



SMITHFIELD CITY PLANNING COMMISSION

City Council Chambers
96 South Main
Smithfield, Utah 84335

The Planning Commission of Smithfield City met in the City Council Chambers at 96 South Main, Smithfield, Utah at 7:00 p.m. on Wednesday, January 16, 2019

The following members were present constituting a quorum:

Chairperson: Andrew Soelberg

Members Present: Scott Gibbons
Jackie Hancock
Mason Niederhauser
Stephen Teuscher
Casey McCammon
Nathan Wright

Members Excused: Kelly Luthi

City Engineer: Clay Bodily
Deputy Recorder: Char Izatt
City Councilmember: Curtis Wall
Mayor: Jeff Barnes

OPENING CEREMONY

The Pledge of Allegiance was led by Don Barringer

ATTENDANCE

Don Barringer, Burke Smith, Devin Overly, Lynda Gittins, Joseph Gittins, Greg Gardner, Edith Lillywhite, Jeff Jackson, Kallie Brenchley, Ray Cheatham, Chelsey Noble, Erin Campbell, Steven Parkinson, Jamie Anderson, Wade Campbell, Erik Swensen, Angie Dubon, Danny Hansen, Jake Young, Cynthia Layne, Beth Larchar, Casey Hillyard, Valerie Emery, Marty Spicer, Jasilyn Heaps (Alternate Commissioner), Debbie Zilles

WORKSHOP SESSION: Video Training – Utah State Open & Public Meetings Act, Part 2 (2017) – David Church, General Counsel for the Utah League of Cities & Towns.

AGENDA ITEMS

Resident Input: None

Consideration of Consent Agenda and approval of December 19, 2018 Meeting Minutes: After consideration by the Commission, Chairperson Soelberg declared the meeting agenda approved and the minutes from the December 13, 2018 meeting to stand as submitted.

PUBLIC HEARING to consider a request by Visionary Homes 2018, LLC, agents for Square Top Inc. (formerly Lundberg, Johnson and Jacobsen Inc)., to **rezone** property located north of Birch Creek Elementary at approximately 250-300 North 800 West from A-10 (Agricultural -10 Acre) to R-1-10 (Single-Family Residential 10,000 SF), **Ordinance #19-02** (Parcels# 08-042-0008, 3.80 acres; 08-079-0001, 12.83 acres & 08-079-0018, 15.58 acres).

7:51 p.m. Public Hearing Opened

Lynda Gittins read a letter that she had submitted: “

“The great challenge of any rezone request is to balance the rights of the property owner(s) or their agent to do as they please with their property, while protecting the valid interests (business, homes, life-style, infrastructure, etc.) of neighbors and adjacent land owners.

This is particularly the case as Square Top Inc (formerly Lundberg, Johnson, Jacobsen) and agent Visionary Homes seek to rezone all 32 acres.

The declaration by any developer to “develop every square inch” of their property would seem to have little, if any, regard to the rights of the others or the effect on the neighborhood and community in general.

*We respectfully ask that the Planning Commission/City Council **NOT** approve the rezone of the entire 32 acres being requested, but rather consider creating a “buffer” area immediately south and west of the existing dairy and horse stables. Such action would allow landowners and neighbors to exist and operate in peace, without conflict and contention.*

Also, we firmly believe it would be wisdom for the Planning Commission and/or City Council to visit the boundary site between the proposed development and the operating agricultural entities. A visit would be beneficial and help everyone better understand the challenge. It may also bring about fresh ideas for a practical “buffer” area, such as creating some RA-2 lots immediately west and south of the operating agricultural businesses. Horses, small pastures, and hay fields found on RA-2 lots will make more compatible neighbors than homes on small lots.

Respectfully, will you please visit the site, as a commission/council, prior to making a decision?”

Don Barringer said he has no idea what is planned for the 32 acres being requested to be rezoned. He is not against development and understands the concerns and challenges. The need to accommodate growth is necessary, however, he said there should be no hurry in making a decision to push a project through. It is difficult for the neighbors to be comfortable without seeing a concept plan for what is being considered if the property is rezoned. A change in the area will likely cause a ripple effect and he would like to ensure that there will be adequate space, infrastructure and safety measures. A major concern is how to address Saddleback Road and other roads in the area; more people will increase traffic and affect safety. He encouraged the Commission to take time making a decision and to consider the idea of cluster-style housing that Mr. Jackson has discussed in previous meetings to allow for more areas of open space, parks and trails.

