

SMITHFIELD CITY PLANNING COMMISSION
January 18, 2012
MINUTES

The Planning Commission of Smithfield City, Utah met at the City Council Chambers, 96 S Main, Smithfield, Utah at 7:00 pm on **January 18, 2012**. The following members were present constituting a quorum:

Chairperson	Rik Vernon
Commission Members	Michael Paskett
	Steve Edwards
	David Price
	Jamie Anderson
	Jackie Hancock
	Bryant McKay
City Staff	Brenda Smith
Deputy Recorder	Char Izatt
Planning Staff	Jon Wells
City Council Member	Brent Buttars
	Kris Monson

The notice was provided to the Herald Journal and delivered to each Commission Member and posted at the City Office Building, the Smithfield City Web Page and the Utah Public Meeting Notice web site.

The meeting was called to order by Chairperson Vernon at 7:00 p.m.
Opening Ceremonies: David Price

Excused: Roger Douglas, commissioner, and Clay Bodily, planning staff

Visitors: Russell Elwood, J. C. Sparks, Noah Hoth, Blake Knecht, Austin Knecht, Keith Hobbs, Preston Hall, Peter Krusi, Ben Stapley, Jake Julander, Brennan Radford, Riley Workman, Norman Larsen, agent for CarSmart Automotive, Jerry Workman, Sam Hamilton, Lisa Hamilton, Jay Downs, Fire Department Chief, Katheryn Vernon, Jon Hay of CarSmart Automotive, Tina Elwood, Ruth Gray, Dale Smith, Brent Lawyer, agent for Prestige Solutions, LLC, Allen Burningham, owner of Prestige Solutions, LLC, Ryan Rogers, agent for North Ridge Development, Brian Jensen, and Margaret Smith

Resident Input

No resident input.

Consideration of Consent Agenda
Minutes of December 21, 2011 Planning Commission Meeting

Minutes were approved by consent.

Swearing in of Steve Edwards as a Planning Commissioner.

Char Izatt swore Steve Edwards in as a Planning Commissioner.

Chairperson Vernon congratulated Commissioner Edwards and welcomed him to the Commission.

Jon Wells arrived at 7:04 p.m.

Char Izatt reviewed the sample ballot for Commission Chairperson that she had given to the commissioners. She stated that the Commission had discussed reviewing the Commission rules annually. She added that the rules would eventually be adopted into the city ordinance. She asked for feedback on the rules.

Commissioner Price inquired if the Chairperson had a vote.

Char Izatt replied that the rules stated that they did, but that the commissioners could change the rules.

Commissioner Paskett noted that the Commission had discussed requiring the disclosure statement be completed annually by Commissioners.

Chairperson Vernon added that any commissioners who did not want to be elected as chairperson could ask Char Izatt to remove their name from the ballot.

Char Izatt explained that she had been doing research on sign ordinances and found that some cities address spotlights, but many do not address newer message signs.

Chairperson Vernon introduced a discussion on agenda item #10 regarding the sign ordinance.

Char Izatt issued sample ordinances to the commissioners.

Commissioner Price inquired if any of the sample ordinances addressed signs on trailers.

Char Izatt replied that they did not and reiterated that many cities were not yet addressing EMD (electronic message display) signs.

Commissioner Price stated that the Commission needed to address the issue of mobile EMD signs.

Char Izatt added that she could not find any sample ordinances on inflatable signs.

Public Hearing to consider recommending approval of Ordinance #11-16, an ordinance amending Chapter 17.60 RM Multiple Family Residential Zone by modifying the requirement for allowable density under section 17.60.030; Open

Space under Section 17.60.060; Parking Stall Dimensions in Section 17.60.070 and Architectural Guidelines in Section 17.60.090.

Chairperson Vernon introduced the agenda item.

The Public hearing opened by Chairperson Vernon at 7:15 p.m.

Mrs. Tina Elwood asked what the proposed ordinance changes were.

Chairperson Vernon noted that a copy of the changes could be provided for Mrs. Elwood.

Mrs. Elwood stated that she was singularly concerned with changes to green space requirements.

Chairperson Vernon asked Mrs. Elwood to approach the Commission.

Commissioner Price asked if he could summarize the ordinance changes for Mrs. Elwood.

Chairperson Vernon replied that the public hearing was only open for residents to address the Commission and that Commissioner Price could explain the ordinance after it was closed.

The Public hearing closed by Chairperson Vernon at 7:16 p.m.

Commissioner Price explained that the motivation for the changes was the large amount of open space required for larger developments and the costs associated with maintaining the space.

