



SMITHFIELD CITY PLANNING COMMISSION MINUTES September 20, 2023

The Planning Commission of Smithfield City met in the City Council Chambers
96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, September 20, 2023

The following members were present constituting a quorum:

Members Present: Jamie Anderson, Katie Bell, Brooke Freidenberger, Brian Higginbotham, Jasilyn Heaps, Bob Holbrook, Stuart Reis

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

Others in Attendance: Jess Roberts, Jeff Barnes, Todd Orme, Torie Prestwich, Michelle Anderson, Kenneth Bell, Wade Campbell, Debbie Zilles

6:30 p.m. Meeting called to order by Vice-Chairman Heaps

Election of Planning Commission Chairperson

Jamie Anderson was elected to serve as the Chairperson.

Election of Planning Commission Vice-Chairperson

Katie Bell was elected to serve as the Vice-Chairperson.

Consideration of consent agenda and approval of meeting minutes

After consideration by the Commission, Vice-Chairman Jasilyn Heaps declared the minutes from the August 16, 2023 meeting to stand as submitted.

RESIDENT INPUT

Kenneth Bell thanked the Commission for all their hard work. He feels that Smithfield City needs to continue growing at the current pace to be able to provide housing for the next generation.

AGENDA ITEMS

Discussion and possible vote on the "Home Child Care or Preschool" Conditional Use Permit application by Torie Prestwich to operate the Sunshine Academy Preschool at 613 South 280 East. Parcel Number 08-210-0027. Zoned R-1-10 (Single-Family Residential 10,000 Square Feet).

Torie Prestwich is requesting a permit for a home-based preschool in her home. She has met all applicable code requirements and is exempt from a state license. She has a written letter of approval from the homeowner for the proposed business. She lives in the residence and is proposing to teach approximately 8-10 children twice a day. The residence consists of only two (2) additional off-street parking spaces; however, the surrounding streets have room for loading and drop-off.

Mr. Boudrero double-checked the exemptions with the state and she is exempt. There is room in the shoulder and turning onto 280 East for adequate drop-off/pick-up with no safety concerns.

Commissioner Freidenberger said this is needed because there is currently a shortage of pre-schools.

Ms. Prestwich confirmed for Commissioner Holbrook that there will never be more than 10 children at one time. She will be running a morning track (9:00-12:00) with a 30-minute break and an afternoon track (12:30-3:30). There will be no other employees.

Mr. Boudrero said the parking requirement is at least two (2) off-street which can be accommodated in her driveway. There are also right-of-ways on 600 South and 280 East which provide good locations for loading zones. The staff does not anticipate any traffic problems or safety issues.

Commissioner Heaps said she has had experience with a daycare where they were not allowed to pull into the driveway. Mr. Boudrero said that is a condition that can be required by the Commission if they feel it would be necessary.

MOTION: Motion by Commissioner Bell to **approve** the “Home Child Care or Preschool” Conditional Use Permit application by Torie Prestwich to operate the Sunshine Academy Preschool at 613 South 280 East. Parcel Number 08-210-0027. Zoned R-1-10 (Single-Family Residential 10,000 Square Feet) with the stipulation that vehicles do not park in the driveway. Commissioner Holbrook seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Anderson, Bell, Freidenberger, Heaps, Holbrook, Higginbotham, Reis

Public Hearing for the purpose of discussing Ordinance 23-26, an ordinance rezoning Cache County Parcel Number 08-117-0007 from CC (Community Commercial) to GC (General Commercial). The parcel is located at 869 South Main and is 0.68 acres.

Jess and Brooke Roberts with Skin Haus Salon are requesting a rezone from the Community Commercial (CC) to the General Commercial (GC) zone. The requested zone change will allow them to have a tattoo shop with the current beauty salon. The property is being leased to Skin Haus LLC and Liam’s Card & Games. Liam’s will still be an allowed use. There are currently no residential units within the surrounding businesses. The Roberts have received authorization from the property owner for the requested rezone.

Mr. Boudrero said the only difference between the CC and GC zones is that CC allows for attached residential units, however, there are no existing residential units in this area. The change of zone will allow for tattoo uses.

6:46 Public Hearing Opened

Jess Roberts said this is broader than just tattoos, it will allow for the spa aestheticians to provide cosmetic procedures such as permanent makeup and microblading. With the recent changes within the LDS religion, there has been an influx of customers. The rezone will allow for many different services in an inviting atmosphere.

6:49 Public Hearing Closed

Discussion and possible vote on Ordinance 23-26.

Commissioner Higginbotham asked if tenants are allowed to apply for a zone change. Mr. Boudrero said the owner has given written permission for the request. This change will not affect any of the other businesses on this parcel. The Use Matrix lists two types of uses- tattoo shops and beauty salons. Beauty is a permitted use, but tattoo shop is not permitted in the CC zone. Commissioner Higginbotham asked why tattoo use is not allowed in the CC zone. Commissioner Anderson said the initial reasoning is that tattoo shops were considered an 18+ business.

Mr. Boudrero said the City Council has been discussing whether tattoo and permanent cosmetology should be separate uses so that they can be better differentiated. This business will be offering multiple services.