Greg Gardner has lived in the area for over 25 years. When Neighborhood Nonprofit recently developed, they asked for 90 homes, but were limited to 85 because of numerous concerns including roads, infrastructure, utilities, sewer and flooding. He has had problems with Comcast and power surges and questioned how more homes will affect this issue. Not all the promises with the Neighborhood Nonprofit development have been met; he encouraged the Commission to go back and review the notes for that project. Increased traffic will create a safety concern.

Ray Cheatham owns land that borders the subject property. He did not receive a notice about the meeting until yesterday and has heard many rumors about what might happen. He respects a property owner's right to develop property, however, as an adjacent neighbor he is concerned. He does not want to see lot sizes smaller than what is in the Neighborhood Nonprofit development. He would like to have further discussion and learn more about the plans for the area.

Joseph Gittins, owner of Double J Dairy Farm, encouraged the Commission to take time to carefully consider the request. He is protected by the Right to Farm Act and does not want to be a bad neighbor, however, he has no plans of changing the use of his land. His concern is that residents will be too close to his cattle. Just because an area has been master planned, does not mean that it must be developed all at one time.

Erik Swensen owns land that borders the subject property on the north and west. He moved into his home six years ago. He enjoys having the dairy nearby. He is not opposed to a rezone, however, he echoed the concerns that have been presented. He would like to see consideration toward more of a mixed-use development which would serve as a better transition buffer. Consideration needs to be given regarding the infrastructure and the sewer; another lift station needs to be put in to serve that many homes. Development of this area will be a catalyst for future development moving west and decisions on this project will be key.

Kallie Brenchley is concerned with safety for the many children in the area, especially with the possibility of increased traffic.

8:18 p.m. Public Hearing Closed

Jeff Jackson, from Visionary Homes, prefers mixed-use development with open space and clustered-style housing, however, that will take time to work out and put in place; in the meantime, the property owner would like to move ahead. He said the desire is not to develop every square inch as has been suggested. This is only a request for a rezone of the entire 32 acres. They will begin developing Phase I on the south end this summer and will continue with future phases, which will take years to complete. As zoning and ordinances continue to evolve, there may be a possibility to take advantage of alternative options for future development. There will be some engineering challenges that will have to be met. Often, more homes can be a catalyst for better services. He has had no "back door" dealings or agreements. This is the first stage of the process, before any designs can be planned. There are some natural extensions that can be used, such as the road to the west that is teed out toward 800 West, as well as another road to the north, putting in a cul-de-sac, similar to what is there, or tie into Saddleback Road. Affordability is a real challenge, the R-1-12 frontage requirement is 90' which requires a lot 133' deep, the R-1-10 frontage is 80' requiring 125' deep lot.

The optimal lot size for a mid-range home with a 3-car garage is 95' wide. Even though the R-1-10 zone allows for 80', it will not allow for a 3-car garage design. There have been discussions with staff about the need for a lift station and the question is whether to do it on a small or large scale (one station or more spread out). A plan cannot be put together until the zone is determined.

Chairperson Soelberg asked what the ideal lot size for a mixed-use, clustered design would be. Mr. Jackson said uses become more advantageous than lot sizes. He is not considering or proposing town homes, however, a good mixed-use project does require higher density. To keep a true mixed-use project all single-family residential would be a difficult challenge. A zone allowing 10-12 units/acre provides a flexible arrangement where open space and trails can be put in.

Commissioner Gibbons asked about Mr. Jackson's thoughts on the dairy. Mr. Jackson can understand Mr. Gittins concerns. Ideally, larger lots with animal rights around the dairy help protect everyone, however, that can be a challenge to negotiate because additional density would need to be picked up elsewhere. Commissioner Gibbons asked if rezoning the entire parcel to R-1-10 would restrict future development if mixed-use can be achieved. Mr. Jackson said there are 32 acres, each phase is usually 5-7 acres, which leaves ample ground to use for possible future mixed-use development.

Commissioner Teuscher pointed out that a rezone will still have to be approved by the City Council and any future development will need to be reviewed and approved.

Commissioner McCammon agreed that future plans will have the opportunity to be discussed, reviewed and approved; it does not make sense to zone the area in smaller chunks, rezoning the entire parcel seems appropriate.

Commissioner Gibbons encouraged residents to talk with Mr. Jackson.

Commissioner Niederhauser likes the idea of a possible mixed-use zone and questioned whether rezoning now is appropriate if a mixed-use development is desired. Chairperson Soelberg said there is no legal requirement which would prevent the rezone, regardless of what the Commission would like to eventually see. A property owner has the right to request a zone change and develop property. He encouraged the Commission to continue working on developing a Mixed-Use ordinance for future consideration.

Commissioner Heaps pointed out that the request for the R-1-10 zone is not against what the area is master planned for.

