



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, August 16, 2017

The following members were present constituting a quorum:

Chairperson: Jamie Anderson
Commission Members: Kelly Luthi
Jackie Hancock
Wade Campbell
Mindy Spackman
Casey McCammon
Bart Caley

Excused: Stephen Teuscher

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: Michelle Anderson led the Pledge of Allegiance.

Attendance: Derek Moss, Jeff Nielsen (Foresight Surveying), Michelle Anderson, Andrew Soelberg, Jere Orvin, Debbie Zilles

Agenda Items

Resident Input: None

Consideration of Consent Agenda and minutes of the July 19, 2017 Planning Commission Meeting: After consideration by the Planning Commission, Chairperson Anderson declared the consent agenda for the August 16, 2017 meeting approved and the minutes from the July 19, 2017 meeting to stand as submitted.

Andrew Nielson, developer of A. Nielson Intrablock Subdivision, has requested approval for a six (6) month extension for the Conditional Use Permit portion of the three (3) lot intrablock development located at 180 East Center Street. Zoned R-1-10.

Jeff Nielsen, from Foresight Surveying, explained that Andrew Nielson had been considering selling the development and possibly changing the lot configuration, however, that did not happen and by the time he was ready to move ahead the permit had expired. He would like an extension so he can proceed with the project.

Commissioner McCammon asked about the idea for lot configuration. Mr. Nielsen said they were trying to decide whether to keep the existing old home (located on Lot 1) because there was interest in the lot without the home. The deal did not work out so the lots will remain the same as originally submitted.

MOTION: A motion was made by Commissioner Caley to approve the request for a six (6) month extension for the Conditional Use Permit portion of the three (3) lot intrablock development located at 180 East Center Street, zoned R-1-10, as represented by Andrew Nielson, developer of A. Nielson Intrablock Subdivision. Commissioner McCammon seconded the motion. The motion was approved unanimously (7-0)

Vote

Aye: Luthi, Hancock, Campbell, Anderson, Spackman, McCammon, Caley

Consideration of a request by Jere Orvin for approval of a Boundary Adjustment. Mr. Orvin is dividing parcel #08-114-0023 (371 South 300 East) from the parcel he originally purchased from Bobcat Circle Subdivision (Lot 1, parcel #08-114-0031, 276 East 360 South) and then combine the two lots into one. The divided parcel will again be part of the Bobcat Circle Subdivision. The parcel has been reduced in size but meets the current zoning requirements. Zone R-1-10.

Mr. Orvin explained that he purchased the first lot of the Bobcat Subdivision when it was put in behind his home about 10 years ago. He has not used the lot and has decided to divide it. He would like to change the boundaries slightly as he has added a shed and in-ground trampoline on part of the property. The lot will have the necessary square footage to meet the current zoning requirement. The property is located behind his home on 300 East.

MOTION: A motion was made by Commissioner Luthi to approve the request by Jere Orvin for a Boundary Adjustment dividing parcel #08-114-0023 (371 South 300 East) from the parcel he originally purchased from Bobcat Circle Subdivision (Lot 1, parcel #08-114-0031, 276 East 360 South) and combine the two lots into one. The divided parcel will again be part of the Bobcat Circle Subdivision. The parcel has been reduced in size but meets the current zoning requirements. Zoned R-1-10. Commissioner Campbell seconded the motion. The motion was approved unanimously (7-0).

Vote

Aye: Luthi, Hancock, Campbell, Anderson, Spackman, McCammon, Caley

Review & discussion of the Mixed-Use Overlay Zone Ordinance and amendments to the Land Use Matrix Table.

Commissioner Campbell said he has done some research on tiny homes. Much of what he read seems to be of the opinion that this is a trend that will eventually fade out.

Chairperson Anderson questioned whether a tiny home would be classified as a house or an RV. Councilmember Wall said it would depend whether it had wheels or a foundation. Commissioner Campbell said there is a lot of ambiguity with the issue.

Chairperson Anderson noted that the Commission gets asked once in a while what Smithfield is doing to help promote more low-income housing options and wondered if this type of housing would fit that request.

Commissioner Luthi's biggest concern with this idea would be the sewer aspect. Chairperson Anderson said it would either have to be compostable facilities or it would have to tie into the sewer system. Specific details could be added into an ordinance.

Councilmember Wall asked about an example of putting multiple 500 single family cabins on an inner block property (for family to stay in) and whether, in that scenario, they would be considered tiny homes or sheds. Commissioner Caley said it would depend whether the cabins were portable or on a foundation and tied into city utilities.

