



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, April 17, 2019

The following members were present constituting a quorum:

Chairperson: Andrew Soelberg

Members Present: Kelly Luthi
Greg Gardner
Scott Gibbons
Jasilyn Heaps
Nathan Wright

Members Excused: Jackie Hancock
Casey McCammon

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

New Planning Commissioner, Greg Gardner, was given the Oath of Office.

OPENING CEREMONY

The Pledge of Allegiance was led by Commissioner Gibbons.

ATTENDANCE

Travis Taylor-Smithfield Ridges/J Thomas Homes LLC, Clayton Housley, Glade Smith, Deon Hunsaker, Heather Cheatham, Jeff Jackson-VHST, LLC, Joseph Gittins, Bryce Gordon, Lauri MacLeod, Beth Larchar-Obodo Development, Ursula Jaussi, Debbie Zilles

Workshop Session: Video Training – *Utah Ethics Act (2016)*

David Church, General Counsel for the Utah League of Cities & Towns.

AGENDA ITEMS

Resident Input: Clayton Housley voiced displeasure with a system that has been allowed to develop, whereby, land developers and builders can hold entire communities' hostage with declarant HOA control. The Smithfield Ridges HOA just held their annual meeting and residents left feeling frustrated, unempowered and completely hopeless. The HOA fee will be going up by 80% and residents were told that they have no legal recourse to change or prevent the increase. A homeowner in a declarant-controlled HOA has no recourse. He asked the Commission to not allow Smithfield Ridges to continue any further development until residents have had an opportunity to review how the HOA

is operating. There are many residents unhappy with how it has been managed. Homeowners have the long-term vested interest. Commissioner Gibbons said the HOA is outside the purview of the Commission, he recommended that Mr. Housley contact an attorney for legal advice.

Tyler Pitcher asked if the Commission had voting authority to approve or disapprove financial requirements based on an HOA's CCRs. Chairperson Soelberg said the Commission does not have anything to do with the operation of an HOA. The request tonight is for renewal of the preliminary plat. Mr. Pitcher said his grievance is against the developer, in relation to non-performance and an increase in fees. He asked that the request be denied until residents have an opportunity to reach a resolution. Chairperson Soelberg said it would be a legal matter between the residents and the HOA and outside of the City's involvement.

Consideration of Consent Agenda and approval of Meeting Minutes:

After consideration by the Commission, Chairperson Soelberg declared the meeting agenda approved and the minutes from the March 20, 2019 meeting to stand as submitted.

Travis Taylor agent for Smithfield Ridges, LLC/J. Thomas Homes, LLC, has requested approval for renewal of the **Preliminary Plan** for Smithfield Ridges, a Planned Unit Development. Zoned R-1-12/PUD (Single-Family Residential/Planned Unit Development Overlay)

Travis Taylor said this is a request for renewal of the preliminary plan that was previously approved; there have been no changes since the last approval. There will be a future request for Phase 10 of the development.

Mr. Bodily pointed out that the setbacks in a PUD are different than in an R-1-12 area. Because this is within a PUD overlay, the preliminary plan must be approved.

Mr. Luthi asked about the HOA concerns. Ms. Izatt said the City keeps a copy of the recorded CCRs, however, there is no jurisdiction over review or enforcement. The State requires the HOA to register. Mr. Housley noted that under a declarant HOA, only the declarant can make changes or enforce.

Commissioner Luthi questioned if approving the plan would be perpetuating the problem. Chairperson Soelberg said, because the HOA is outside the Commission's purview, it would not be a valid reason to deny the request.

MOTION: Motion by Commissioner Gibbons to **approve** the renewal of the **Preliminary Plan** for Smithfield Ridges, a Planned Unit Development. Zoned R-1-12/PUD (Single-Family Residential/Planned Unit Development Overlay). Commissioner Heaps seconded the motion. Motion approved (6-0).

Vote

Aye: Luthi, Gardner, Gibbons, Soelberg, Heaps, Wright

PUBLIC HEARING to consider recommending approval of proposed **Ordinance #19-03**, which amends the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, in particular, Chapter 16.06 “Minor Subdivisions”, Section 16.06.070 “Required Improvements”.

7:35 p.m. Public Hearing Opened

No public input.

