, wholesale/retail sales, and service of firearms. To include the sale of accessories, components, ammunition and sporting goods and apparel. Zoned GC
11. 8:30 p.m. The Commission will consider recommending approval of proposed Ordinance #15-05 which amends Title 16: Subdivision Regulations, in particular Section 16.20.070 "Secondary Water" and Section 16.16.050, "Dedication of Water"; 16.04.030 "Definitions".
12. 8:40 p.m. The Commission will review an annexation request from Gary A. Hansen and Rigo Chaparro for property containing 4.87 acres, parcel #'s 08-044-0006 (4.85 acres); 08-044-0007 (0.02 acre) located at approximately 700 North on the west side of Main Street (Hwy 91).
13. 8:50 p.m. **ADJOURNMENT**

Posted this 10th day of April 2015 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 10th day of April 2015.

Charlene Izatt, Deputy Recorder

ITEMS ON THE AGENDA MAY BE CONSIDERED EARLIER THAN SHOWN ON THE AGENDA.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Charlene Izatt, Smithfield City Offices, at 435-792-7989 at least three working days prior to the meeting.