

SMITHFIELD CITY PLANNING COMMISSION
February 15, 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 **Wednesday, February 15, 2012**. The following members were present constituting a quorum:

Chairperson	David Price
Commission Members	Steve Edwards
	Pete Krusi
	Jamie Anderson
	Douglas Archibald, Alternate
	Jackie Hancock
City Staff	Brenda Smith
Deputy Recorder	Char Izatt
Planning Staff	Jon Wells
	Clay Bodily
City Council Member	Brent Buttars

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 Price at 7:02 p.m.
Opening Ceremonies: Will Anderson

Excused: Commissioners: Bryant McKay and Mike Paskett

Visitors: Matt Holtin, Ty Eskelson, Cole Leishman, Will Anderson, Zachary Evans, Carson Sickler, Caleb Oar, Tyson Knudsen, Ryan Stott, Tamara Allen, Michelle Simpson, Ryan Rogers, agent for Stonebrook Properties LLC, and Jeffery Barnes, City Council Member.

Workshop Session

The Commission will review and discuss proposed changes to the animal rights ordinance, Chapter 17.16.060 “Nonconforming Animal Rights”.

Chairperson Price introduced the workshop item and explained that Council Member Kris Monson had requested that the Commission consider the issue.

Commissioner Hancock explained that she had received a letter from Kate Ransom, explaining how the changes to the ordinance would benefit her property and beneficiaries.

Chairperson Price determined that Kate Ransom lived in an R-1-12 zone and noted that she owned one and a half acres.

Jon Wells explained that under the current ordinance persons with animal rights must have kept animals on their property for at least thirty days every year for the past forty three years to maintain their animal rights.

Chairperson Price observed that there hadn't been too many conflicts regarding animal rights in the community. He expounded that the problems that had occurred, were when persons moved into a home and then their neighbors brought livestock in. He added that the allowance for grazing permits had been a way to compromise on the issue.

Commissioner Anderson inquired if Council Member Monson was going to provide information to the Commission on the topic.

Commissioner Hancock noted that there had been sample animal ordinances in their packet.

Commissioner Anderson observed that he had read the sample ordinances and it was noted that Char Izatt had provided those.

Chairperson Price stated that Council Member Monson had requested that the Commission discuss the topic and decide if they wanted to change the ordinance.

Char Izatt added that there had been discussion on the formation of a committee of commissioners and citizens to look into the issue.

Chairperson Price suggested allowing citizens to apply for a permit to keep animals, which could be denied if the city had received complaints regarding the animals.

Char Izatt inquired if only property owners who had formerly had animal rights would be able to apply for the permit.

Chairperson Price replied in the affirmative.

Jon Wells asked if a list of requirements would be set up for residents to meet before the permit could be granted.

Chairperson Price stated that he was envisioning a process similar to that regarding kennel licenses.

Char Izatt noted that the recent flooding had caused some problems for residents downhill from pastures regarding animal waste and added that such events could change how neighbors perceive animals.

Chairperson Price explained that grazing permits were allowed to assist citizens in complying with the weed ordinance. He suggested determining how many lots existed in the city that fit the size requirements.

Jon Wells noted that he liked the idea of making property owners responsible and accountable to the Commission for their permits.

Commissioner Edwards stated that the thought it would bring an aspect of common sense to the issue.

Commissioner Anderson explained that at the previous meeting a citizen had been concerned about the burden of proving that they had consistently kept animals on their property since the 1970s. He stated that he would like to see the burden of proof altered.

Chairperson Price agreed that residents should not be required to prove their animal rights for such an extended timeframe.

Commissioner Anderson expressed that he could not find anything in the ordinance defining such an extended burden of proof.

Jon Wells noted that the staff had interpreted the ordinance to require the proof.

Commissioner Anderson suggested establishing a shorter time for the burden of proof.

Jon Wells stated that shortening the timeframe would allow residents to illegally keep animals for the shortened period, prove that they had during that time and then regain their animal rights.

Chairperson Price noted that the city should be surveyed to determine how many lots would benefit from the ordinance change.

Clay Bodily stated that he could determine which lots fit the requirements to benefit from an ordinance change.

Chairperson Price observed that the Commission would further discuss the issue once the number of potentially impacted lots was determined.

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

Char Izatt read a sample ordinance that would allow balloons up to seventy five feet high and were required to be contained within the air space of the property boundaries but would most likely not be allowed in the airport overlay zone area.

