



SMITHFIELD CITY PLANNING COMMISSION MINUTES May 20, 2020

The Planning Commission of Smithfield City met in the City Council Chambers
96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, May 20, 2020

The following members were present constituting a quorum:

Chairman: Andrew Soelberg

Members: Katie Bell, Hutch Daniels, Scott Gibbons, Jasilyn Heaps, Stuart Reis,
Juli Weber

Zoning Administrator: Brian Boudrero

City Councilmember: Jon Wells

Mayor: Jeff Barnes

Attendance: Brooke Friedenberger (Alternate Commissioner), Bryce Goodin, Jeff
Anderson, Josh Runhaar, Travis Johnson, Debbie Zilles

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

Consideration of consent agenda and approval of meeting minutes

After consideration by the Commission, Chairman Soelberg declared the meeting
agenda and the minutes from the March 18, 2020 meeting to stand as submitted.

RESIDENT INPUT - None

AGENDA ITEMS

Public Hearing the purpose of discussing Ordinance 20-15, an Ordinance rezoning
Parcel Number 08-119-0020 from A-10 (Agricultural – 10 Acre) to R-1-10 (Single
Family Residential 10,000 Square Feet). The parcel is located at approximately 340
East 600 South and is 8.96 acres.

6:35 p.m. Public Hearing Opened

6:36 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-15.

Chairman Soelberg confirmed for Commissioner Weber that the park placement is proposed to be in the southeast part.

Bryce Goodin clarified for Commissioner Weber that there will be approximately 31 lots (.2 acre lots) in this new section with two accesses.

MOTION: Motion made by Commissioner Gibbons to forward a recommendation to the City Council to **approve** Ordinance 20-15, an Ordinance rezoning Parcel Number 08-119-0020 from A-10 (Agricultural – 10 Acre) to R-1-10 (Single-Family Residential 10,000 Square Feet). The parcel is located at approximately 340 East 600 South and is 8.96 acres. Commissioner Daniels seconded the motion.

Motion approved (7-0).

Vote:

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

Discussion and possible vote on the request by VHST, LLC for approval of the Preliminary Plat for Fox Meadows 4, a (29) lot/unit subdivision located at approximately 770 West 300 North. Zoned R-1-10.

Mr. Goodin confirmed for Commissioner Heaps that there will be no driveways on Saddleback Road, they will all be facing the north and south roads.

Brooke Friedenberger asked about the septic system. Mr. Goodin said it will flow into the lift station, the same as Phase 2 and 3, and it will be noted on the final plat as has been done in the other phases.

MOTION: Motion made by Commissioner Heaps to **approve** the request by VHST, LLC, for approval of the Preliminary Plat for Fox Meadows 4, a (29) lot/unit subdivision located at approximately 770 West 300 North. Zoned R-1-10. Commissioner Daniels seconded the motion. **Motion approved (7-0).**

Vote:

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

Discussion and possible vote on the request by Bryce Goodin, for approval of the Preliminary Plat for Smithfield Meadows, a (6) lot/unit subdivision located at approximately 400 North 100 West. Zoned R-1-10.

Commissioner Reis asked about the lot on the northeast corner of the cul-de-sac (lot 3). Mr. Goodin said it will likely be extra landscaped area due to the layout of the lots.

Mr. Goodin confirmed for Commissioner Gibbons that the canal will remain open. Because it is in the back yards, it meets the City Ordinance.

Chairman Soelberg asked about the area on the west side of the canal. Mr. Bodily said that is the City, the developer will put in a sidewalk along the property that adjoins it.

Continued discussion and possible vote on Ordinance 20-10, an Ordinance rezoning Parcel Numbers 08-118-0011 and 08-118-0014 from A-3 (Agricultural – 3 Acre) and R-1-10 (Single Family Residential 10,000 Square Feet) to CC (Community Commercial). The parcels are located at approximately 75 East 600 South and total 4.03 acres.

Mr. Wells confirmed for Chairman Soelberg that this was tabled from the March 18, 2020 meeting “*with the understanding that it will be addressed on, or before, September 30, 2020*”. Mr. Wells explained that projects can be continued to the next regularly-scheduled meeting. In order to table it longer, there would have to be a moratorium put in place by City Council, otherwise, the applicant can request that action be taken on the request based on the Ordinance at the time of the application.

Commissioner Bell reached out to other cities in the Valley, as well as in the Ogden and Salt Lake areas and received negative reviews about overlay zones in general. The biggest challenge is the inability to foresee or anticipate everything. Overlays are generally too broad to work effectively. The overwhelming suggestion was to limit what could be done, rather than add more uses. For example, Logan City has an Historic District Overlay along Main Street, which is more restrictive than the underlying zone, and helps regulate building facade changes. She suggested either making another zone or finding ways to regulate it in another way. She does not have a problem with a Mixed-Use Zone, her concern is with a Commercial Zone having an overlay that allows for mixed use.

