SMITHFIELD CITY
PLANNING COMMISSION MINUTES
November 20, 2024

The Planning Commission of Smithfield City met in the City Council Chambers at 96 South Main, Smithfield, Utah, at 6:30 p.m. on Wednesday, November 20, 2024.

Members Present: Jamie Anderson, Katie Bell, Brooke Freidenberger, Bob Holbrook, Jim Marshall, Chris Olsen, Stuart Reis

Alternate Members Present: Sarah Price

Members Excused: Lazaro Soto

City Staff: Justin Lewis, Brian Boudrero, Kenzie Nelson

Others in Attendance: Lee Helms, Dixie & Rolf Neugebauer, Nan King, Caralee Stokes, Jesse Vega

6:30 p.m. Meeting called to order by Chairman Anderson

Consideration of consent agenda and approval of meeting minutes

After consideration by the Commission, Chairman Anderson declared the minutes from the October 16, 2024 meeting to stand as submitted.

RESIDENT INPUT

No public comment.

AGENDA ITEMS

Discussion and possible vote on the request by Jesse Vega for approval of the Final Plat for the birch Creek business Park, Phase 1, an (11) lot/unit subdivision located at 475 West 600 South. Zoned GC (General Commercial)

Jesse Vega explained that they are requesting approval of a final plat for the first phase of a commercial subdivision on a (4) four-acre property located at 475 West 600 South. They have submitted a final plat, final application, and construction drawings. All applicable requirements have been met. The existing building (west side) will remain one parcel; the new building will be subdivided into separate parcel numbers so they can be sold or rented individually or as an entire building. This first phase will be a 6-lot subdivision.

Mr. Boudrero clarified for Chairman Anderson that legal counsel recommended this would be the best way to do it, so it will be a (6) lot/unit subdivision rather than an (11) lot/unit subdivision as advertised on the agenda. The preliminary plat has been approved, and this will be the first of three phases.

Mr. Vega explained that the turnaround is temporary for Fire Department access. It lines up with the current lane, and it will be paved during Phase 2.

MOTION: Motion by Commissioner Holbrook to **approve** the request by Jesse Vega for approval of the Final Plat for the Birch Creek Business Park, Phase 1, a (6) lot/unit subdivision located at 475 West 600 South. Zoned GC (General Commercial) Commissioner Olsen seconded the motion. **Motion approved (7-0).**

Vote:
Yes: Anderson, Bell, Freidenberger, Holbrook, Olsen, Marshall, Reis
No Vote: None

Introduction and **Public Hearing** for the purpose of discussing Ordinance 24-26, an Ordinance rezoning Cache County Parcel Number 08-079-0008 from RA-1 (Residential Agricultural 1-Acre) to R-1-12 (Single-Family Residential 12,000 Square Feet). The parcel is located at approximately 450 West 400 North and is approximately 4.55 acres. The request was submitted by Smithfield City.

Mr. Lewis explained that Smithfield City is requesting a rezone for the property located at approximately 420 North 450 West. The parcel is currently used for agricultural purposes and needs a road connection conforming to the City Master Transportation Plan. The property has agricultural 10-acre properties to the north that have not been rezoned, but primarily residential and residential agricultural zones surround it. The property went up for sale a few months ago and the City Council authorized the purchase to secure the land for a future road connection from the west, east and north. The long-term plan is to construct a road connecting 440 North to 400 North. At this time, there is no official plat or proposed road design. The City Council has not decided what to do with the excess land once the road is completed. Tonight's consideration is only for a zone change to determine how to plan for the road and the associated expenses as there are no imminent plans at this time. The road will split the parcel, and the City believes R-1-12 would be the best type of zone for this parcel at this time.

Mr. Lewis noted that the City Council and staff are aware of the significant problems with the 400 North 400 West intersection. The long-term plan is for significant improvements as the road to the west is installed.

6:44 p.m. Public Hearing Opened

There were not any comments or questions.

6:45 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 24-26

Commissioner Marshall asked why the proposal is for a residential zone rather than an industrial-type zone. Mr. Boudrero said it is for the ability to subdivide the property.

Mr. Boudrero confirmed for Commissioner Freidenberger that there are no legal issues.

Mr. Boudrero pointed out that this connection is needed. The City Council determined that the best decision would be to purchase the property to ensure a road connection. It will meet all applicable city standards and requirements when installed.

Commissioner Freidenberger asked if this would increase the chance of getting a signal light at 400 North Main. Mr. Boudrero said he has not heard that UDOT (Utah Department of Transportation) is currently considering this. He reminded the Commission that tonight is only a rezone; no design plans exist.

Mr. Lewis answered Commissioner Reis that the city staff had an initial discussion with the property owner to the south and will be working with them.

Commissioner Olsen is happy to see the City proactively finding a solution.

MOTION: Motion by Commissioner Bell to **recommend approval** to the City Council for Ordinance 24-26, an Ordinance rezoning Cache County Parcel Number 08-079-0008 from RA-1 (Residential Agricultural 1-Acre) to R-1-12 (Single-Family Residential 12,000 Square Feet). The parcel is located at approximately 450 West 400 North and is approximately 4.55 acres. Smithfield City submitted the request. Commissioner Reis seconded the motion. **Motion approved (7-0).**

Vote:
Yes: Anderson, Bell, Freidenberger, Holbrook, Olsen, Marshall, Reis
No: None

Introduction and **Public Hearing** for the purpose of discussing Ordinance 24-25, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.81 “Master Planned Community (MPC) Zone”, Section 17.81.040 “Rezone Required”, and Chapter 17.88 “Planned Unit Developments”, Section 17.88.150 “Failure to Perform”.

