



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 15, 2018

The following members were present constituting a quorum:

Chairperson: Andrew Soelberg

Commission Members: Kelly Luthi
Jackie Hancock
Mason Niederhauser
Stephen Teuscher
Scott Gibbons, alternate commissioner
Nathan Wright
Casey McCammon -arrived 7:35 PM & replaced Commissioner Gibbons

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

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

OPENING CEREMONY

The Pledge of Allegiance was led by Commissioner Luthi.

ATTENDANCE

Gene Spaulding (SAL Management), Todd Orme, Kaleb Larsen (JZW Architects), Blake Dursteler (SCBL Holdings LLC), Marissa Jorgensen, Brian Lyon (Alliance Engineering), Jasilyn Heaps (Alternate Commissioner), Debbie Zilles

WORKSHOP SESSION

Training video: *A Message from your Local Developer* (State Property Rights Ombudsman & a representative of the Property Rights Coalition)

AGENDA ITEMS

Resident Input: None

Ms. Izatt noted that the November meeting will be held November 7, rather than November 21. She reminded the Commissioners to sign up for training and noted that the Open Public Meetings Act training will be broken down into two portions (about 20 minutes each) to be held as future workshop items.

Consideration of Consent Agenda and approval of minutes from July 18, 2018 meeting.

After consideration by the Commission, Chairperson Soelberg declared the meeting agenda approved and minutes from the July 18, 2018 meeting to stand as submitted

Review an annexation request from Brian K & Diana T Peterson (08-044-0084, 6.69 acres); Hillyard Heights LLC (08-044-0033, 30 acres); Dwight A Peterson (08-044-0034), 11.59 acres); Hillyard Family LLC (08-044-0037, 9.75 acres); Brian K & Diana T Peterson (08-044-0039, 5.00 acres); Marc Peterson (08-044-0040, 5.00 acres) located approximately west of the Ridgeview Estates (540 East 620 North) east of Hunter Meadows Subdivision (680 North 300 East) and south of 800 North 400 East. There are six (6) parcels totaling approximately 68.50 acres.

Mr. Bodily confirmed for Commissioner Gibbons that parcel 08-044-0041 will create an island. Ms. Izatt said the law allows for it. Mr. Bodily explained that because there are no roads, buildings, or structures of significant value it can be annexed (as advised by legal counsel) if the County allows, which they have in this case.

Commissioner Luthi asked about the northwest parcel (08-044-0084). Commissioner Gibbons advised that parcel is contiguous to the Utah Power (Rocky Mountain Power) parcel. Mr. Bodily said it would not create an island or peninsula.

Mr. Bodily pointed out that the General Plan recommends a regional park in this area, so the property owner will have to comply. The water issue will have to be handled by the developer. The property owner has filed for water rights to the spring on the south end; currently the water is being carried through a pipe. He wanted to ensure that the minutes reflect the fact that a regional park will be expected when the land is developed and the water issue will need to be handled and not allowed to drain on someone else's property. Commissioner Gibbons said there is a possibility that the water rights may not be transferred. Mr. Bodily suggested including in the motion the fact that there will be a responsibility to ensure that the water is managed and does not go into any other properties.

Councilmember Wall said discussion of the spring has been ongoing. During annexation, there needs to be a requirement that the property owner will take care of the water. Ms. Izatt said this can be included as a recommendation, which will be forwarded to the City Council.

Petition Evaluation:

1. *Does the property under consideration for annexation fall within the area designated for expansion in the City's annexation policy plan?* YES
2. *Is the property under consideration for annexation contiguous to existing City boundaries?* YES, recognizing parcel 08-044-0041 will create a non-contiguous island, which the County is aware of, and which has been reviewed by legal counsel.
3. *Are only whole parcels being considered for annexation, except in cases where the property owner has signed the petition?* YES
4. *Have the petitioners stated a proposed land use for the property under consideration? Is the proposed land use in harmony with the General Plan?* The General Plan designates this area as medium-density residential. The property owners currently have no proposed use or intent to develop.
5. *Has the City's General Plan indicated a need for park or trail land within the area proposed for annexation?* YES
6. *Will the annexation likely encourage urban sprawl?* YES
7. *Planning Commission's recommendation and concerns, if any, on the annexation request.*
 - a. A regional park (as designated in the General Plan) will be required to be put in when the area is developed.
 - b. The property owner will be responsible for managing the water source within the annexation.
 - c. 680 North is planned to be a major collector and connect to 600 East in the Master Transportation Plan.