MOTION: Motion by Commissioner Teuscher to **approve** the **rezone** of property located north of Birch Creek Elementary at approximately 250-300 North 800 West from A-10 (Agricultural -10 Acre) to R-1-10 (Single-Family Residential 10,000 SF), **Ordinance #19-02** (Parcels # 08-042-0008 - 3.80 acres; 08-079-0001 - 12.83 acres and 08-079-0018 - 15.58 acres). Commissioner Hancock seconded the motion. Motion approved unanimously (7-0).

Vote

Aye: Gibbons, Hancock, Niederhauser, Soelberg, Teuscher, McCammon, Wright
Nay: None

Steven Parkinson has requested consideration and approval of the **Final Plat** for Red Hawk Estates, a 14 lot/unit subdivision located at approximately 450 South 700-800 East. Zoned R-1-10.

Mr. Parkinson said the boundary lines have been settled; the two property owners who had fences on their property have been given that property, thus resolving the dispute.

MOTION: Motion by Commissioner Niederhauser to **approve** the **Final Plat** for Red Hawk Estates, a 14 lot/unit subdivision located approximately 450 South 700-800 East. Zoned R-1-10. Commissioner Wright seconded the motion. Motion approved unanimously (7-0).

Vote

Aye: Gibbons, Hancock, Niederhauser, Soelberg, Teuscher, McCammon, Wright
Nay: None

Review and consideration for approval of the “Rules of Procedure & Conduct for the Planning Commission” and “Public Hearing Procedures”.

Commissioner Heaps questioned whether there should be a requirement that Commissioners visit project sites prior to discussion. Ms. Izatt said it is not required, but could be added to this policy. Chairperson Soelberg felt this should be a suggestion, he is concerned that members may not be able to make it to every site. Commissioner Heaps said it is a good idea because the Commission deals with important decisions regarding resident’s properties.

Commissioner Wright suggested removing “(City Ordinance, Chapter 16.090.040)” from the second to last paragraph because is no longer mandated.

MOTION: Motion by Commissioner McCammon to **approve** the “Rules of Procedure & Conduct for the Planning Commission” with the removal of (City Ordinance, Chapter 16.09.040) from the second to last paragraph, and “Public Hearing Procedures”. Commissioner Teuscher seconded the motion. Motion approved unanimously (7-0).

Vote

Aye: Gibbons, Hancock, Niederhauser, Soelberg, Teuscher, McCammon, Wright
Nay: None

Review and consider possible changes to the current uses allowed as Permitted or Conditional and uses that are not allowed in the Land Use Matrix under the CB (Central Business District) Zone.

Commissioner Heaps noted that in her research she found two definitions from North Logan she thought were detailed but not too restrictive.

Manufacturing, Light Impact. Manufacturing process which do not emit detectable dust, odor, smoke, gas or fumes beyond the property lines of the lot upon which the use is located and which do not generate noise or vibrations above the ambient level of noise. As an example. It may include, but is not limited to, manufacturing normally associated

with health care, such as that done in medical/dental laboratories or optical product production. May also include sales of the products onsite.

Manufacturing, Moderate Impact. Manufacturing process which may emit limited amounts of detectable dust, odor, smoke, gas or fumes beyond the property lines of the lot upon which the use is located and which may generate moderate levels of noise or vibrations above the ambient level. May include, but not limited to: automotive parts rebuilding (including sales of same); furniture repair, refinishing, re-upholstering and furniture construction; clothing/textile manufacturing/ and manufacturing and/or assembling of electronic products. May also include sales of the products onsite.

Commissioner McCammon liked Centerville City's Repair Service definition "An establishment primarily engage in providing repair services to individuals and households rather than firms, but excluding vehicle and equipment repair services. Typical uses include appliance repair shops, computer and other electronic equipment repair shops, furniture repair and upholstery shops, watch or jewelry repair shops, and musical instrument repair shops".

Ms. Izatt said the City has a light manufacturing category, however, it is not adequate and she would like to see more flexibility allowed. A light and moderate classification would be beneficial.

Commissioner Wright suggested modifying the definition of light manufacturing and adding a category for moderate impact.

Mr. Spicer said the original request for the review was to consider small, non-invasive repairs be included in the CB zone.

Commissioner Heaps suggested making a distinction between cabinet/furniture, manufacturing and small repairs. Taking time to carefully identify and define these categories is well worth the time.

Ms. Izatt said the other issue is to determine what zone(s) they would be permitted in. Consideration should be given to the fact that the CB zone can be in other areas; not just downtown.

Commissioner Wright volunteered to work on creating definitions for both light and moderate impact categories to review at the next meeting.

