



SMITHFIELD CITY PLANNING COMMISSION MINUTES October 21, 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, October 21, 2020

The following members were present constituting a quorum:

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

City Staff: Clay Bodily, Brian Boudrero, Jon Wells, Mayor Jeff Barnes

Others in Attendance: John & Kristi Berryhill, Bryce Goodin (Visionary Homes), Josh Runhaar, David Frandsen, Bob Holbrook, Ken Poulsen, Riley & Katie Duke, Glade Smith, Dave Harper, Rigo Chaparro, Brian Higginbotham, Betty Dance, Kristen Black, Rick Black, Debbie Zilles

6:30 p.m. Meeting called to order by Commissioner Gibbons

Consideration of consent agenda and approval of meeting minutes

After consideration by the Commission, Commissioner Gibbons declared the meeting agenda and the minutes from the September 16, 2020 meeting to stand as submitted.

RESIDENT INPUT - None

AGENDA ITEMS

Selection of Chair & Vice-Chair

Scott Gibbons was selected to serve as Chair and Jasilyn Heaps was selected to serve as Vice-Chair.

Discussion and possible vote on the request by Rigo Chaparro for approval of the Final Plat for Creek Side Crossing, a 3-lot/unit subdivision located at 64 South Main. Zoned CBD (Central Business District).

Mr. Chaparro answered for Councilmember Wells that the canal channel is on the property to the east, there is a maintenance easement. Mr. Bodily said the project has been through STRC and there are no concerns.

MOTION: Motion made by Commissioner Daniels to **approve** the request by Rigo Chaparro for approval of the Final Plat for Creek Side Crossing, a 3-lot/unit subdivision located at 64 South Main. Zoned CBD (Central Business District). Commissioner Freidenberger seconded the motion. **Motion approved (7-0).**

Vote:

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

Discussion and possible vote on the Conditional Use Permit request by Riley Duke for a density bonus at 229 North Main. Parcel Number 08-056-0017. Zoned RM (Multiple Family Residential).

Mr. Duke explained that this is a former trailer park, zoned Multi-Family Residential and is 1.1 acres with an existing duplex. They are proposing 10 new townhome units for a total of 12 based on a 10% parking density bonus as outlined in Smithfield Code 17.60.030 (C). Mr. Boudrero explained that density bonuses are allowed for certain things.

Mr. Duke answered for Commissioner Heaps that the existing duplex has a 2-car garage.

Mr. Boudrero confirmed for Commissioner Freidenberger that access is from Main Street.

Commissioner Weber asked about the driveway next to the parcel. Mr. Duke said there is a court order for a right-of-way through that area. Chairman Gibbons pointed out that this is not being rezoned, only whether a Conditional Use Permit will be allowed.

Mr. Wells asked about guest parking (the ordinance requires 25%). Mr. Duke said there are five (5) designated guest parking spaces and provided an updated plat outlining where the stalls will be located. Mr. Boudrero said the guest parking, as proposed, meets the requirement.

MOTION: Motion made by Commissioner Bell to **approve** the Conditional Use Permit request by Riley Duke for a density bonus at 229 North Main. Parcel Number 08-056-0017. Zoned RM (Multiple Family Residential). Commissioner Weber seconded the motion. **Motion approved (7-0).**

Vote:

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

Public Hearing, no sooner than 7:00 p.m., for the purpose of discussing Ordinance 20-26, an ordinance rezoning Parcel Numbers 08-042-0007, 08-042-0023 & 08-042-0022 from A-10 (Agricultural 10-Acre) to R-1-10 (Single-Family Residential 10,000 Square Feet). The parcels are located northeast of 800 West Saddleback Road and total approximately 50.75 acres

7:05 p.m. Public Hearing Opened

Rick Black lives on the corner 600 North 800 West and this development will impact the quality of his life. He moved there for a reason and would like to maintain the character. He understands the need for growth. He is retired and unable to move and is concerned about traffic, noise and congestion in the area.. It is still an agricultural area and people who farm will be forced to travel City streets with their farm equipment. He asked the Commission to carefully consider the decision to allow dense housing in this area.

Kristen Black understands the need for growth, but when a City borders County land, she asked the Commission to be mindful about the size of lots and the type of housing that will be put next to existing homes.

7:11 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-26

Mr. Bodily confirmed that the proposed lots are .25 acres. Chairman Gibbons pointed out the area on the map. The property to the west of 800 West is a City-owned lot for storage and fire department training. Mr. Wells said 800 West will be the access road.. Mr. Boudrero showed the Future Land Use Map, the area around this fits with an R-1-10 request as part of the City's Master Plan.

