



## 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, May 17, 2017.

The following members were present constituting a quorum:

Chairperson: Jamie Anderson  
Commission Members: Kelly Luthi  
Mindy Spackman  
Wade Campbell  
Stephen Teuscher  
Andrew Soelberg  
Bart Caley

Excused: Casey McCammon  
Jackie Hancock

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

Notice was provided to the Herald Journal, delivered to each Commission member, and posted at the City Office Building, on the Smithfield City webpage and the Utah Public Meeting notice website.

The meeting was called to order by Chairperson Anderson at 7:00 p.m.

**Opening Ceremonies:** Amy James led the Pledge of Allegiance.

**Attendance:** Elijah Larson, Mike Wehmeyer, Michelle Anderson, Amy & Mike James, Blake Dursteler, Ben Johnston, Nathan Wright, Todd Davis, Jaci Bennett, Debbie Zilles

**Workshop Session:** Mixed Use overlay zone review and discussion. Ordinances from American Falls Idaho and Cedar City were distributed to the Commission for review prior to the meeting. Commissioner Campbell said he liked the simplicity of American Falls, however, it left the parameters too wide open for certain things; overall, he liked the Cottonwood Heights ordinance better. Chairperson Anderson noted that he did not like the 100% lot coverage with service alleys in the American Falls ordinance. Commissioner Teuscher agreed with Commissioner Campbell and noted that there are things that will come up and should be covered. Chairperson Anderson liked the fact that Cedar City clearly stated the objectives and characteristics so developers clearly understand what is expected. Commissioner Luthi agreed. Chairperson Anderson

noted that the residential density was also stated, which would be a helpful guidance for potential developers. Commissioner Caley asked if the Farmington ordinance contained density characteristics. Ms. Izatt clarified that American Falls does not have mixed use, the closest they have is the core that is described in the ordinance. The one that references the most is Cedar City. Farmington seemed to be overly detailed. Chairperson Anderson said the Commission's consensus last month was preference of the Cottonwood Heights ordinance. Commissioner Caley suggested including objectives and characteristics to provide a clear overview of what is expected. Commissioner Campbell volunteered to begin working on creating an ordinance. Chairperson Anderson and Commissioner Teuscher offered assistance as needed.

### **Agenda Items:**

#### **Swearing in of Alternate Commissioner, Andrew Soelberg by Charlene Izatt.**

**Resident Input:** Elijah Larsen asked if there were any plans to increase the amount of low-income housing in Smithfield because there are currently only about 40 subsidized housing apartments on the west side. Chairperson Anderson noted that Neighborhood Nonprofit Housing Corporation will soon begin a 35-home development, other than that, he is not aware of any others. He explained that developers come before the Commission for consideration of specific projects, however, the City does not determine when or where they will be located.

**Consideration of Consent Agenda and minutes of the April 19, 2017 Planning Commission Meeting:** After consideration by the Planning Commission, Chairperson Anderson declared the Consent Agenda for the May 17, 2017 meeting approved and the minutes from the April 19, 2017 meeting to stand as submitted.

#### **Public Hearing to consider a request by Blake Dursteler, agent for SCBL Holdings, LLC, to rezone property from CC (Community Commercial) to CB (Central Business District) located at 532 South Main Street. Ordinance #17-11, Parcel #08-110-0070 (1.53 acres).**

Blake Dursteler owns the commercial parcel on the front of the old Cantwell Lumber property. The intention is to build an assisted living facility; however, the current setback requirements will not allow for the proposed design. The petition is for a zone change to allow the setback requirements to be tightened.

7:12 pm Public Hearing Opened

Ben Johnston, representing David Miles who owns the dentist office to the north, said Mr. Miles is concerned with overflow parking and snow removal (outlined in the letter he submitted). Mr. Miles has tried for over 30 years to purchase additional property.