7:36 p.m. Public Hearing Closed

MOTION: Motion by Commissioner Wright to **approve Ordinance #19-03**, which amends the Smithfield City Municipal Code Title 16 “Subdivision Regulations” in particular, Chapter 16.06 “Minor Subdivisions”, Section 16.06.070 “Required Improvements”. Commissioner Luthi seconded the motion. Motion approved (6-0).

Vote

Aye: Luthi, Gardner, Gibbons, Soelberg, Heaps, Wright

PUBLIC HEARING to consider recommending approval of proposed **Ordinance #19-04** which amends the Smithfield City Municipal Code Title 17 “Zoning Regulations”, in particular, Chapter 17.120 “Use Matrix Table”; Section 17.120.010 “Use Allowance Matrix”.

7:37 p.m. Public Hearing Opened

Glade Smith said RA2 is not listed in the matrix. Ms. Izatt said RA1 and RA2 are covered under RA.

7:39 p.m. Public Hearing Closed

Commissioner Heaps is grateful that this point has been reached; this has been a long process.

Commissioner Wright said the definition of Artisan Manufacturing had been discussed. It has not been included in this recommendation, but will be a future change.

MOTION: Motion by Commissioner Heaps to **approve Ordinance #19-04** which amends the Smithfield City Municipal Code Title 17 “Zoning Regulations”, in particular, Chapter 17.120 “Use Matrix Table”; Section 17.120.010 “Use Allowance Matrix”. Commissioner Luthi seconded the motion. Motion approved (6-0).

Vote

Aye: Luthi, Gardner, Gibbons, Soelberg, Heaps, Wright

Lauri MacLeod has requested consideration of approval for a Conditional Use Permit to allow microblading/permanent makeup of eyebrows as a home-based business located at 537 West 260 North. Zoned R-1-12

Ms. MacLeod confirmed for Commissioner Luthi that there will only be one customer at a time. She has a double-wide driveway and an RV pad so parking will be off the street.

Ms. Izatt said the hours of operation need to be included in the motion.

MOTION: Motion by Commissioner Luthi to **approve** a Conditional Use Permit to allow microblading/permanent makeup of eyebrows as a home-based business located at 537 West 260 North. Zoned R-1-12. Operating hours will be Sunday-Saturday from 10:00 a.m. to 7:00 p.m. Commissioner Heaps seconded the motion. Motion approved (6-0).

Vote

Aye: Luthi, Gardner, Gibbons, Soelberg, Heaps, Wright

Obodo Development, agent for Craig Poppleton, the property owner, has requested consideration of approval of the **Final 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)

Beth Larchar said the changes include the addition of a sidewalk on the southeast corner to cross the street and connect to the commercial development (as previously discussed) and changing the dumpster layout for straight-on access.

MOTION: Motion by Commissioner Gibbons to **approve** the **Final Plat** for Summit Creek Place Subdivision, 32 units (2.77 acres) located at 451 North Main. Zoned CC/MU (Community Commercial/Mixed Use Overlay). Commissioner Gardner seconded the motion. Motion approved (6-0).

Vote

Aye: Luthi, Gardner, Gibbons, Soelberg, Heaps, Wright

Jeff Jackson of VHST, LLC, agent for Square Top, LLC - property owner, has requested consideration of approval for the **Concept Plan** for Fox Meadow Subdivision, Phase 1, 17 lots/units (6.11 acres) located at approximately 600 West Saddleback Road (300 North). Zoned R-1-10

Jeff Jackson said this request is for the concept plan for phase 1. The layout is within the parameters of R-1-10. They have worked with staff and have had many different designs; one of the concerns was having an egress onto Saddleback Road. In trying to accommodate that idea the "cul-de-sac layout" became problematic due to fire code regulations which require two access points for any phase with more than 10 lots. There were also some sewer issues with the cul-de-sac plan. This design only has three homes facing Saddleback Road (reduced from the originally-planned seven homes). To protect the dairy, there will be a buffer in the northwest corner from Lot 1 to the Dairy and a buffer on the east and south side of the dairy. He pointed out that they will be doing all the improvements on their side of Saddleback Road (asphalt, curb, gutter and sidewalk). The lots will have secondary water by tapping into a pressurized line.

Commissioner Gardner is concerned with parking related to the homes that face Saddleback Road and questioned whether the driveways were long enough to accommodate parking. Mr. Jackson said each home will have a 2-car garage with a 30' front setback, which would allow another 2 cars to park in the driveway.