Councilmember Wall said there is a 12x20' shed located off the right side of Valley View Highway in the Cutler area, before Tremonton, someone lives in. He questioned whether the City should try and get ahead of this idea or take more time to review and consider. There is an individual in Seattle who is currently writing a thesis on this concept and seems to feel like this industry will continue to grow.

Chairperson Anderson said the last thing he would like to see happen is for someone to put a bunch of tiny homes on their property and turn it into a commercial venture. Commissioner McCammon said that would only be allowed in a multi-family zone. Mr. Bodily confirmed that if a property is zoned single-family, it can only have one home on each residential lot.

Commissioner Caley suggested handling this issue on a case-by-case basis and see what comes in.

Chairperson Anderson said the property Duane Williams was discussing last month could possibly be turned into a tiny home development. Although there is not a specific zone for this, one could be created. Commissioner Campbell questioned the intent or goal of creating a new zone and whether this could fit under a current zone.

Commissioner Caley advised that there would be a safety element that would have to be addressed and whether or not it is connected to utilities. Mr. Bodily said any residential dwelling would have to meet local building and zoning regulations. Commissioner Campbell said he is not opposed to the idea, but does not want to waste time creating an entirely new zone if it could fit under an existing one.

Commissioner Hancock questioned 17.89.070(E) Off-Street Parking: *“No off-street parking is required for non-residential uses in the MU overlay zones unless such uses exceed (2,500) square feet of gross floor area, in which case, off-street parking must be provided for the floor area in excess of (2,500) square feet.”* Chairperson Anderson suggested comparing this to the current parking ordinance. Commissioner McCammon said this would seem to encourage smaller shops (less than 2,500 square feet does not require any designated off-street parking) and wondered if this would be in line with any current requirement for provision of parking.

Ms. Izatt pointed out that there is a section 17.89.150 that addresses potential conflicts *“This Chapter provides additional provisions to those set forth in the other Chapters of the City’s Zoning Ordinance. In the event of a conflict between other provisions of the Zoning Ordinance and this Chapter; the provisions of this Chapter shall apply”*. If the Commission wants to ensure that everything in this proposal meets all the regulations in other ordinances, it would be a very time-consuming job. Ms. Izatt believes the conflict statement is a good idea.

Chairperson Anderson reviewed the different Commercial zones – CB-Central Business District; CP-Commercial Professional; CC-Community Commercial and GC-General Commercial. He found that many of the definitions are very similar and suggested combining them into two zones. CP is not really used (only one current location) and CC and CB were fairly similar and could be combined.

Commissioner Caley asked if there was anything in the CP zone that would need to be tied into another Commercial zone since there is only one location where CP currently applies. Ms. Izatt said the allowances listed on the Land Use Matrix need to be carefully reviewed.

Ms. Izatt said she did not think that the Central Business District could be removed altogether because it is more restrictive than the other commercial zones. The entire CB area was designed and geared for pedestrian-friendly mixed-use development. If it is removed, the overlay will go into other Commercial zones and the “feel” of that area will be lost. Chairperson Anderson said it would depend on how the use matrix is set up.

Commissioner Caley asked if there would be any problem combining the CP zone with another Commercial zone. Ms. Izatt did not think there would be any problems with that suggestion.

The consensus of the Commission was to eliminate CP-Community Professional.

Commissioner Caley asked about cabinet signs, listed under 17.89.130.1(D) *“Signage is limited to individual pan-channel lettering only. Cabinet signs are not permitted”*. He said most present-day signs have a slight cabinet design to allow lighting to be enclosed behind. He does not see much difference between a sign that is backlit from one with lights shining down on it. Ms. Izatt said the only concern would be complying within the dark-sky lighting ordinance.

Commissioner Campbell suggested using the following definition for a mixed-use self-storage facility: "Building(s), with multiple uses, where one of the uses, but not the primary use, is for self-storage and is located in area where different types of land uses are in close proximity". Ms. Izatt will make that change.

Ms. Izatt asked about the Gateway Overlay District on paragraph A on page 1 under Objectives and Purposes. Commissioner Caley suggested changing it from a district to a zone. Ms. Izatt advised that the overlay zones are south/north, not concentrating on the downtown commercial area. Chairperson Anderson said General Plan discussions included the idea for potential mixed-use areas all the way to the south end of town.

Ms. Izatt asked if there should be clarification under 17.89.010(B) to include "25,000 square feet" of maximum allowed floor area. Chairperson Anderson noted that it is listed under 17.89.120(A) "*Uses in the MU overlay zone over 25,000 square feet shall be reviewed for building design...*" which does not limit a project, it would just mean if it is larger it could be allowed through a conditional use application.