Chairperson Price asked if the commissioners wanted to allow balloons as signs. Char Izatt noted that she had found a sample definition of inflatable signs.

Chairperson Price suggested allow inflatable signs during certain holidays and for a certain number of days each year.

Char Izatt added that the Commission also needed to address spotlights.

Chairperson Price suggested limiting them to requirements set up for temporary signs.

Resident Input

Mr. Tyson Knudsen stated that he was impressed with building and development in Smithfield. He noted that the city was still experiencing growth despite the economy. He stated that he wanted to applaud the Commission and express his thanks.

Consideration of Consent Agenda Minutes of January 18, 2012 Planning Commission Meeting

Commissioner Hancock noted a typing error in the minutes that needed to be corrected.

Minutes were approved by consent.

Swearing in of Pete Krusi and Doug Archibald as Planning Commissioners.

Char Izatt swore in Commissioners Krusi and Archibald.

Voting for Planning Commission Chairperson and Vice Chairperson

Char Izatt asked the commissioners to complete their ballots and pass them to the end of the row.

The votes were tallied and David Price was voted as Chairperson and Bryant McKay as Vice Chairperson.

The Commission will discuss and consider Density Bonus for Stonebrook Apartments located at 879 South 250 East. Zoned RM.

Mr. Ryan Rogers, agent for Stonebrook Apartments, approached the Commission.

Chairperson Price stated that Mr. Rogers was requesting a twenty eight percent increase in density. He asked what Mr. Rogers wanted to achieve with the density bonus.

Mr. Rogers replied that the bonus would give the development a total of 120 units, by adding a total of twenty two units. He added that a couple of the new units would be manager units and would not be rented out.

Chairperson Price stated that there was not enough brick on the plan to qualify for the density bonus.

Mr. Rogers explained that more brick had been added to the development besides what was listed on the plan. He stated that ten percent of the buildings would be brick.

Chairperson Price stated that the request for density bonus based upon covered parking needed to be discussed.

Mr. Rogers stated that all of the units had a garage and a covered carport.

Jon Wells noted that he and Jim Gass had discussed the parking request. He explained that Mr. Rogers was required to cover 1.5 parking stalls for each unit in the development. He stated that they felt that only parking spots that were covered that exceeded the minimum requirements should be counted towards the density bonus.

Mr. Rogers observed that the ordinance stated that a density bonus would be granted for any detached carport.

Jon Wells replied that Mr. Rogers was required by ordinance to cover 180 parking stalls and that the bonus percentage would be based on any additional parking stalls.

Mr. Rogers explained how many parking stalls were covered.

Chairperson Price stated that the density bonus based upon covered parking stalls would be reduced to three percent. He noted that Mr. Rogers was requesting density bonuses for the trails and recreation site amenities for the development.

Mr. Rogers explained where fencing existed around the development and where additional fencing was planned. He added that there was also a plan to give the city a right of way for future road placement.

Chairperson Price stated that he felt that the entire development should be fenced to qualify for a five percent density bonus.

Mr. Rogers explained that if a fence were constructed on the south side of the development, it would be removed when the public road went in.

Jon Wells agreed that a fence on the south border seemed unnecessary because it would be removed with the construction of the road. He suggested matching a two rail fence along 250 East that the neighboring development had put in. He added that a two rail fence would not be a visual barrier.

Mr. Rogers explained that the development would have a trail around the playground area and club house.

Jon Wells observed that there would also be a sidewalk around the entire development.

Commissioner Hancock inquired if the sidewalk was counted as part of the trail.

Mr. Rogers replied that it was not.

Chairperson Price stated that Mr. Rogers qualified for a twenty five percent bonus.

MOTION: Commissioner Anderson moved to grant a density bonus for Stonebrook Apartments located at 879 South 250 East for twenty five percent. The motion was seconded by Commissioner Edwards and unanimously carried.

Commissioners voting in favor: Edwards, Anderson, Price, Krusi, Hancock, and Archibald

Mr. Rogers stated that he wanted to ask the Commission about the proposed roadway. He explained that they would give the right of way to the city and that it would provide three exits from the development.

Jon Wells discussed the width of the proposed road.

Commissioner Krusi stated that he thought it was a good idea to have another roadway.

Commissioner Hancock asked if a fence would be placed along the south of the development.