Commissioner Gibbons noted that although the corner lot is currently Community Commercial (CC), the request to change all the A-3 and R-1-10 to CC does not fit. He would rather see it as R-1-10 or multi-family. Chairman Soelberg pointed out the Future Land Use Map calls the area out to be Medium Density Residential (MDR).

Commissioner Bell is concerned that commercial could have large trucks mixed in with residences. Commissioner Gibbons said his concern is more of a planning issue related to the adjacent uses, his preference would be to follow the Master Plan.

Travis Johnson said the goal is to readjust the boundary lines so as not to violate the current ordinance of prohibiting more than one zone within one lot. The commercial element is anticipated to be only a strip along 600 South. As an agent for the property owners, his duty is to get the most money for the use of the property and commercial is worth more, but they also want to have it function well with the adjacent properties.

Commissioner Bell is fine with commercial along 600 South, but if the entire area is changed, it would leave a lot of “gray area” after this step. She questioned how it could be ensured that it would be rezoned after the boundary lines were adjusted.

Mr. Johnson clarified for Commissioner Weber that the goal is for some of the property to be mixed use (office and residential spaces).

Ms. Friedenberger asked about possible access points. Chairman Soelberg advised that is outside of the scope of discussion at this point; the request is only consideration for a zone change.

Mr. Bodily explained that the issue is that the City does not allow multiple zones on a single lot. He recommended doing a boundary line adjustment and then requesting a rezone based on the new lot lines. Mr. Johnson asked if there would be any repercussions with changing the boundary lines and having two zones on one lot; Mr. Bodily said a building permit would not be allowed to be issued until it was resolved.

Commissioner Gibbons said his challenge is changing the entire large parcel (08-118-0011) to Community Commercial. He would like to see the existing parcels better defined.

Chairman Soelberg pointed out that Community Commercial (CC) for that entire section (all three parcels) does not fit with the General Plan. He thinks the best recourse would be to adjust the boundaries and then apply for a zone change for the small section of CC area.

MOTION: Motion made by Commissioner Gibbons to forward a recommendation to the City Council to **deny** Ordinance 20-10, an Ordinance rezoning Parcel Numbers 08-118-0011 and 08-118-0014 from A-3 (Agricultural – 3 Acre) and R-1-10 (Single Family Residential 10,000 Square Feet) to CC (Community Commercial). The parcels are located at approximately 75 East 600 South and total 4.03 acres. Commissioner Reis seconded the motion. **Motion approved (7-0).**

Vote:

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

Public Hearing for the purpose of discussing Ordinance 20-17, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”; amending Chapter 17.120 “Use Matrix Table”, Section 17.120.010 “Use Allowance Matrix”.

7:06 p.m. Public Hearing Opened

7:07 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-17.

Chairman Soelberg explained that the request would be to allow CBD Production, which was previously not allowed in the land use matrix, and determine which zones it would be permitted in.

Mr. Wells suggested having this require a conditional use permit, rather than be a permitted use, especially because the Gateway is more sensitive. Mr. Gibbons agreed and suggested not allowing it in the Gateway or Mixed-Use Overlay Zones.

The Commission agreed to the following changes:

Cannabidiol (CBD) Oil Production

Cannabidiol (CBD) Oil Production shall be permitted **conditional** in the following zones: CB, CC, GC, M-1, A, ~~Gateway Overlay, and Mixed-use Overlay.~~

Cannabidiol (CBD) Oil Production shall not be permitted in the following zones: RA, R-1, RM, I-1, **Gateway Overlay, and Mixed-Use Overlay.**

MOTION: Motion made by Commissioner Soelberg to forward a recommendation to the City Council to **approve** Ordinance 20-17, an Ordinance amending Smithfield City Municipal Code Title 17 “Zoning Regulations”; amending Chapter 17.120 “Use Matrix Table”, Section 17.120.010 “Use Allowance Matrix” with the change to a conditional use and not permitted in the Gateway or Mixed-Use Overlay zones. Commissioner Weber seconded the motion. **Motion approved (7-0).**

Vote:

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

Public Hearing for the purpose of discussing Ordinance 20-14, an Ordinance amending the Construction & Design Standards Part I “Design Standards”, Section 7.0 “Sanitary Sewer Design”.

7:12 p.m. Public Hearing Opened

7:13 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-14.

Mr. Bodily explained that the removal of ~~Subdivisions of three (3) lots or less which are located in a residential zone or agricultural zone with all lots situated in excess of three hundred feet (300') from an existing sewer collection system and outside the limits of the source protection zone 2 for Municipal culinary sources, and which would require pumping of the sewage due to unavoidable topography or grade may utilize individual sewage septic systems as a means of sewage treatment, if and, as approved by the Health Department.~~ is so that there is no longer an option to not hook into the current sewer system.