David Miles submitted a letter which read:

*"I am the owner of the property at 510 South Main, Smithfield, north of the property located at 532 South Main, Smithfield. In 1985, I purchased the building and property located at 510 South Main. I repeatedly approached Wayne Cantwell during the past 30 years offering to purchase the property immediately to the east of my building which*

*is approximately 120'x40' for the purpose of snow removal and additional parking. He declined my offer to purchase but allowed me to push excess snow onto said property.*

*From observing the preliminary proposed plan for development, I have great concern regarding sufficient parking for this proposed development and that mu limited parking area will be used for their overflow parking. I am also concerned regarding snow removal. I am agreeable to purchase all or part of the 120'x40' parcel immediately east of my property line. – David W. Miles”*

### **7:15 pm Public Hearing Closed**

Commissioner Teuscher asked if Mr. Miles had approached the new owners. Mr. Johnston said he has talked to the realtor several times.

Commissioner Caley asked what the new setback (CB zone) would be. Mr. Bodily said the side setback would be zero. Commissioner Caley questioned whether this would allow for more parking and snow removal area if the building were shifted to the south side of the property, allowing for more room on the north end. Mr. Dursteler said the desire for the change in setback is specifically related to parking, the size of the building will not increase. The access points in the front are an issue with UDOT.

Commissioner Caley asked how many residents this would potentially house and what the anticipated parking need might be. Mr. Dursteler said the plan is for 45 units with 50 proposed parking stalls.

Commissioner Teuscher asked how many employees there will be. Mr. Dursteler said they anticipate 13 employees over a 24-hour period; essentially a staff of 10 during any given shift.

Ms. Izatt advised that this project may be back for a conditional use permit depending upon the type of facility.

Chairperson Anderson agreed that the access points are not appealing. Mr. Dursteler agreed and explained that UDOT has not yet approved the design.

Mr. Bodily noted that in the Central Business District (CB) zone there is no minimum width, no minimum front yard, side and rear yards are zero, except 10' where they abut a residential zone, which in this case it does. Mr. Johnston asked if the setback is from the building or includes the parking. Mr. Bodily said it would be from the building. The parking could go to the property line.

**MOTION:** A motion was made by Commissioner Campbell to approve a request by Blake Dursteler, agent for SCBL Holdings, LLC, to rezone property from CC (Community Commercial) to CB (Central Business District) located at 532 South Main Street. Ordinance #17-11, Parcel #08-110-0070 (1.53 acres). Commissioner Teuscher seconded the motion. The motion was approved (7-0).

#### Vote

Aye: Luthi, Spackman, Campbell, Anderson, Teuscher, Soelberg, Caley

**Mike Wehmeyer, agent for Robin Jones, has requested approval for an R-1 Animal Rights Permit for three (3) medium size animals and one (1) large fowl on .80 acres of property located at 250 North 100 East. Zoned R-1-10.**

Mr. Wehmeyer said he would like to have two (2) sheep, and a possibly a turkey in the future, primarily to graze the back pasture of his home.

**MOTION:** A motion was made by Commissioner Caley to approve a request by Mike Wehmeyer, agent for Robin Jones, for an R-1 Animal Rights Permit for three (3) medium size animals and one (1) large fowl on .80 acres of property located at 250 North 100 East. Zoned R-1-10. Commissioner Campbell seconded the motion. The motion was approved (7-0).

Vote

Aye: Luthi, Spackman, Campbell, Anderson, Teuscher, Soelberg, Caley

**Michael L. James, agent for Doodlebug Academy, LLC, has requested approval of a Commercial Conditional Use Permit to allow a childcare and preschool center, all-day kindergarten, and possibly evening and Saturday activities located at 60 West 800 South. Zoned CC.**

Mike James explained that the plan is to construct a 12,000 SF facility with kindergarten and preschool beginning this fall. Evening and Saturday classes will be held; however, none have been slated yet. They are hoping to begin construction soon.

Chairperson Anderson confirmed the hours of operation (6:00 am – 10:00 pm Mon-Sat) as listed.

Commissioner Campbell asked how many employees there would be. Mr. James said there will be 30 full-time and 8 part-time employees. Chairperson Anderson asked what the total projection for the highest shift would be. Mr. James said there could be a maximum of 30 employees during the day.