Mr. Bodily answered for Commissioner Freidenberger that this area has been vetted. There will be a water model analysis submitted when a plat is designed. The Subdivision Technical Review Committee (STRC) includes individuals from different departments who carefully review the application and determine what is required. If a subdivision application is received, an outside consultant will examine the water model analysis.

Chairman Gibbons noted that that Erin Campbell sent in a letter that was received prior to the meeting expressing concerns.

Commissioner Daniels said the area is already quite congested, he would like to see larger lots and less traffic.

Bryce Goodin, with Visionary Homes, said this will be extending the project to the south (currently on the fourth phase). The first three phases had 75 lots sell. This seems to be the "sweet spot" in the housing market. A lot of people do not want large lots to take care of. 800 West is planned to be a 66' right-of-way and so is Saddleback Road. The plan is to realign and create an intersection when it is finished. 600 West will continue north. Once everything is done, there will be more access into and out of the area and less congestion. As part of the annexation, there was a condition that three (3) acres would be deeded to the City for park space.

Commissioner Freidenberger said her vision is that west Smithfield has always been "country", part of the beauty and variety of the area. She understands that the price point makes sense for homeowners, but once homes are in, the area loses that "open country feel"

Mr. Goodin said the future annexation plan can go all the way out to 1200 West. As it develops the road will have better traffic flow.

Glade Smith owns 2.6 acres on Saddleback Road; he asked how 400 North will be extended and whether it will affect his property.

The Commissioner reviewed the Future Transportation and Land Use Maps which were developed and approved by the City Council after quite bit of time and public participation. The Commission uses these tools to see if proposals fit with what has been planned.

Commissioner Weber stated that Utah Law is very clear that a landowner is entitled to an approval of a land use application if it complies with the City or Town's ordinance. The Commission's role is to ensure they are following the pre-established laws and ordinances.

MOTION: Motion made by Commissioner Bell to forward a recommendation to the City Council to **approve** Ordinance 20-26, an ordinance rezoning Parcel Numbers 08-042-0007, 08-042-0023 & 08-042-0022 from A-10 (Agricultural 10-Acre) to R-1-10 (Single-Family Residential 10,000 Square Feet). The parcels are located northeast of 800 West Saddleback Road and total approximately 50.75 acres. Commissioner Weber seconded the motion. **Motion approved (5-2).**

Vote:

Aye: Bell, Gibbons, Reis, Weber, Heaps

Nay: Freidenberger, Daniels

Discussion and possible vote on the request by Blue Ox Development for approval of the Preliminary Plat for The Cove, a 46-lot/unit subdivision located at approximately 30 South 1200 East. Zoned R-1-12 (Single-Family Residential 12,000 Square Feet).

Commissioner Freidenberger asked about a possible trail to the Bonneville Shoreline. Mr. Boudrero said there is nothing in the Code that requires one, however, there are ongoing discussions about it.

Commissioner Heaps asked if the streets need turnarounds. Mr. Bodily said if the road is over 150' it requires a paved turnaround. There are three (3) dead-end streets in this development, however, only one will be required to become a paved turnaround.

MOTION: Motion made by Commissioner Bell to **approve** the request by Blue Ox Development for approval of the Preliminary Plat for The Cove, a 46-lot/unit subdivision located at approximately 30 South 1200 East. Zoned R-1-12 (Single-Family Residential 12,000 Square Feet). Commissioner Freidenberger seconded the motion. **Motion approved (7-0).**

Vote:

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

Public Hearing, no sooner than 7:15 p.m., for the purpose of discussing Ordinance 20-27, an ordinance rezoning Parcel Numbers 08-044-0030, 08-044-0033, 08-044-0035, 08-044-0037, 08-044-0038, 08-044-0039, 08-044-0040, 08-211-0100 & 08-211-0000 from A-10 (Agricultural 10-Acre), R-1-12 (Single-Family Residential 12,000 Square Feet) and RA-1 (Residential Agricultural 1-Acre) to R-1-10 (Single-Family Residential 10,000 Square Feet). The parcels are located at approximately 400 East 600 North and total approximately 77.60 acres.

7:40 p.m. Public Hearing Opened

Dave Harper said everyone on the east side of 230 East has water problems, which have finally been settled. If they begin building, there could be more problems. .25-acre lots are not a good size.