MOTION: Motion by Commissioner Wright to continue discussion and review of possible changes to the allowed and permitted uses in the Land Use Matrix in the CB (Central Business District) Zone to the next scheduled meeting. Commissioner McCammon seconded the motion. Motion approved unanimously (7-0).

Vote

Aye: Gibbons, Hancock, Niederhauser, Soelberg, Teuscher, McCammon, Wright

Nay: None

Continued discussion of single-family residential lots under 10,000 SF and review of a draft copy of a proposed ordinance. (Proposed draft **Ordinance #18-10**)

Commissioner Gibbons reviewed the ordinance from North Ogden and felt that it would provide a good starting point.

Commissioner Heaps suggesting asking Providence about their approach and the pros and cons they have discovered.

Commissioner Wright questioned whether Mixed-Use required commercial or if it could just be residential. He cannot find anything that clearly defines it.

MOTION: Motion by Commissioner Gibbons to continue discussion and review of single-family residential lots under 10,000 SF to the next scheduled meeting. Commissioner Niederhauser seconded the motion. Motion approved unanimously (7-0).

Vote

Aye: Gibbons, Hancock, Niederhauser, Soelberg, Teuscher, McCammon, Wright

Nay:

Obodo Development, agent for Craig Poppleton-property owner, has requested consideration of approval of the **Concept Plan** for Summit Creek Place Subdivision, 32 units (2.77 acres) located at approximately 451 North Main. Zoned CC/MU (Community Commercial/Mixed Use Overlay).

Jake Young explained that the dumpsters have been moved to the locations approved by Logan City Environmental. There will be two 22' dumpsters (one for trash and one for recycling) that will be enclosed and screened with landscaping.

Commissioner Wright said the ordinance requires that they be 50' from any residential or agriculture boundaries. Mr. Young said that conflicts with what Logan City requires.

Chairperson Soelberg suggested changing the ordinance to accurately reflect the requirements. Ms. Izatt said she will add that to the next meeting agenda.

Mr. Young said buildings 31 and 32 will be mixed-use with low-impact commercial on the ground floor.

Commissioner Heaps noted that the sidewalk between building 25 and 26 leads to an alleyway. Mr. Young said that can be removed, but it helps with people who come in from their garages.

Commissioner Heaps said the idea of mixed-use is for a lifestyle between residential and commercial, however, there does not seem to be very good pedestrian circulation. The definitions of Community Commercial and Mixed-Use Overlay include the fact that it be "convenient to the resident". It seems there is not a coherent plan that is convenient and safe. Commissioner Gibbons said there is no ordinance that prohibits pedestrians from walking in an alleyway. Commissioner Heaps said there needs to be a clear path for safety.

MOTION: Motion by Commissioner Niederhauser to **approve** the **Concept Plan** for Summit Creek Place Subdivision, 32 units (2.77 acres) located at approximately 451 North Main. Zoned CC/MU (Community Commercial/Mixed Use Overlay). Commissioner Teuscher seconded the motion. Motion approved unanimously (7-0).

Vote

Aye: Gibbons, Hancock, Niederhauser, Soelberg, Teuscher, McCammon, Wright
Nay:

Obodo Development, agent for Craig Poppleton-property owner, has requested consideration of approval of the **Preliminary Plat** for Summit Creek Place Subdivision, 32 Units (2.77 acres) located at approximately 451 North Main. Zoned CC/MU (Community Commercial/Mixed Use Overlay).

Chairperson Soelberg asked if the radius requirement had been met. Mr. Young they will adhere to the fire department regulations.

Chairperson Soelberg echoed Commissioner Heap's concern about the sidewalk between building 25 and 26. Commissioner Heaps understands the purpose; however, it might become a liability because people will cut through the alleyways. It should be a good design that encourages safety. She encouraged adding another sidewalk/pedestrian crossing.

Commissioner Gibbons asked about water rights associated with the parcel. Mr. Bodily explained that there will be water dedication for each unit which can be reduced if secondary water is installed. Water dedication is handled by staff and is not something the Commission or Council needs to address.

Mr. Young confirmed for Chairperson Soelberg that the existing pipe will be used for the sewer.