Commissioner Luthi asked if there were any plans for a traffic light at 800 South. Mr. Bodily explained that there was an agreement with UDOT, signed several years ago, to have one at 1000 South; the City would like to see one at 800 South, however, UDOT has not agreed to that. Councilmember Wall advised that the City Council has been working on this issue and traffic would have to increase by 50% to warrant one. Mr. James has been given an RDA loan and has met with the City Council. Councilmember Wall noted that Domino's Pizza will begin construction in the next few weeks on the corner to the north, which is becoming increasingly busy and there has been a conversation about the need for a traffic study.

**MOTION:** A motion was made by Commissioner Campbell to approve a request by Michael L. James, agent for Doodlebug Academy, LLC, for a Commercial Conditional Use Permit to allow a childcare and preschool center, all-day kindergarten, and possibly evening and Saturday activities located at 60 West 800 South with the hours of operation to be 6:00 am – 10:00 pm Monday-Saturday; no more than 30 employees at

any given time (8 part-time employees can be counted as part of the 30). Zoned CC. Commissioner Luthi seconded the motion. The motion was approved (7-0).

Vote

Aye: Luthi, Spackman, Campbell, Anderson, Teuscher, Soelberg, Caley

**Jaci Bennett, agent for Lil' Rascals, has requested approval of a Commercial Conditional Use Permit to allow a childcare and preschool center located at 72 North Main. Zoned CB.**

Jaci Bennett said they are ready to begin construction and have everything, including funding, in place contingent upon approval of the conditional use permit. Chairperson Anderson asked how many employees there would be. Ms. Bennett said she anticipates 6 full-time and 6 part-time, however, that may increase in the future. Chairperson Anderson encouraged Ms. Bennett to include the highest employee count in the proposal to avoid having to come back before the Commission. Ms. Bennett said she would like to request a maximum of 9 full-time and 9 part-time employees.

Commissioner Luthi asked if the main egress would be from Main Street. Ms. Bennett explained that she shares access on the back side with the Armory and the pick-up and drop-off zone would circle around the armory property.

Commissioner Spackman asked about the proposed 6' fencing. Ms. Bennett said the property has a privacy fence the entire way around it for safety reasons. The side adjacent to Callaway's has the fence set inside, which will actually be two fences, so the children within walking distance will not have to walk around the entire block to enter. Ms. Izatt noted that the fence in the front is only allowed to be 4' by city ordinance. Ms. Bennett said the 6' fence was approved with the RDA funding. Ms. Izatt pointed out that RDA guidelines are separate from city regulations. Chairperson Anderson asked how this coordinates with what is allowable. Ms. Izatt said she would call the state licensing and confirm their requirements and guidelines. Councilmember Wall clarified that the front part (along Main Street) where the sidewalk is, only allows for 4'; Ms. Izatt said that was correct. Chairperson Anderson asked how this would be handled if approved; Ms. Izatt said the fence would be handled through the site plan approval process.

Ms. Izatt asked for clarification regarding preschool sessions. Ms. Bennett confirmed that the hours of operation will be 6:00 am – 6:30 pm, Monday-Friday and 6:00 am – 9:00 pm on Saturday, as stipulated on the request. The center will close at 6:00 pm on weekdays but will allow 30 minutes for all children to be picked up.

**MOTION:** A motion was made by Commissioner Caley to approve a request by Jaci Bennett, agent for Lil' Rascals, for a Commercial Conditional Use Permit to allow a childcare and preschool center located at 72 North Main, with 9 full-time and 9 part-time employees; hours of operation to be Monday-Friday 6:00 am – 6:30 pm, and Saturday 6:00 am – 9:00 pm. Zoned CB. Commissioner Campbell seconded the motion.

The motion was approved (7-0).