7:42 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-27

Josh Runhaar said they want to rezone to R-1-10 with a PUD Overlay. Part of this area is located behind the City water tank; nothing will be built on the hill or on the part that the City owns. There will be areas of single-family house, senior housing and some multi-family homes. There are some steep slopes which will be worked through, there is also going to be active trails and a regional park. In order to build those amenities, they want to move mixed housing to the north and south.

Mr. Runhaar said 800 North is mostly on the gravel pit property to the north, the subdivision will feed out to 800 North.

Commissioner Reis asked about the water situation. Mr. Runhaar said there are a number of springs in the area as well as a defunct irrigation drain and has a 2" line that drains non-stop. They will work on capturing that flow further up and using it on green space. Lots on the west side will be senior housing, which will not have basements. When there is irrigation on the top of the area, it drains down. The water issues will be carefully reviewed and managed. There is an old pond that was used for irrigation that may still have some seepage issues.

Mr. Runhaar said the existing homeowner has been involved in the discussion and has asked for a paved access, which they have agreed to.

Commissioner Freidenberger asked about water pressure with the homes to the north. Mr. Runhaar said a lot of those homes are at the limit of pressure for the City. Chairman Gibbons said these issues will be addressed at the STRC stage before development can begin. He reminded the Commission that tonight's request is only for a zone change.

Mr. Runhaar said a rezone changes the law by changing the way the law is addressing the land. Chairman Gibbons pointed out that the final decision will be determined by the City Council. The Planning Commission determines if it fits in with the future land use.

Mr. Runhaar said they have been following the Master Planned Community Ordinance (which is not yet in effect). They think they can get the same result by using the current PUD Overlay – which allows for multiple housing types to be integrated into a project.

MOTION: Motion made by Commissioner Bell to forward a recommendation to the City Council to **approve** Ordinance 20-27, an ordinance rezoning Parcel Numbers 08-044-0030, 08-044-0033, 08-044-0035, 08-044-0037, 08-044-0038, 08-044-0039, 08-044-0040, 08-211-0100 & 08-211-0000 from A-10 (Agricultural 10-Acre), R-1-12 (Single-Family Residential 12,000 Square Feet) and RA-1 (Residential Agricultural 1-Acre) to R-1-10 (Single-Family Residential 10,000 Square Feet). The parcels are located at approximately 400 East 600 North and total approximately 77.60 acres. Commissioner Freidenberger seconded the motion. **Motion approved (7-0).**

Vote:

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

Public Hearing, no sooner than 7:30 p.m. for the purpose of discussing Ordinance 20-28, an ordinance rezoning Parcel Numbers 08-044-0034, 08-044-0084 & 08-064-0002 from A-10 (Agricultural 10-Acre) and RA-1 (Residential Agricultural 1-Acre) to RM (Multiple Family Residential). The parcels are located at approximately 400 East 600 North and total approximately 26.42 acres.

8:01 p.m. Public Hearing Opened

8:02 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-28

Mr. Boudrero provided Commission members with a master concept plan to help visualize the layout of the future development.

Mr. Runhaar said they are considering townhomes and twin homes to provide more options for housing. There are many young families who are unable to afford a home, this may give them lower price point choices. Increased density offers more amenities, which is often an attractive option. The plan is to have the multi-family buildings to the north (near the gravel area). There is a City water tank to the south and the west is already developed with R-1-10 townhomes. They have been working on and refining this project for quite a while. The PUD Overlay allows an opportunity for blending housing types which will create a more diverse community.

MOTION: Motion made by Commissioner Daniels to forward a recommendation to the City Council to **approve** Ordinance 20-28, an ordinance rezoning Parcel Numbers 08-044-0034, 08-044-0084 & 08-064-0002 from A-10 (Agricultural 10-Acre) and RA-1 (Residential Agricultural 1-Acre) to RM (Multiple Family Residential). The parcels are located at approximately 400 East 600 North and total approximately 26.42 acres. Commissioner Freidenberger seconded the motion. **Motion approved (6-1).**

Vote:

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

Nay: Gibbons

Public Hearing, no sooner than 7:45 p.m., for the purpose of discussing Ordinance 20-29, an ordinance rezoning Parcel Numbers 08-044-0030, 08-044-0033, 08-044-0034, 08-044-0035, 08-044-0037, 08-044-0038, 08-044-0039, 08-044-0040, 08-044-0084, 02-211-0000, 08-211-0100 & 08-064-0002 from RM (Multiple Family Residential) and R-1-10 (Single-Family Residential 10,000 Square Feet) to RM (PUD) (Multiple-Family Residential-Planned Unit Development Overlay Zone) and R-1-10 (PUD) (Single-Family Residential 10,000 Square Feet-Planned Unit Development Overlay Zone). The parcels are located at approximately 400 East 600 North and total approximately 104 acres.