Mr. Boudrero explained that this is a housekeeping item. The Master Plan Community and the Planned Unit Development Codes stipulate that the approved rezone directly corresponds with the approved preliminary plans. The current municipal code stipulates that if approved plans are unused, the City will start the rezone process to the previously existing zone. It is proposed that the current code be changed to remove the responsibility of rezoning from the city to the prospective developer in the case of unused plans. The wording will be altered in both the PMC and PUD sections. The suggested wording change is as follows:

17.81.040 Rezone Required

~~An~~ **The** approved MPC rezone directly corresponds to the approved preliminary plan(s). If said plan(s) are altered, modified or unused**, another rezone must be completed using the standard rezone process**. ~~the Smithfield City Planning Department shall start the process of rezoning to the original zoning classification which existed on the parcel(s) before the MPC rezone was approved~~.

17.88.150 Failure to Perform

The approved PUD rezone directly corresponds to the approved preliminary plan(s). If said plan(s) are altered, modified or unused**, another rezone must be completed using the standard rezone process**. ~~the Smithfield City Planning Department will start the process of rezoning the parcel(s) to the original zoning classification before the PUD overlay zone was approved.~~

6:52 p.m. Public Hearing Opened

There were not any comments or questions.

6:53 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 24-25

Mr. Boudrero clarified for Commissioner Freidenberger that plans for an MPC or PUD are tied to a rezone; if anything is proposed to be changed, or if the land is unused, a new rezone and plan must be approved.

Commissioner Olsen asked what the timeframe for unused would be. Mr. Boudrero said it is generally two years without any construction or improvements.

MOTION: Motion by Commissioner Freidenberger to **recommend approval** to the City Council for Ordinance 24-25 an Ordinance amending the Smithfield City Municipal Code Title 17 "Zoning Regulations", Chapter 17.81 "Master Planned Community (MPC) Zone", Section 17.81.040 "Rezone Required", and Chapter 17.88 "Planned Unit Developments", Section 17.88.150 "Failure to Perform". Commissioner Bell seconded the motion. **Motion approved (7-0).**

Vote:
Yes: Anderson, Bell, Freidenberger, Holbrook, Olsen, Marshall, Reis
No: None

OTHER

Mr. Lewis said recommendations from the city council, planning commission members and residents to develop a plan for better notification of upcoming projects have been received. The City currently meets all state requirements regarding public notification. Staff will begin parcel-specific mailings notifying adjacent property owners of projects near them in approximately January. During this time, the staff requests that Council and Commission members not reach out to residents or contact them directly so the City can determine if the system is effective and worth the extra time and money. The results will be presented to the Council and Commission to decide whether to continue or consider another plan down the road.

Commissioner Marshall asked what to do if someone reaches out to him directly and whether that would be considered ex-parte communication. Mr. Lewis said it would be fine to acknowledge that the comment has been received and a Commissioner can respond individually. If, for example, the entire Commission received an email, there

should not be back/forth discussions with all members involved. Mr. Boudrero encouraged members to have residents contact the City with specific questions to prevent miscommunication. Mr. Lewis reminded the Commission that emails can be requested in a GRAMA request.

MEETING ADJOURNED at 7:05 p.m.

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Jamie Anderson, Chairman

SMITHFIELD CITY CORPORATION
96 South Main
Smithfield, UT 84335

AGENDA

Public notice is given that the Smithfield Planning Commission will meet in a regularly scheduled meeting at 96 South Main, Smithfield, Utah, on Wednesday, Oct. 16, 2024. The meeting will begin at 6:30 p.m.
Welcome/Pledge of Allegiance and/or thought/prayer

1. Approval of Planning Commission Meeting Minutes from September 18, 2024.

2. Resident Input

3. Discussion and possible vote on the request by Jesse Vega for approval of the Final Plat for the Birch Creek Business Park, Phase 1, an (11) lot/unit subdivision located at 475 West 600 South. Zoned GC (General Commercial).

4. Introduction and Public Hearing for the purpose of discussing Ordinance 24-26, an Ordinance rezoning Cache County Parcel Number 08-079-0008 from RA-1 (Residential Agricultural 1-Acre) to R-1-12 (Single-Family Residential 12,000 Square Feet). The parcel is located at approximately 450 West 400 North and is approximately 4.55 acres. The request was submitted by Smithfield City.

5. Discussion and possible vote on Ordinance 24-26

6. Introduction and Public Hearing for the purpose of discussing Ordinance 24-25, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.81 “Master Planned Community (MPC) Zone, Section 17.81.040 “Rezone Required”, and Chapter 17.88 “Planned Unit Developments”, Section 17.88.150 “Failure to Perform”.

7. Discussion and possible vote on Ordinance 24-25

Adjournment

*****Items on the agenda may be considered earlier than shown on the agenda*****

In accordance with the Americans with Disabilities Act, individuals needing special accommodation for this meeting should contact the City Recorder at (435) 792-7997 at least three (3) days before the date of the meeting.