MOTION: Motion by Commissioner McCammon to **approve** the **Preliminary Plat** for Summit Creek Place Subdivision, 32 units (2.77 acres) located at approximately 451 North Main. Zoned CC/MU (Community Commercial/Mixed Use Overlay), including the conditions from the Subdivision Technical Review Committee on Jan. 16, 2019:

- The streets (alleys) will need to have the "private" designation.
- There is a need for a note that says the water line from the connection in the state road is privately owned and maintained by the HOA, but that the City must have access to install, read, turn on and off, and maintain the meters.
- Two (2) street lights on US 91 meet part of the lighting requirements; because this is a subdivision there will need to be an indication of lighting inside of the parcel. Place them so they do not shine on neighboring lots.
- The easement agreement for the sewer must be obtained before it can be approved at the Final Plat.
- The letter from Logan Environmental, UDOT, and the Postmaster will need to be presented to the City, the Postmaster signature block may still be used (it cannot be required).
- The subdivision, as indicated, will be from one parcel. The three (3) will have to be one and the owner must match the title report.

- The fire department has indicated that on the 8,000 SF buildings there is a need for a third fire hydrant. The water model will let us know if the water line will need to be looped.
- The two alleys that run north-south will need to have the radii for fire engine egress. Parking lots are treated like buildings.
- Note from the City to have the right to inspect and recommend maintenance to the storm water ponds. The calculations to indicate that the ponds without an outlet will handle the 100-year storm.

Commissioner Wright seconded the motion. Motion approved unanimously (7-0).

Vote

Aye: Gibbons, Hancock, Niederhauser, Soelberg, Teuscher, McCammon, Wright
Nay:

MOTION TO ADJOURN

Commissioner Teuscher motioned to adjourn the meeting at 10:12 p.m. Commissioner Wright seconded the motion. The motion passed unanimously.

Minutes submitted by Debbie Zilles

Andrew Soelberg, 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 Planning Commission Meeting at 7:00 p.m. on Wednesday, January 15, 2019 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Workshop session: Video Training - Utah State Open and Public Meetings Act, Part 2 (2017) - David Church, General Counsel for the Utah League of Cities & Towns.

Agenda items:

7:40 p.m. Resident Input

7:44 p.m. Consideration of Consent Agenda
Minutes of the December 19, 2018 Planning Commission Meeting

7:45 p.m. **PUBLIC HEARING** to consider a request by Visionary Homes 2018, LLC, agents for Square Top Inc. (formerly Lundberg, Johnson and Jacobsen Inc)., to **rezone** property located north of Birch Creek Elementary at approximately 250-300 North 800 West from A-10 (Agricultural -10 Acre) to R-1-10 (Single Family Residential 10,000 sq. ft), Ordinance #19-02 (Parcels# 08-042-0008, 3.80 acres; 08-079-0001, 12.83 acres & 08-079-0018, 15.58 acres).

7:55 p.m. Steven Parkinson has requested consideration and approval of the Final Plat for Red Hawk Estates, a 14 Lot/Unit subdivision located at approximately 450 S 700-800 E. Zoned R-1-10

8:00 p.m. The Commission will review and consider for approval the “Rules of Procedure and Conduct for the Planning Commission” and “Public Hearing Procedures”

8:10 p.m. The Commission will continue to review and consider possible changes to the current uses allowed as Permitted or Conditional and uses that are not allowed in the Land Use Matrix under the CB Zone (Central Business District). 17.89 “Mixed-Use Overlay Zone”, in particular Section 17.89.030 “Definitions”; Section 17.89.080 “Setbacks, Yards and Other Requirements”, Paragraphs B, C & D, #1 and #2 and Section 17.89.100 “Lighting”, Paragraph A and 17.89.130 “Site Plan Required”, Paragraph B #2.

8:20 p.m. The Commission will continue discussion and review of single-family residential lots under 10,000 sq. ft. and review a draft copy of a proposed ordinance. (proposed draft Ordinance #18-10)

- 8:20 p.m. The Commission will continue discussing single family residential lots under 10,000 sq. ft. and reviewing a draft copy of a proposed ordinance. (proposed draft Ordinance #18-10)
- 8:30 p.m. Obodo Development, agent for Craig Poppleton-property owner, has requested consideration of approval of the Concept Plan for Summit Creek Place Subdivision, 32 Units (2.77 acres) located at approximately 451 N Main. Zoned CC/MU (Community Commercial/Mixed Use Overlay)
- 8:35 p.m. Obodo Development, agent for Craig Poppleton-property owner, has requested consideration of approval of the Preliminary Plat for Summit Creek Place Subdivision, 32 Units (2.77 acres) located at approximately 451 N Main. Zoned CC/MU (Community Commercial/ Mixed Use Overlay)
- 8:45 p.m. **ADJOURNMENT**

Posted this 10th day of January 2019 at the Smithfield City Offices, City web page and the Utah Public Meeting Notice website. Notice provided to The Herald Journal this 10th day of January 2019.

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 (3) working days prior to the meeting.