MOTION: Motion made by Commissioner Niederhauser to **approve** an annexation request from Brian K & Diana T Peterson (08-044-0084, 6.69 acres); Hillyard Heights, LLC (08-044-0033, 30 acres); Dwight A Peterson (08-044-0034), 11.59 acres); Hillyard Family, LLC (08-044-0037, 9.75 acres); Brian K & Diana T Peterson (08-044-0039, 5.00 acres); Marc Peterson (08-044-0040, 5.00 acres) located approximately west of the Ridgeview Estates (540 East 620 North) east of the Hunter Meadows Subdivision (680 North 300 East) and south of 800 North 400 East. There are six (6) parcels totaling approximately 68.50 acres. Including the recommendations that the property owner be responsible for maintaining the existing water issue; a park will be required when the property is developed; and 680 North is planned to connect to 680 East. Commissioner Teuscher seconded the motion. The motion was approved unanimously (7-0).

Vote

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

Commissioner McCammon arrived at 7:35 p.m. replaced Commission Gibbons on the bench.

Marissa Sorensen has requested approval for an R-1 Animal Rights Permit for one (1) AEU (Animal Equivalent Unit) Large Animal on .50 acres of property (with a lease agreement with adjacent property owners), located at 63 West 100 North. Zoned R-1-10

Ms. Sorensen said the request is to allow her to keep her horse in the backyard during the winter. The backyard is fully fenced with a double gate on the west side, a 6' privacy fence is being installed by her rear neighbor. There are gates accessing the neighbor's yards and she has an Animal Rights Agreement signed by the neighbors. She is planning on putting in electric panels.

Ms. Izatt confirmed for Chairperson Soelberg that Ms. Sorensen is allowed one (1) large AEU for .50 acres.

MOTION: Motion made by Commissioner Luthi to **approve** a request by Marissa Sorensen for an R-1 Animal Rights Permit for one (1) AEU (Animal Equivalent Unit) Large Animal on .50 acres of property (with a lease agreement with adjacent property owners), located at 63 West 100 North. Zoned R-1-10. Commissioner Hancock seconded the motion. Motion approved unanimously (7-0).

Vote

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

PUBLIC HEARING to consider a request by Brian Zaitz, agent for Blake Dursteler-SCBL Holdings, LLC, to rezone property from CC (Community Commercial) to CB (Central Business District) located at 532 South Main Street, Parcel 08-110-0070 (1.53 acres) Ordinance 18-13.

7:50 p.m. Public Hearing Opened

Blake Dursteler explained that the zone change is being requested to Central Business District, which has a 10' setback, and will allow for the design of the building to fit on the property with the required parking. They are currently working with Utah Power (Rocky Mountain Power) to bury the line that goes through the property.

7:53 p.m. Public Hearing Closed

Commissioner Niederhauser asked whether this would be a Type 1 or Type 2 project. Ms. Izatt said the Assisted Living Center will be a Type 2 Large.

MOTION: Motion made by Commissioner McCammon to **approve** a request by Brian Zaitz, agent for Blake Dursteler- SCBL Holdings, LLC, to rezone property from CC (Community Commercial) to CB (Central Business District) located at 532 South Main Street, Parcel #08-110-0070 (1.53 acres), Ordinance #18-13. Commissioner Wright seconded the motion. Motion approved unanimously (7-0).

Vote

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

Blake Dursteler & Brian Lyons, agents for SCBL Holdings, LLC have requested approval of a Commercial Conditional Use Permit to allow an Assisted Living Facility, Type II, Large, to be located at 532 South Main Street. Currently zoned CC (Community Commercial)

Ms. Izatt pointed out that there are no other Assisted Living Communities in Smithfield.

Mr. Dursteler said a concept was discussed when the subdivision was approved years ago. The fence to the east has been readjusted and they have agreed to put in a row of parking with an agreement for shared parking with the dentist office to use during business hours.

Ms. Izatt noted that these types of facilities are heavily regulated by the state.