Ms. Izatt confirmed for Chairperson Anderson that structures cannot exceed 35' in height because of the Airport Overlay Zone. Chairperson Anderson noted the wording in 17.89.030 "*Structures in an MU overlay zone shall not exceed a height of two stories, or 35 feet, whichever is less*" and thought that 3-stories could be allowed (if not higher than 35') with a conditional use.

The last paragraph of 17.89.050 reads "*The maximum density of any development in the MU overlay zone shall not exceed 35 units per acre*", however, Chairperson Anderson pointed out that residential density is allowed to vary between 2-24 units per acre. He asked how many acres are in a City block. Mr. Bodily said blocks are 700'x700', which would equate to approximately 11 acres per unit.* (*correction, blocks are 660'x660' which would equate to approximately 10 acres per unit*) The consensus of the Commission was to change 35 units to 24 units in the above sentence.

Chairperson Anderson suggested spending more time reviewing the Commercial zones and determining what is needed in each zone and how that would fit into the Mixed-Use Overlay.

Commissioner Luthi asked about the options for screening trash receptacles. Under 17.89.100 it states; "*All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or screening that is a minimum of six feet high with visually obscuring painted metal gates...*". He asked if chain link or plastic vinyl fencing should be allowed. Chairperson Anderson questioned whether this meant that chain link could be allowed, but the gate would need to be painted because it seems to read that only the gate is required to be obscured. Commissioner Luthi said this seems to only allow one type of gate "a painted metal gate". Commissioner Spackman said she interpreted it to mean that receptacles need to be obscured from the street. Commissioner Luthi agreed. Commissioner Caley suggested changing the wording to "material that visually obscures refuse containers".

Councilmember Wall pointed out that state legislature recently passed a law that ordinances need to be able to be easily understood by a 'lay person'. The Council will look at how simple and easy it is to understand.

Commissioner Caley suggested "with a gate that blocks the view of a refuse containers from the surrounding area". Chairperson Anderson clarified that the change should read "*All trash or refuse receptacles areas shall be completely screened from surrounding properties by a masonry wall or screening that is a minimum of six feet high with a gate that blocks the view of refuse containers from the surrounding area, or shall be enclosed within a building*".

Commissioner Hancock asked if this type of ordinance is already on the books for existing businesses and apartment complexes. Ms. Izatt said this issue is covered within other Commercial zones as well.

Councilmember Wall advised, that within his line of work, in newer buildings he has seen refuse containers behind block walls with heavy-duty gates that have rods to keep them closed and they have to be physically opened when the trash is emptied. He mentioned the new Family Place facility in Logan which is cinderblock with black corrugated metal gating.

Commissioner Caley asked if the Commission should specify the material for gates to ensure that they will be aesthetically pleasing. Councilmember Wall said most developments spend quite a bit of money on nice buildings and generally make sure that it designed nicely. The City should not dictate what the gate is made of. Commissioner Caley said painted metal gate would look much nicer than a chain link. Councilmember Wall pointed out that McDonald's uses a plastic gate and some apartment complexes use vinyl fencing. Chairperson Anderson pointed out that it reads "masonry or screening" which would allow for alternatives.

Commissioner Luthi asked if anything in the Lighting section contradicts another code. Ms. Izatt said the dark-sky ordinance is important and she does not know why anything that did not meet that would be allowed. She also noted the importance of listing (C) "*Pedestrian walkways shall be lighted*". She suggested removing "~~*B. The maximum height of luminaries shall be 18 feet unless the Planning Commission requires a lower height as part of a conditional use approval*~~" and adding a reference to the Smithfield Municipal Code Lighting Ordinance. The Commission agreed.

Ms. Izatt asked for thoughts on "*a minimum of 50 feet from any residential or agricultural zone...*" Commissioner Caley pointed out that there are some types of uses (such as a bank or office) that may not need the distance requirement due to the type of garbage. Chairperson Anderson noted that it says "*50 feet from any residential or agricultural zone boundary or property containing a residential or agricultural use*" so it is not from the structure itself, but the boundary line.

Ms. Izatt noted that references to ARC and City Engineer will be changed to the STRC instead as suggested. Mr. Bodily felt that the steering committee would be better suited to review the architectural compatibility of a building.