Commissioner Gibbons appreciates the adjustments to help protect the dairy. Mr. Jackson has met with Joseph Gittins about mitigating the impact as much as possible.

Mr. Jackson said there will be a note on the plan indicating that if the basements have to be pumped, the City will have no liability. There is enough depth to gravity feed these 17 proposed lots. A lift station will be put in for the lots to the west. He said grinder pumps will have to be put in.

Mr. Jackson confirmed for Chairperson Soelberg that there will be 12" of pit gravel.

Commissioner Luthi asked how many phases there will be. Mr. Jackson said each phase is about 6 acres, the total project is 30 acres, so it will likely be about 5 phases to complete the development.

Commissioner Gardner asked about the lift station. Mr. Jackson said they have not begun to design it, it will happen in a future phase. Councilmember Wall said the Council just began the conversation of figuring out how a lift station will work out there.

Chairperson Soelberg said that safety concerns on Saddleback Road were discussed in the STRC meeting and a couple of ideas included a fire chain across the entrance or considering a grant to finish the sidewalk all the way to 400 West. These are beyond tonight's consideration, but are possible future options.

Commissioner Luthi asked if the distance to the school would qualify for grant funds. Mr. Bodily said nothing has been applied for yet, the criteria will have to be reviewed. Councilmember Wall said UDOT has a Safe Trails Grant that was used on 300 South Birch Creek is hiring a new principal, who once on-board, can assist with the grant.

Joseph Gittins said Mr. Jackson has been good to work with; the proposed berm is a good idea. He is concerned about safety on Saddleback Road.

MOTION: Motion by Commissioner Luthi to **approve** the **Concept Plan** for Fox Meadow Subdivision, Phase 1, 17 lots/units (6.11 acres) located at approximately 600 West Saddleback Road (300 North). Zoned R-1-10. Commissioner Gibbons seconded the motion. Motion approved (6-0).

Vote

Aye: Luthi, Gardner, Gibbons, Soelberg, Heaps, Wright

Jeff Jackson of VHST, LLC, agent for Square Top, LLC - property owner, has requested consideration of approval for the **Preliminary Plat** for Fox Meadow Subdivision, Phase 1, 17 lots/units (6.11 acres) located at approximately 600 West Saddleback Road (300 North). Zoned R-1-10

MOTION: Motion by Commissioner Heaps to **approve** the **Preliminary Plat** for Fox Meadow Subdivision, Phase 1, 17 lots/units (6.11 acres) located at approximately 600

West Saddleback Road (300 North). Zoned R-1-10. Commissioner Wright seconded the motion. Motion approved (6-0).

Vote

Aye: Luthi, Gardner, Gibbons, Soelberg, Heaps, Wright

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| Review and discussion of a proposed ordinance for a Master Planned Community (MPC) zone. |
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Jeff Jackson was asked to present some ideas of what could be done within this type of zone. He distributed a couple of concept designs for the Commission to review. He is not pushing this idea, he is only providing a few examples for the Commission to look at. More open space would require the introduction of different home types to increase the density. More open space allows for better trail systems, parks and other recreation amenities. The increased density would offset the cost of open space.

Commissioner Heaps asked if this idea would work well with large lots. Mr. Jackson said estate homes are often more difficult to sell if they are surrounded by a mixture of home types. A true master planned zone ties communities together with pocket parks and trails and the theory can be used in many different places.

Commissioner Wright asked if it would be better to have this as an overlay or a standalone zone. Mr. Jackson has seen it used both ways; Providence has a standalone zone and Nibley is working on an overlay.

Mr. Jackson reiterated that the cost of open space is one of the reasons why the density bonus currently in the PUD ordinance does not work and why it is not used often.

Commissioner Wright said Logan City's Neighborhood Residential (NR-6) zone allows for lot width variations and more flexibility in layout. Commissioner Heaps said it also has good general guidelines for individual lots.

Commissioner Gibbons said the ordinance he reviewed from North Ogden is quite comprehensive, however, there are elements that can be incorporated.

Chairperson Soelberg said the current PUD ordinance allows for and addresses lot sizes as small as 4,000 SF and is a good starting point to work from. Commissioner Gibbons said it should be retitled from a PUD ordinance when it is complete. Using the current plan would be much easier than writing a completely new one.