MOTION: Motion by Commissioner Anderson to **forward a recommendation of approval to the City Council** for Ordinance 23-26, an ordinance rezoning Cache County Parcel Number 08-117-0007 from CC (Community Commercial) to GC (General Commercial). The parcel is located at 869 South Main and is 0.68 acres. Commissioner Freidenberger seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Anderson, Bell, Freidenberger, Heaps, Holbrook, Higginbotham, Reis

Public Hearing for the purpose of discussing Ordinance 23-25, an ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.04 “General Provisions”, adding in its entirety Section 16.04.090 “Subdivision Amendments”.

This ordinance will add a link to the state code in Section 16.04.090 that dictates the rules and methods for amending an existing subdivision. Reference to the link will ensure that updated requirements are met.

7:00 Public Hearing Opened

7:01 Public Hearing Closed

Discussion and possible vote on Ordinance 23-25.

MOTION: Motion by Commissioner Bell to **forward a recommendation of approval to the City Council** for Ordinance 23-25, an ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.04 “General Provisions”, adding in its entirety Section 16.04.090 “Subdivision Amendments”. Commissioner Reis seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Anderson, Bell, Freidenberger, Heaps, Holbrook, Higginbotham, Reis

Public Hearing for the purpose of discussing Ordinance 23-27, an ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.36 “Signs”, Section 17.36.060 “Permitted Signs: Permits Not Required”.

This ordinance will add verbiage in Section 17.36.060 to the time political or election signs can be installed prior to an election; *“Signs shall not be installed sooner than thirty (30) days before the Primary Election and/or General Election. Signs must be removed within seven (7) days after the Primary and General.”* It adds location perimeters in instances where there is no sidewalk; signs must be placed a minimum of ten feet (10’) from the edge of the road surface.

Mr. Boudrero said there are minor details about the time limitations before/after elections that are not stipulated. This will also address locations, especially areas where there is no sidewalk. The proposal will require them to be at least 10’ from the edge of the road. This year there have been more election signs than ever before.

Commissioner Anderson asked about the 10’ requirement and how that was determined. Mr. Boudrero said it was based on the average size of right-of-ways and the requirement that signs be placed on private property – 10’ was the best estimation. He confirmed for Commissioner Freidenberger that signs are not allowed in park strips.

7:03 Public Hearing Opened

Jon Wells said there are locations where there is no sidewalk, but there is a curb/gutter. He suggested adding the “edge of the road surface or top back of the curb”.

7:04 Public Hearing Closed

Discussion and possible vote on Ordinance 23-27.

Chairman Heaps asked if the both terms “political/election” are needed. Commissioner Reis said both should be kept, there could be political signs such as bond election information.

Commissioner Anderson asked what the penalty for non-compliance would be. Mr. Boudrero said staff will have the sign(s) removed.

Mr. Boudrero said the curb and gutter were taken into consideration for the 10’ regardless of whether measured from the edge of the road surface or the top back of the curb.

Commissioner Higginbotham asked about fences located against the sidewalk. Mr. Boudrero said signs are legal on fences (which are private property).

Commissioner Higginbotham said there could be some misinterpretation of the time (e.g., that it is an inclusive period between the primary and general election). He suggested adding a sentence for the primary election and a separate sentence for the general election to provide more clarity.

Signs shall not be installed sooner than thirty (30) days before the Primary Election and removed within seven (7) days after the Primary Election.

Signs shall not be installed sooner than thirty (30) days before the General Election and removed within seven (7) days after the General Election.

MOTION: Motion by Commissioner Higginbotham to forward a recommendation of approval to the City Council for Ordinance 23-27, an ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.36 “Signs”, Section 17.36.060 “Permitted Signs: Permits Not Required”. *With the change as discussed above to break out the timeline for each election.* Commissioner Freidenberger seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Anderson Bell, Freidenberger, Heaps, Holbrook, Higginbotham, Reis

Public Hearing for the purpose of discussing Ordinance 23-28, an ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.12 “Final Plats”, Section 16.12.030 “Preparation and Required Information” and Title 17 “Zoning Regulations”, Chapter 17.89 “Mixed-Use Overlay Zone”, Section 17.89.110 “Screening”.

This ordinance removes the phrase in Section 17.89.110 “~~and shall be located as per the Logan City Environmental Department~~”. It also removes from Section 16.12.030 G “~~The locations for the placement for garbage receptacles. A letter from the Logan City Environmental Department approving the location(s) shall be included with the final plat.~~”

Logan City will not be doing garbage collection for Smithfield City. This is a housekeeping item to change the wording in the code.

7:15 Public Hearing Opened

7:16 Public Hearing Closed

Discussion and possible vote on Ordinance 23-28.

Mr. Boudrero answered for Commissioner Bell that staff did not see the need to put the new waste management title in because Smithfield City will be the entity making all the decisions.

MOTION: Motion by Commissioner Higginbotham to **forward a recommendation of approval to the City Council** for Ordinance 23-28, an ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.12 “Final Plats”, Section 16.12.030 “Preparation and Required Information” and Title 17 “Zoning Regulations”, Chapter 17.89 “Mixed-Use Overlay Zone”, Section 17.89.110 “Screening”. Commissioner Bell seconded the motion. **Motion approved (7-0).**

Vote:

Aye: Anderson Bell, Freidenberger, Heaps, Holbrook, Higginbotham, Reis

OTHER

Mr. Boudrero there will be many new state laws that will need to be implemented into the current code. He also said interviews are being held for a new City Manager.

MEETING ADJOURNED at 7:21 p.m.

Minutes submitted by Debbie Zilles

Planning Commission Chairman