Chairperson Anderson said that the last sentence in 17.89.100(C) regarding landscaping and/or rooftop patio equipment “*The landscaped area may not be enclosed or screened in such a way so as to create permanent occupancy space*” means that it is required to be left open, with no allowance for the creation of more livable space. His interpretation is that it cannot be screened to create additional residential area. For example, if there is an open-air rooftop, like the White Owl Restaurant in Logan, it could not be enclosed to add more square footage to the structure. Chairperson Anderson also pointed out the condominiums by the Logan River Golf Course. Councilmember Wall said many of those have cabanas over a picnic area or hot tub, but not a total enclosure that would create more occupancy space. Ms. Izatt wanted to make sure it is clear that it refers to “occupancy” space, not necessarily just “residential” space.

Commissioner Luthi questioned whether “... *dedicate at least 15% of the lot to landscaping...*” was the right amount (17.18.110 Landscaping Requirements). Chairperson Anderson said this would work out to be approximately 6,000 square feet. Commissioner Campbell said 15% was taken from the Cottonwood Heights ordinance. Chairperson Anderson said one of the saving graces with the entire sentence is the wording “*including, without limitation*” which allows for leeway and does not necessarily mean only grass/garden space. Commissioner Caley suggested leaving it at 15%. Commissioner Luthi asked if 15% was mathematically correct based on the allowance for up to 24 acres per unit. Commissioner Caley said it might limit the number of units that could be put in based on landscaping requirements. Chairperson Anderson said 43,560 square feet equals one acre and 6,540 square feet would equal 15% of dedicated landscaping area.

Councilmember Wall recently went to an Open House for a 40-acre mixed-use development in River Heights, comprised of townhomes, residential and senior care. Out of the 40 acres, 8 acres (20%) remained open space and the developer said there was room to allow for more. He provided this example as a frame of reference for the Commission’s consideration.

Commissioner Spackman suggested possibly adding the option for a change in the amount based on a conditional use application. Commissioner Caley said he agrees with a 15% minimum, some projects may choose to go above that. The consensus of the Commission was to leave it at 15%.

Chairperson Anderson asked about 17.189.120(A) “*Uses in the MU overlay zone over 25,000 square feet of gross leasable area shall be reviewed...*” and whether this would be only dwelling units or all commercial area. Commissioner Caley said in a mixed-use development, it could be both. Chairperson Anderson said it could be implied as either unless the residential element would be allowed to be sold, in which case it would not be considered “leasable”. The Commission agreed to strike out “~~gross leasable area~~” wording from the sentence.

Chairperson Anderson recommended removing the entire Sign section and adding a reference that signage in this zone will be governed by the current City Sign Ordinance. Commissioner Caley asked if there would be anything in the current ordinance that deals with multiple signage that might be requested in a mixed-use project. Ms. Izatt

said there is a designation for a complex sign – which is used in the mini-mall type of development where there are multiple businesses (i.e. Apple Creek by Lee’s Marketplace). The consensus of the Commission was to remove 17.189.130 Signage Requirements section and refer signage to Smithfield Sign Ordinance #17-36.

Ms. Izatt asked what the Commission thought of 17.89.140 Historic Buildings section. Chairperson Anderson questioned “*The demolition will not commence until sixty (60) days after the action of the City Council to permit historic documentation*”. Ms. Izatt said this would allow time to ensure historical documentation is completed before a building is torn down. Commissioner Campbell noted that the time limit may be increased or reduced by the City Council so it would not necessary have to be 60 days. Councilmember Wall is a little worried about delaying a developer/property owner from moving forward on a project. He also questioned what the documentation would be. Commissioner Campbell said it should be governed by the State Historical Register. Commissioner Caley asked if the delay would only be for historic documentation or salvage. Councilmember Wall said identification and documentation of historic buildings should be done now before there is a proposed project. Chairperson Anderson said his assumption is that if there is something of historical significance or designation, there should be some type documentation; sometimes historical can be “in the eye of the beholder”. Commissioner Caley suggested asking the State Historical Society what the advantage of a 60-day delay would be. Councilmember Wall noted that Councilmember Barnes is now the Council liaison working with the Historical Society. Chairperson Anderson is a little worried about delaying a property owner’s ability to do something with their own personal property. Commissioner Caley said the Historical Society may want to do an inventory before there is a change or modification done. Chairperson Anderson said documentation should be taking place now, because things can easily be destroyed by some other force (i.e. earthquake, fire, etc.). Commissioner Campbell suggested amending the final sentence by striking “~~increased~~” so it reads “*time limit may be reduced by approval from the City Council*”. Commissioner McCammon agreed with that suggestion. Commissioner Luthi asked if this would discourage developers. Councilmember Wall said the Historical Society should be gathering information now and suggested possibly removing “60 days” and notifying the Historical Society if a building will be demolished so they can take any appropriate action if necessary. Chairperson Anderson is concerned that too much red tape could result in a lawsuit if it is too restrictive. The owner of the building must be complicit with the Historical Society. Ms. Izatt thought this might be an important element to include and developers should be sensitive to this issue.