MOTION: Motion made by Commissioner Gibbons to forward a recommendation to the City Council to **approve** Ordinance 20-14, an Ordinance amending the Construction & Design Standards Part I “Design Standards”, Section 7.0 “Sanitary Sewer Design”. Commissioner Heaps seconded the motion. **Motion approved (7-0).**

Vote:

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

Initial discussion on Ordinance 20-16, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Section 17.89.010 “Objectives and Purposes” and 17.89.050 “Maximum Lot Coverage”.

Mr. Bodily said the changes (indicated in the document in yellow highlight) are a result of suggestions from Councilmember Wells and Councilmember Anderson.

Chairman Soelberg wondered if this overlay will create more problems than it solves, as Commissioner Bell mentioned earlier.

Commissioner Weber said if zones are pre-defined, she does not understand why an overlay could be applied. Commissioner Bell understands the reason and purpose; however, the proposed 25% commercial makes her a little nervous, she would prefer it to be higher.

Commissioner Gibbons said there might be some things that may have to be changed, however, if well-defined, it could be quite beneficial and utilized well. He suggested a higher percentage of commercial (33%). He agrees with the proposed area.

Commissioner Bell said one of the reasons other cities indicated difficulty with an overlay is because of the many requests to change existing lots into an overlay. Chairman Soelberg said the area is clearly defined in this ordinance.

Ms. Friedenberger asked about a way to ensure that parking will not become an issue. Chairman Soelberg said there is a parking ordinance that would need to be followed. Commissioner Gibbons pointed out that there will be an opportunity for the Commission to review the project during the preliminary and final plat stages.

Commissioner Heaps agreed that the specifics can be adjusted as needed. She does not have an issue with it being an overlay zone because it can provide a balance of opportunities and restrictions. She suggested taking a close look at the land use matrix to ensure what is being allowed and permitted is what is wanted within this overlay

Commissioner Weber asked about the reason for it being allowed all the way to 1000 South; Mr. Wells explained that one of the main reasons is to allow a good opportunity for change along Main Street. Chairman Soelberg said that this will allow things along the west side to be updated over time.

Ms. Friedenberger asked if the goal for mixed-use in this area is for affordable housing around bus stops; how that would it affect traffic on Main Street. It seems like putting the residential on Main Street, instead of having access on 100 South and separating it might be better for the residents.

Commissioner Weber said she does not know how likely mixed-use will work along Main Street. Commissioner Gibbons said this overlay only provides an option if the property owner wants it.

Ms. Friedenberger asked if there have been requests for this; Chairman Soelberg said the City wants to address where this overlay could be used best and what type of uses would be allowed.

Commissioner Bell said this will help enable the City to help provide more opportunities to update properties along Main Street.

Commissioner Heaps said a good example of this is Main Street in Bountiful. This can be done well with proper planning and foresight. If walkability is important, it should be considered in other downtown areas.

Commissioner Daniels said businesses could be busy with less traffic if there are commercial services nearby.

Commissioner Heaps said this is a good first step and recommended reviewing the land use matrix to ensure all possible uses are right. The broader solution is to be very specific about the type of allowed uses within the commercial component.

Chairman Soelberg suggest increasing the commercial to 33% minimum. The Commission agreed.

Mr. Wells questioned whether the maximum lot coverage should read “more than ten (10) **dwelling** units per acre”. Commissioner Gibbons questioned whether it should be defined as dwelling units if commercial is allowed. Mr. Wells said the underlying CC zone allows for residential, but it must be part of the commercial structure and cannot be more than 50% of the square footage. He said generally the footprint of commercial space can be considerably smaller than residential space. The residential component requires certain amenities that the commercial component will not have. The building code has a minimum square footage requirement for a residential space. The idea is not to take up the entire lot space with structures. Chairman Soelberg said the percentages will limit how much space can be used for each component.

Mr. Bodily confirmed for Ms. Friedenberger that the maximum allowed height of a building is 35' (which is equal to ~3 stories).