Jon Wells stated that the suggested changes did not alter the percentage of required open space in developments.

Chairperson Vernon requested that Jon Wells explain the ordinance changes.

Jon Wells stated that the suggested alterations allowed for density bonuses to be obtained when certain requirements were met. He added that the density bonuses mirrored the city's PUD ordinance and that the maximum of allowed units per acre would be fifteen. He reiterated that the open space requirements did not change.

Commissioner Price added that the ordinance gave developers the opportunity to add club houses and sports areas for a bonus.

Mrs. Elwood inquired if it would change density for four-plexes in residential areas.

Commissioner Price replied that it would not be financially feasible for four-plex developments to add in any of the requirements for a bonus.

Chairperson Vernon explained that the Commission had reviewed example ordinances from other cities and visited many sites. He added that the ordinance required more parking spots per unit than any of the other community's ordinances they had reviewed.

He asked if the commissioners wanted to discuss anything else regarding the ordinance.

MOTION: Commissioner Paskett made a motion to approve Ordinance #11-16, amending Chapter 17.60 RM Multiple Family Residential Zone by modifying the requirement for allowable density under Section 17.60.030; Open Space under Section 17.60.060; Parking Stall Dimensions in Section 17.60.070 and Architectural Guidelines in Section 17.60.090. The motion was seconded by Commissioner McKay and unanimously approved.

Commissioners voting in favor: Edwards, Anderson, Paskett, Vernon, Price, Hancock, and McKay

Ryan Rogers, agent for North Ridge Development has requested approval for Phase 4 (32 Lots) of the Final Plan for Stone Haven Planned Unit Development, located at approximately 745 South 160 East. Zoned RM (PUD) (Combined Multiple Family Residential/Planned Unit Development Overlay Zone).

Chairperson Vernon introduced the agenda item and invited Mr. Ryan Rogers to approach the Commission.

Mr. Rogers explained that they were ready to begin Phase 4, which would include completing the 100 East roadway.

Commissioner Paskett inquired if the development would be solely in charge of the road construction.

Mr. Rogers replied that they would be and that they planned to begin the construction in April. He added that the club house would also be completed during this phase of the development.

Commissioner Price asked if the other phases had been completed.

Mr. Rogers observed that they still had two buildings to complete from the previous phase.

Commissioner Price asked if the club house was only for resident use.

Rogers explained that it was and that access would be gained through passes issued to the residents.

Commissioner Price asked where the funding for maintenance of the club house originated.

Mr. Rogers stated that it came from HOA (Home Owners Association) dues.

MOTION: Commissioner Paskett made a motion to approve the Final Plan for Stone Haven Planned Unit Development, located at approximately 745 South 160 East, zoned RM (PUD). The motion was seconded by Commissioner Anderson and unanimously carried.

Commissioners voting in favor: Edwards, Anderson, Paskett, Vernon, Price, Hancock, and McKay

Norman Larsen, agent for CarSmart Automotive, has requested approval of a Commercial Conditional Use Permit to allow a 3' x 8' LED sign to be located at 110 North Main. Zoned CB (Central Business District).

Chairperson Vernon read the agenda item description and asked Mr. Norman Larsen to approach the Commission.

Commissioner Price asked if the sign would replace the existing business sign.

Mr. Larsen explained that it would be attached on the pole beneath the existing sign. He noted that the sign would be similar to the one that Alpine Cleaning had.

Commissioner Price inquired how Mr. Larsen had determined that the sign would increase his profits and be worth the investment.

Mr. Larsen replied that he had purchased the sign at an auction for a good price and was hoping that it would increase his sales.

Chairperson Vernon queried if Mr. Larsen had read the city's sign ordinance.

Mr. Larsen stated that Char Izatt had provided him with a copy of the ordinance.

Commissioner McKay inquired if the sign could dim in brightness.

Jon Wells noted that the sign was not an EMD, but was an LED sign. He added that dimming features were not required on LED signs in the ordinance.

Char Izatt interjected that the request was for a conditional use permit so the Commission could add conditions to their motion.

Mr. Larsen stated that the sign did not have overly bright lights.

Commissioner McKay noted that he was concerned about the sign being overly bright at night. He asked if the sign would be on all of the time.

Mr. Larsen replied that the sign would be on constantly.

Commissioner Price stated that the commissioners couldn't set conditions regarding brightness unless they outlined what constituted a brightness violation. Char Izatt observed that she did not think this kind of sign had a dimming option.