8:11 p.m. Public Hearing Opened

8:12 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-29

Mr. Bodily said that the PUD Overlay allows for some variance with regards to setbacks which allows for planning for better connectivity and trails.

MOTION: Motion made by Commissioner Bell to forward a recommendation to the City Council to **approve** Ordinance 20-29, an ordinance rezoning Parcel Numbers 08-044-0030, 08-044-0033, 08-044-0034, 08-044-0035, 08-044-0037, 08-044-0038, 08-044-0039, 08-044-0040, 08-044-0084, 02-211-0000, 08-211-0100 & 08-064-0002 from RM (Multiple Family Residential) and R-1-10 (Single-Family Residential 10,000 Square Feet) to RM (PUD) (Multiple Family Residential-Planned Unit Development Overlay Zone) and R-1-10 (PUD) (Single-Family Residential 10,000 Square Feet-Planned Unit Development Overlay Zone). The parcels are located at approximately 400 East 600 North and total approximately 104 acres. Commissioner Daniels seconded the motion. **Motion approved (7-0).**

Vote:

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

Public Hearing, no sooner than 6:45 p.m. for the purpose of discussing Ordinance 20-25, an ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Section 17.040.070 “Definitions”, Section 17.14.060 “Regulations Regarding Feed and Housing Animals”, Section 17.14.030 “Number of Animals Permitted” and Title 16 “Subdivision Regulations”, Section 16.09.050 “Expiration of Preliminary Plat Approval”.

8:14 p.m. Public Hearing Opened

8:15 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-25

Mr. Boudrero explained that the changes are mostly minor cleanup.

17.040.070 – ALLEY: A “private” thoroughfare twenty-six (26’) in width. To make it consistent throughout the Code. Chairman Gibbons suggested adding “at least” 26’ in width to the sentence.

17.040.060 A. – remove the wording “and corralled”.

17.14.030 - The Animal Control officer said many people do not realize that chickens are handled in a separate ordinance, therefore a sentence pointing out that “Chickens (Domestic Fowl) are not included in this Section for Chickens (Domestic Fowl) see SMC 17.12.230.” was added.

16.09.050 - The expiration date of plats was changed to “eighteen (18) months” for consistency (as there were some references to 12 months).

MOTION: Motion made by Commissioner Gibbons to forward a recommendation to the City Council to **approve** Ordinance 20-25, an ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Section 17.040.070 “Definitions”, Section 17.14.060 “Regulations Regarding Feed and Housing Animals”, Section 17.14.030 “Number of Animals Permitted” and Title 16 “Subdivision Regulations”, Section 16.09.050 “Expiration of Preliminary Plat Approval” with the added wording of “*at least twenty-six (26’) in width*” to 17.040.070. Commissioner Daniels seconded the motion. **Motion approved (7-0).**

Vote:

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

Public Hearing, no sooner than 8:00 p.m. for the purpose of discussing Ordinance 20-30, an ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Section 17.16.040 “Nonconforming Uses; Substitution; Extension; Discontinuance” and Section 17.12.080 “Wall, Fence or Hedge”.

8:23 p.m. Public Hearing Opened

8:24 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 20-30

Mr. Bodily explained that the added wording to Section 17.12.080 helps clarify the fencing requirements.

A suggestion was made to change the beginning wording in the third and fourth sentences to “Commercial zones or development...” to read easier.

MOTION: Motion made by Commissioner Gibbons to forward a recommendation to the City Council to **approve** Ordinance 20-30, an ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Section 17.16.040 “Nonconforming Uses; Substitution; Extension; Discontinuance” and Section 17.12.080 “Wall, Fence or Hedge”. Commissioner Freidenberger seconded the motion. **Motion approved (7-0).**

Vote:

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

Discussion on proposed Ordinance 19-15, an ordinance adding in its entirety to the current Smithfield City Municipal code Title 17 “Zoning Regulations”, Chapter 17.82 Master Planned Community (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”.

MOTION: Motion made by Commissioner Daniels to **continue** discussion of Ordinance 19-15 to the next meeting. Commissioner Bell seconded the motion. **Motion approved (7-0)**.

Vote:

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

MEETING ADJOURNED at 8:35 p.m.

Minutes submitted by Debbie Zilles

Scott Gibbons, Chairman