Councilmember Wall is concerned that the first part of the first sentence of the section reads “*Demolition of building with historic character shall be discouraged ...*” which could be construed by a developer that “discouraged” is the attitude of the City. This idea might create heartburn with the City Council. He suggested changing it to read “...buildings with historical character shall be reviewed for historical value”. There is a need for historical information/documentation, however, the wording may need to be adjusted. Commissioner Caley suggested “...encourage builders and architects to encourage historical elements...”. Commissioner McCammon agreed that it does currently have a negative connotation, however, the desire is not to discourage future development but to encourage historical preservation.

Chairperson Anderson asked how many buildings in Smithfield are on the historical registry. Mr. Bodily advised that the Armory, Youth Center, American Legion, and the old cannery are some.

Councilmember Wall said he will take this section to the Council for review and suggestions.

Commissioner McCammon asked about the difference between disruptive and non-disruptive home occupations. Ms. Izatt said disruptive would be a business which could create impacts to the surrounding area, such as traffic, parking, noise, lighting etc. Some examples would be a preschool, daycare, hair salon or other business with drop in clients. The business license ordinance is currently being updated to comply with the new law that was recently passed by the state legislature.

Commissioner Campbell asked why a preschool is allowed in the Mixed-Use matrix table, however childcare is not. Ms. Izatt said they are starting to combine preschools and childcares quite a bit. The state is also going to begin to license home preschools. The conditional use helps to ensure that all regulations are covered. Commissioner Campbell encouraged that childcare be conditionally allowed in this zone.

Chairperson Anderson questioned why a bed & breakfast is an allowed use, however, a boarding house is not, and what the designation between the two would be. There are more Airbnb's being used and nothing prohibiting them. Ms. Izatt said there is currently nothing that can be done on short-term rental use. Councilmember Wall said there are quite a few vacation rentals by owner (VRBO) operating. The City is not allowed to go on the website and identify the locations and go after them for a business license. Park City has over 9,000 regulated VRBO's. The City is currently working through this issue which is something that will need to be addressed as it continues to grow. He pointed out a popular VRBO in Mendon that is rented regularly. Properties in Idaho are renting out fields to view the solar eclipse on Monday.

Chairperson Anderson asked the Commission to continue to review the Use Allowance Matrix Table for more discussion at next month's meeting.

MOTION TO ADJOURN: Motion by Commissioner Campbell to adjourn the meeting at 8:42 p.m. The motion was seconded by Commissioner Caley. The motion passed unanimously.

Housekeeping Item: Councilmember Wall reminded the Commissioners that the time for the meetings can be adjusted as necessary. The consensus of the Commission was to keep the time at 7:00 p.m.

Minutes submitted by: Debbie Zilles

Jamie Anderson, 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, August 16, 2017 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Agenda Items

1. 7:01 p.m. Resident Input
2. 7:04 p.m. Consideration of Consent Agenda
Minutes of the July 19, 2017 Planning Commission Meeting
3. 7:05 p.m. Andrew Nielson, developer of A. Nielson Intrablock Subdivision, has requested approval for a six (6) month extension for the Conditional Use Permit portion of the three (3) lot intrablock development located at 180 East Center Street. Zoned R-1-10.
4. 7:10 p.m. Consideration of a request by Jere Orvin for approval of a Boundary Adjustment. Mr. Orvin is dividing parcel #08-114-0023 (371 South 300 East) from the parcel he originally purchased from Bobcat Circle Subdivision (Lot 1, parcel #08-114-0031, 276 East 360 South) and then combine the two lots into one. The divided parcel will again be part of the Bobcat Circle Subdivision. The parcel has been reduced in size but meets the current zoning requirements. Zone R-1-10.
5. 7:15 p.m. The Commission will continue review & discussion of the Mixed-Use Overlay Zone ordinance and amendments to the Land Use Matrix.
6. 7:25 p.m. ADJOURNMENT

Posted this 11th day of August 2017 at the Smithfield City Offices, City Web Page, and the Utah Public Meeting Notice website. Notice provided to Herald Journal this 11th day of August 2017.

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.