MOTION: Commissioner Paskett made a motion to approve the request for a Commercial Conditional User Permit to allow a 3' x 8' LED sign to be located at 110 North Main, zoned CB. The motion was seconded by Commissioner Anderson and carried unanimously.

Commissioners voting in favor: Edwards, Anderson, Paskett, Vernon, Price, Hancock, and McKay

Brian Jensen, 67 East 200 North, has requested approval of a Conditional Use Permit to allow a home based wood working business. Zoned R-1-10 (Single Family Residential 10,000 sf).

Chairperson Vernon read the agenda item and asked Mr. Brian Jensen to approach the Commission. He noted that Mr. Jensen had included pictures of his work space with his request.

Commissioner Paskett asked how many people would be working in the business.

Char Izatt reminded the commissioners that Mr. Jensen is only allowed to have one employee and that the employee needs to be a relative.

Commissioner Paskett encouraged Mr. Jensen to increase his hours of operation so that he could work at various times.

Mr. Jensen stated that he would like his hours of operation to be from 6:00 a.m. until 10:00 p.m., Monday through Saturday.

MOTION: Commissioner Paskett made a motion to approve the Conditional Use Permit to allow a home based wood working business located at 67 East 200 North, zoned R-1-10. The motion was seconded by Commissioner Hancock and approved unanimously.

Commissioners voting in favor: Edwards, Anderson, Paskett, Vernon, Price, Hancock, and McKay

Brent Lawyer, agent for Prestige Solutions, LLC, has requested approval of a Commercial Conditional Use Permit for the manufacture and sales of screen protectors, cases and cables for cell phones and other electronic devices. Zoned GC (General Commercial).

Chairperson Vernon introduced the agenda item and asked Mr. Brent Lawyer to approach the Commission.

Mr. Allen Burningham asked if he could join Mr. Lawyer at the podium as the owner of the business.

Chairperson Vernon approved Mr. Burningham to approach the Commission and verified the location of the business.

Commissioner Price asked if the business was new or if they were moving from a different area.

Mr. Burningham explained that they were moving the business from Logan.

Mr. Lawyer expounded that they needed to be in a building where it was easier to move their equipment.

Commissioner Paskett asked how long they had been in business.

Mr. Burningham replied that they had been in operation for three years.

Chairperson Vernon noted that the Commission needed to make sure the business had adequate parking.

Mr. Lawyer stated that they had less than the twenty employees they had noted on the application, but that they had wanted to leave room for expansion. He noted that there were sixty parking stalls allocated to their business and that they had approval to share parking spaces with a neighboring business if needed. He added that they did not

have customers coming to the building because all of their sales were completed online.

Commissioner Paskett asked what their hours of operation were.

Mr. Burningham stated Monday through Saturday, 6:00 a.m. until 10:00 p.m.

Commissioner Paskett asked if they used any chemicals in their business.

Mr. Buringham replied that they did not use any chemicals.

MOTION: Commissioner Price made a motion to approve the request for a Conditional Use Permit for the manufacture and sales of screen protectors, cases and cables for cell phones and other electronic devices in a GC zone with the conditions of 1) a maximum of twenty employees 2) hours of operation from 6:00 a.m. until 7:00 p.m., Monday through Saturday and 3) the applicants meet all parking requirements for a business of their size. The motion was seconded by Commissioner Paskett.

MOTION: Commissioner Price made a motion to amend the hours of operation to 6:00 a.m. through 10:00 p.m., Monday through Saturday in his previous motion. The motion was seconded by Commissioner Paskett and carried unanimously.

Commissioners voting in favor: Edwards, Anderson, Paskett, Vernon, Price, Hancock, and McKay

The Commission will discuss prospective changes to the animal rights ordinance, Chapter 17.16.060 "Nonconforming Animal Rights".

Chairperson Vernon asked Council Member Kris Monson to address the Commission.

Council Member Monson explained that she wanted to see if the Commission was interested in reviewing proposed changes to the animal ordinance. She expounded that the ordinance required residents with animal rights to keep the same kind of animal and number of animals on their property consistently since 1970. Council Member Monson noted that if a year went by that animals were not kept on the property, the property would no longer have animal rights. She proposed that residents with a certain amount of property be allowed to apply yearly for a permit to keep animals. She explained that the idea would assist residents who had extra property that they could not be developed. She noted that it is nearly possible for residents to prove that they have consistently kept the same type and number of animals on property since

1970. She observed that it wasn't practical to force residents to prove what animals had been kept on their property for such a long period of time.

Commissioner Price stated that residents purchase property that does not have animal rights and expect to not have animals on it.