Commissioner Wright suggested having open space based on density. He does not want it to become too rigid or it will not be utilized. Commissioner Heaps agreed that it should be constructed to allow for flexibility. Chairperson Soelberg said the numbers and percentages in the PUD ordinance can be adjusted to be more accommodating.

Mr. Jackson said a mixture of housing types creates a sustainable neighborhood. Mixing demographics allows for a good socio/economic blend.

Councilmember Deon Hunsaker has been in favor of this idea for many years. He has talked with residents who live in active adult communities and the only concern was a lack of parking. Some of the suggestions he has received include smaller lots having

more frontage, an area for guest parking and small pocket parks or areas where people can gather.

Commissioner Wright asked Mr. Jackson what he thought about having a commercial component. Mr. Jackson thinks it might be too much to put in this ordinance and recommending leaving that in the mixed-use zone.

Commissioner Gibbons does not want to see narrow roads allowed. He suggested making changes to the current PUD ordinance as have been discussed and it can be reviewed at the next meeting. Commissioner Heaps agreed.

Commissioner Gibbons suggested a sliding scale for density/open space percentages. Commissioner Gardner agreed.

Commissioner Wright said the current PUD is an overlay zone and bonuses are determined from the base zone, so the Commission needs to consider how it will be administered. Ms. Izatt said an overlay works best. Chairperson Soelberg recommended that it remain as an overlay zone, Commissioner Gibbons agreed that it would be easier than creating a new standalone zone.

Commissioner Gibbons suggested removing the bonuses if a sliding scale is incorporated. Commissioner Wright said other amenities might be worthwhile to be handled through a bonus program.

Chairperson Soelberg and Commissioner Heaps will make the changes that have been discussed, including parking, setbacks, open space, road width and sliding scale percentages, in the current PUD ordinance, which will be reviewed at the next meeting.

MOTION TO ADJOURN

The meeting adjourned at 9:05 p.m.

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, April 17, 2019 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Swearing in of Greg Gardner as a Planning Commissioner.

Workshop Session: Video Training - *Utah Ethics Act* (2016) - David Church, General Counsel for the Utah League of Cities & Towns.

Agenda items:

7:13 p.m. Resident Input

7:18 p.m. Consideration of Consent Agenda
Minutes of the March 20, 2019 Planning Commission Meeting

7:20 p.m. Travis Taylor agent for Smithfield Ridges, LLC/J Thomas Homes, LLC, has requested approval for renewal of the Preliminary Plan for Smithfield Ridges a Planned Unit Development. Zoned R-1-12/PUD (Single Family Residential/Planned Unit Development Overlay)

7:25 p.m. **PUBLIC HEARING** to consider recommending approval of proposed **Ordinance #19-03** which amends the Smithfield City Municipal Code Title 16 "Subdivision Regulations", Chapter 16.06 "Minor Subdivisions", Section 16.06.070 "Required Improvements".

7:35 p.m. **PUBLIC HEARING** to consider recommending approval of proposed **Ordinance #19-04** which amends the Smithfield City Municipal Code Title 17 "Zoning Regulations", Chapter 17.120 "Use Matrix Table"; Section 17.120.010 "Use Allowance Matrix".

7:40 p.m. Lauri MacLeod has requested consideration of approval for a Conditional Use Permit to allow microblading/permanent makeup of the eyebrows as a home-based business, located at 537 West 260 North. Zoned R-1-12

7:45 p.m. Obodo Development, agent for Craig Poppleton-property owner, has requested consideration of approval of the Final 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)

7:55 p.m. Jeff Jackson of VHST, LLC, agent for Square Top, LLC – property owner, has requested consideration of approval for the Concept Plan for the Fox Meadow Subdivision, Phase 1, 17 lots/units (6.11 acres) located at approximately 600 West Saddleback Road (300 North). Zoned R-1-10

8:00 p.m. Jeff Jackson of VHST, LLC, agent for Square Top, LLC – property owner, has requested consideration of approval for the Preliminary Plat for Fox Meadow Subdivision, Phase 1, 17 Lots/units (6.11 acres) located at approximately 600 West Saddleback Road (300 North). Zoned R-1-10

8:10 p.m. The Commission will continue review and discussion of a proposed ordinance for a Master Planned Community (MPC) zone.

8:20 p.m. **ADJOURNMENT**

Posted this 11th day of April 2019 at the Smithfield City Offices, City Web Page, and the Utah Public Meeting Notice web site. Notice provided to the Herald Journal this 11th day of April 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.