Commissioner Luthi asked if there was adequate parking for residents and employees. Mr. Dursteler said there are 52 stalls, plus an additional 10 with the shared parking, for a total of 62. There will be 48 resident rooms. The ordinance is two (2) stalls per four (4) rooms and two stalls (2) per employee. The highest peak of employees may be up to 16 (during shift change) with generally 9-11 employees working at any given time (24-hour operation).

Commissioner Gibbons asked about access. Mr. Bodily said there will be two, a shared access and another which will require approval from UDOT. Mr. Dursteler confirmed for Commissioner Hancock that there will be no access to the rear.

Gene Spaulding (SAL Management) explained that they specialize in Assisted Living Centers and they own/manage 21 communities throughout Utah and Arizona. There will be 12 units designated for dementia care located on the south end of the first floor. The unit will have a secure keypad entry and will include a basic kitchen, dining area, and activity room. Residents will be accessed regularly.

Commissioner Luthi asked if there had ever been a patient from the Alzheimer's Unit get out? Mr. Dursteler said they have not had one and take every precaution necessary for the safety and protection of the residents.

Councilmember Wall said, through personal experience, he has found that the units are made comfortable with familiar surroundings for the residents.

Chairperson Soelberg asked if the plans would be reviewed by the Commission. Ms. Izatt said they will not, once a Conditional Use Permit is approved, the project will be required to meet all the conditions of approval and standard ordinances.

Ms. Izatt suggested adding that UDOT approval for the access be added to the motion. Commissioner Gibbons recommended that it be noted that accesses were discussed and the owner will have to work with UDOT for the approval.

Ms. Izatt said that it cannot be enforced if it is not included in the motion. Commissioner Wright said UDOT will ensure that all requirements are met. Mr. Bodily agreed.

MOTION: Motion made by Commissioner Hancock to **approve** a request by Blake Dursteler & Brian Lyons, agents for SCBL Holdings, LLC for a Commercial Conditional Use Permit to allow an Assisted Living Facility, Type II, Large, to be located at 532 South Main Street. Currently zoned CC (Community Commercial) with a condition for up to 16 employees and meeting all other City regulations. Commissioner Niederhauser seconded the motion. The motion was approved unanimously (7-0).

Vote

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

MOTION TO ADJOURN

Commissioner Teuscher motioned to adjourn the meeting at 8:16 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, August 15, 2018 in the Smithfield City Council Chambers, 96 South Main, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Workshop Session: Training video: "A message from your local developer." (State Property Rights Ombudsman & a representative of the Property Rights Coalition)

Agenda items:

1. 7:18 p.m. Resident Input
2. 7:23 p.m. Consideration of Consent Agenda
Minutes of the July 18, 2018 Planning Commission Meeting.
3. 7:25 p.m. The Commission will review an annexation request from Brian K & Diana T. Peterson (08-044-0084, 6.69 acres); Hillyard Heights LLC (08-044-0033, 30 acres); Dwight A Peterson (08-044-0034), 11.59 acres); Hillyard Family LLC (08-044-0037, 9.75 acres); Brian K & Diana T Peterson (08-044-0039, 5.00 acres); Marc Peterson (08-044-0040, 5.00 acres) located approximately west of Ridgeview Estates (540 East 620 North) east of the Hunter Meadows Subdivision (680 North 300 East) and south of 800 North 400 East. There are six (6) parcels totaling approximately 68.50 Acres.
4. 7:30 p.m. Marissa Sorensen has requested approval of an R-1 Animal Rights Permit For one (1) AEU (Animal Equivalent Unit) Large Animal on .50 acres of property (with a lease agreement with adjacent property owners), located at 63 West 100 North. Zoned R-1-10
5. 7:35 p.m. **PUBLIC HEARING** to consider a request by Brian Zaitz, agent for Blake Dursteler- SCBL Holdings, LLC, to **Rezone** property from CC (Community Commercial) to CB (Central Business District) located at 532 South Main Street, Parcel #08-110-0070 (1.53 Acres), Ordinance #18-13.
6. 7:40 p.m. Blake Dursteler & Brian Lyons, agents for SCBL Holdings, LLC have requested approval of a Commercial Conditional Use Permit to allow an Assisted Living Facility, Type II, Large to be located at 532 South Main Street. Currently zoned CC (Community Commercial)
7. 7:45 p.m. **ADJOURNMENT**

Posted this 9th day of August 2018 at the Smithfield City Offices, City Web Page, and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 9th day of August 2018.

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.