The Commission approved the following change:

17.89.010 OBJECTIVES AND PURPOSES

A. The purposes of the MU overlay zone are to provide areas in the city for a mix of uses, including mixed-use developments with commercial, institutional, office and service uses apportioned on-site in a manner sensitive to the street environment and adjacent uses; to support an urban village where amenities are focused on a local main street; to encourage and support transit-oriented development by allowing transit supportive density, where desired; and to enhance the accessibility of the area and the Gateway Overlay Zone. **The area is defined as being from 400 North Main Street to 1000 South Main Street and is to be extended no deeper than 330 ft. from Main Street on either side (east/west).**

D. The MU Overlay Zone requires a minimum of ~~25%~~ 33% of all indoor floor space to be commercial or retail use.

17.89.050 MAXIMUM LOT COVERAGE

In a MU overlay zone, buildings shall not occupy more than sixty-five percent (65%) of the lot area **or more than ten (10) units per acre.**

MOTION: Motion made by Commissioner Gibbons to forward a recommendation to the City Council to **approve** Ordinance 20-16, an Ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Section 17.89.010 “Objectives and Purposes” and 17.89.050 “Maximum Lot Coverage” with the change to “..33% of all indoor floor space to be commercial or retail space”. Commissioner Daniels seconded the motion. **Motion approved (7-0).**

Vote:

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

Continued discussion and possible vote of Ordinance 19-15, an Ordinance adding, in its entirety, to the current Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.81 “MPC Zone”, Sections 17.81.010 “Purpose”, 17.81.020 “Allowed Uses”, 17.81.030 “Definitions”, 17.81.040 “Rezone Required”, 17.81.050 “Development Standards”, 17.81.060 “Open Space”, 17.81.070 “Streets Circulation & Parking”, 17.81.080 “Walking/Biking Trails”, 17.81.090 “Landscaping”, 17.81.100 “Density Bonuses”, 17.81.110 “Approval Process”, 17.81.120 “Failure to Progress”, 17.81.130 “Development Agreement”, and 17.81.140 “Modification of Approved Plan”.

Chairman Soelberg said any change, more than 5%, would have to go through the entire approval process. Changes below 5% would only require final plat approval. Mr. Wells said this could include changes such as boundary line adjustments or size of lots.

Commissioner Gibbons said the idea of the MPC is to let the developers have more density. These would be well-planned, higher-density, master planned communities.

Mr. Bodily pointed out that the state has come out with a new law that says you cannot require the whole subdivision to go through the entire process if there is only one lot change.

The Commission approved the following change:

Add: **17.81.140 Modification to Approved MPC.** ~~If a developer desire to modify less than five percent (5%) of the approved gross project size after a final MPC plan has been approved, they may do so by presenting a modified final plan to the Planning Commission for their recommendation to the City Council, who shall approve or deny the modification. Modifications in excess of five percent (5%) shall require the adherence to all steps of the approval process, including concept, preliminary, final and the execution of a modified development agreement.~~ **Modifications shall be reviewed by the City Council per State code.**

The Commission asked Mr. Bodily to review the following section:

17.81.110 - (D) 11. **An acknowledgement that all water distribution and sewage collection main lines are the property and responsibility of the City. All storm sewer lines and appurtenances are the property and responsibility of the City, except landscaped areas that have been established and set aside for stormwater retention or detention, the maintenance of which shall be the responsibility of the Developer.**

Ms. Friedenberger advised that one reason for the change of sidewalks to 8 ft. is to increase the amount of grant money that can be awarded.

Mr. Wells explained that recreation facilities are not a required element, however, if they are added, the project could qualify for a density bonus. He suggested that open space and trails not be counted as a recreation facility.

The Commission agreed to the following changes:

Modify 17.81.070 Streets (Table)

Trails/Bicycle Circulation	Sidewalks less than 8 ft. wide do not count as pedestrian/bike trails.	2% density bonus for each 1% of the gross project size dedicated to trails.	10
Recreation Facilities	Provide recreational facilities, such as playground equipment, swimming pools, recreation centers, etc. Open Space and trails do not count as Recreational Facilities.	(Cost of recreation facilities/total project cost)* 0.8=density bonus	10

Change 17.81.070 Streets:

~~D. Right-of-Way Width, Alley: Alleys which are used solely for the purpose of accessing garages shall not be constructed to less than a 26' total width. IN no case shall any public utilities be located within an alley. An exception may be made for storm drain lines, at the discretion and approval of Smithfield City. Refer to the City Ordinance.~~

The Commission asked Mr. Boudrero to review the following sections:

17.81.060 Open Space

B. In exchange for an increase in the amount of open space provided, developers may reduce the required percentage of single-family detached housing. The reduction shall equal to the increase in open space (e.g., an additional 5% open space would decrease the required single-family detached housing to 55%). In no case shall the single-family detached housing drop below 50% of the total required housing units.

17.81.050 Development Standards

C. 2. Developers may reduce the percentage of required single-family detached housing, in exchange for an increase in open space, as outlined in SMC 17.81.060. In no case shall the percentage of single-family detached housing be less than fifty percent (50%) of the total required housing units.

$$\text{Net Acreage} * 6 = \text{Base \# of dwelling units}$$

Discussion of Ordinance 19-15 will be continued at the next meeting.

MEETING ADJOURNED at 8:10 p.m.

Minutes submitted by Debbie Zilles

Andrew Soelberg, Chairperson