Council Member Monson noted that she was trying to make a proposal that would allow residents with larger lots to keep animals and utilize their space.

Commissioner Price observed that neighbors would buy their homes with the expectation that their neighbors would not keep animals.

Council Member Monson explained that the original purpose of the ordinance was to assist the city in urbanizing.

Commissioner Price stated that the animals may become a nuisance and cause problems.

Council Member Monson noted that the current animal ordinances regulated nuisance animals. She added that she had asked the Smith family to come and tell the Commission the process they went through to prove that their property had animal rights.

Commissioner McKay observed that the animal control officer would assist in monitoring nuisance animals.

Commissioner Price stated that the problem was that neighbors would assume that their neighbors did not have animal rights and would be upset when their neighbor was allowed a permit.

Mr. Dale Smith noted that a neighbor who purchased property in the winter when animals weren't kept may also assume that property does not have animal rights. Commissioner Price replied that it would be part of the purchaser's due diligence to check and see if neighboring properties had animal rights.

Mr. Smith explained that he had the problem of his neighbors having differing accounts of cows being consistently on his property since 1970.

Commissioner Paskett noted that the city allowed grazing permits to be issued for livestock to be kept on property for a period of time.

Mr. Smith stated that he had been in a long battle with the Board of Adjustment to prove that his property has animal rights. He added that soon people wouldn't be around to

testify of animal rights dating back to 1970. He asked if it was fair to place the burden of proof on residents with animal rights.

Commissioner Paskett asked if Council Member Monson had reviewed any sample ordinances.

Council Member Monson replied that she was waiting to see if the Commission was favorable to reviewing the ordinance before she did any work on it.

Commissioner Paskett stated that he would like to see how other cities had handled similar situations.

Commissioner Price noted that the Commission had talked about the issue a few years before and didn't want to allow animals on lots smaller than one acre. He added that there were not many lots on the east side that were that size.

Commissioner Paskett noted that he would still like to see how other communities handled the issue.

Commissioner Price asked what size Mr. Smith's lot was.

Mr. Smith replied that his lot was just under an acre and that he kept two cows.

Commissioner Anderson stated that he was favorable towards looking into the issued and didn't think that residents should have to prove that they had animal rights.

Commissioner Price asked if residents should be allowed to not have animals for ten years and then have them again.

Commissioner Anderson replied that he did not see a problem with that.

Commissioner Price noted that if you had a grandfather exception and did not use it, then it should be lost.

Commissioner Anderson reiterated his opinion that there was merit into looking into the ordinance and proposed changes.

Commissioner Hancock stated that she agreed with Commissioner Anderson.

Council Member Monson asked if she could have an informal consensus completed to see if she should work on the ordinance.

Commissioners Edwards, Anderson, Paskett, Hancock and McKay were in favor of reviewing the ordinance.

Chairperson Vernon and Commissioner Price stated they were not in favor of reviewing the ordinance.

The Commission will continue review of proposed amendments to Chapter 17.36 “Sign Ordinance” of the Municipal Code.

Chairperson Vernon asked the Commission to discuss the proposed amendments to the sign ordinance.

Commissioner Anderson inquired if a sign was up for a week, if it could be reposted.

Char Izatt stated that the ordinance had additional guidelines for temporary signs and that the section Commissioner Anderson referenced allowed businesses to display temporary signs for the opening of their business. She added that the city has not had any problems with business keeping opening signs up longer than the allowed time period.

Commissioner Price noted that there had been concern about loop holes regarding electronic signs but that he felt it had been addressed.

Char Izatt stated that the intention of the amendments was to make sure the ordinance meshed well together.

Commissioner Price added that he did not see anything that needed to be changed.

Char Izatt stated that spotlights and inflatable advertisements still needed to be addressed.

Commissioner Price suggested adding spotlights and inflatable signs to the definition of temporary signs so that they would be allowed for business openings and special events.

Commissioner Paskett asked if sign height was limited. Char Izatt noted that the airport overlay zone may limit sign height.

Commissioner Price reiterated his suggestion to include spotlights and inflatable signs as temporary signs.

Commissioner McKay inquired about sign width restrictions.

Commissioner Paskett stated that he agreed with Commissioner Price’s suggestion.

ADJOURNMENT

MOTION: Commissioner Paskett made a motion to adjourn the meeting at 8:20 p.m.
The motion was seconded by Commissioner Anderson and approved
unanimously.

Commissioners voting in favor: Edwards, Anderson, Paskett, Vernon, Price, Hancock,
and McKay

Rik Vernon,
Chairperson

Attested:

Charlene Izatt, Deputy Recorder