Vote

Aye: Luthi, Spackman, Campbell, Anderson, Teuscher, Soelberg, Caley

**Ben Johnston of Johnston Engineering, agent for Todd Davis, has requested consideration of approval of the Final Plan for Dry Canyon Estates, a 40-lot subdivision located at approximately 1280 East 300 South. Zoned R-1-12.**

Chairperson Anderson asked Mr. Bodily if all his concerns had been addressed. Mr. Bodily said they had, they are just waiting on the water model.

Mr. Bodily said the fire department had asked about the easement for the temporary turnaround and whether the property owner had been contacted. Todd Davis said the owner has been contacted and they are in the process, however, he is quite elderly and it has been difficult. Mr. Bodily said that can be regulated and does not need to be included in the motion.

**MOTION:** A motion was made by Commissioner Luthi to approve a request Ben Johnston of Johnston Engineering, agent for Todd Davis, for approval of the Final Plan for Dry Canyon Estates, a 40-lot subdivision located at approximately 1280 East 300 South conditional upon receipt of the water model. Zoned R-1-12. Commissioner Campbell seconded the motion. The motion was approved (7-0).

Vote

Aye: Luthi, Spackman, Campbell, Anderson, Teuscher, Soelberg, Caley

Ms. Izatt noted that there has been a change to the name of the project. Mr. Johnston said due to confusion the name has changed to The Vistas at Dry Canyon Subdivision.

**AMENDMENT TO MOTION:** A motion was made by Commissioner Luthi to approve a name change from Dry Canyon Estates to The Vistas at Dry Canyon Subdivision. Commissioner Campbell seconded the motion. The motion was approved (7-0).

Vote

Aye: Luthi, Spackman, Campbell, Anderson, Teuscher, Soelberg, Caley

**MOTION TO ADJOURN:** Motion by Commissioner Caley to adjourn the meeting at 7:46 p.m. The motion was seconded by Commissioner Campbell. The motion passed unanimously.

Minutes submitted by: Debbie Zilles

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Jamie Anderson, Chairperson

Attested:

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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, May 17, 2017 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

**Workshop Session:** Continued discussion & review of a proposed Mixed Use overlay zone.

**Agenda items:**

1. 7:06 p.m. Swearing in of alternate Commissioner, Andrew Soelberg
2. 7:07 p.m. Resident Input
3. 7:09 p.m. Consideration of Consent Agenda  
Minutes of the April 19, 2017 Planning Commission Meeting
4. 7:10 p.m. **Public Hearing** to consider a request by Blake Dursteler, agent for SCBL Holdings, LLC, to Rezone property from CC (Community Commercial)) to CB (Central Business District) located at 532 South Main Street, Ordinance #17-11, Parcel #08-110-0070 (1.53 Acres)
5. 7:15 p.m. Mike Wehmeyer, agent for Robin Jones, has requested approval for an R-1 Animal Rights Permit for three (3) Medium Size animals and one (1) Large Fowl on .80 acre of property located at 250 North 100 East. Zoned R-1-10
6. 7:20 p.m. Michael L James, agent for Doodlebug Academy, LLC has requested approval of a Commercial Conditional Use Permit to allow a Child Care and Preschool Center, all-day kindergarten and possibly evening and Saturday activities (such as arts classes) located at 60 West 800 South. Zoned CC
7. 7:25 p.m. Jaci Bennett, agent for Lil' Rascals, has requested approval of a Commercial Conditional Use Permit to allow a Child Care and Preschool Center located at 72 North Main. Zoned CB
8. 7:30 p.m. Ben Johnston of Johnston Engineering, agent for Todd Davis, has requested consideration of approval of the Final Plan for Dry

Canyon Estates, a 40 lot, subdivision located at approximately 1280 East 300 South. Zoned R-1-12

9. 7:35 p.m. **ADJOURNMENT**

Posted this 12th day of May 2017 at the Smithfield City Offices, City Web Page, and the Utah Public Meeting Notice website. Notice provided to The Herald Journal this 12th day of May 2017.

Charlene Izatt, Deputy Recorder

**ITEMS ON THE AGENDA MAY BE CONSIDERED EARLIER THAN SHOWN ON THE AGENDA.**