Mr. Rogers replied that if the fence were constructed it would be removed when the road is built.

Commissioner Hancock asked how much space would be between the sidewalk and the homes.

Mr. Rogers stated that there would be thirty feet. He asked for a consensus on the roadway.

None of the commissioners disagreed with adding the roadway.

Michelle Simpson has requested approval of a Conditional Use Permit for a home based hair & nail salon and fresh floral & rentals for special events located at 491 East 420 South. Zoned R-1-12.

Commissioner Price introduced the agenda item and asked Ms. Michelle Simpson to approach the Commission.

Ms. Simpson explained that she was framing in a section of her garage to put her salon area in. She stated that she had spoken with Jon Wells about making sure it was up to code and would be adding in shelving in the garage for her supplies. Ms. Simpson expounded that the fresh floral aspect of the business would consist of order preparation and that she usually met her customers at their homes. She stated that she has parking for three vehicles.

Chairperson Price asked what her hours of operation would be.

Ms. Simpson replied that her hours of operation would be 8:00 a.m. until 8:00 p.m., Monday through Saturday. She added that she has a full time job and that most of her work would be completed during the evening and on weekends.

Char Izatt noted that the ordinance restricted her to having one relative work for her and that home occupations are also allowed to have a sign for the business, but no outside displays or storage.

MOTION: Commissioner Anderson moved to approve the Conditional Use Permit for Michelle Simpson for a home based hair & nail salon and fresh floral & rentals for special events located at 491 East 420 South with hours of operation 8:00 a.m. until 8:00 p.m., Monday through Saturday. The motion was seconded by Commissioner Krusi and unanimously carried.

Commissioners voting in favor: Edwards, Anderson, Price, Krusi, Hancock, and Archibald

The Commission will consider approval of a Boundary Adjustment request for property belonging to Stonebrook Properties LLC, located at 879 South 250 East. Zoned RM.

Mr. Ryan Rogers, agent for Stonebrook Properties LLC, explained that there were two parcels on the property and that the boundary adjustment would match the building phases of the development.

Chairperson Price asked if anything needed to be addressed with the request.

Jon Wells replied that nothing needed to be addressed and that Mr. Rogers had provided the legal descriptions of the parcels.

Mr. Rogers added that the adjustment would assist them with financing the development.

Char Izatt noted that the state allows for adjustments to be made if they meet the stated criteria.

MOTION: Commissioner Anderson moved to approve the request for a boundary adjustment for property located at 879 East 250 South, zoned RM. The motion was seconded by Commissioner Hancock and passed unanimously.

Commissioners voting in favor: Edwards, Anderson, Price, Krusi, Hancock, and Archibald

The Commission will review and consider Ordinance #12-02, which amends the Zoning Ordinance Title 17, in particular amending Section 17.04.070 "Definitions", deleting Chapter 17.93 "Residential Facility for Handicapped Persons", and creating a New Chapter 17.93 "Residential Facility for Persons with a Disability",

and deleting Chapter 17.94 “Residential Facility for Elderly Persons”, and Creating a New Chapter 17.94 “Residential Facility for Elderly Persons”.

Chairperson Price stated that a public hearing needed to be set for the ordinance amendment. He asked if the commissioners wanted to discuss it.

Char Izatt explained that the attorney had made changes to it to make sure it conformed with state law.

Chairperson Price set the public hearing for the March 21st meeting.

Jon Wells explained that the commissioners had been given a letter written by Jim Gass to the Cache County planner regarding proposed storage units on property bordering the city boundaries and within the city’s annexation area. He described where the property was located. He expounded that the county had to notify the city of the request, that the city could object to the proposal, and that the county would be required to respond to the objection. Jon Wells stated that the commissioners could also write letters if they also felt that the request did not align with the master plan regarding the property.

Chairperson Price asked when the city was planning on annexing the property.

Jon Wells replied that the property owner would choose when to request an annexation.

Council Member Buttars added that adjoining property owners had discussed annexation with the city.

Char Izatt noted that the county would not require the same setbacks, that Smithfield City ordinance requires for the storage units.

Jon Wells stated that it was hoped that the letter would promote discussion between the county and the city on the request.

Chairperson Price stated that the commissioners could write a letter if they choose to.

ADJOURNMENT

MOTION: Commissioner Anderson made a motion to adjourn the meeting at 8:22 p.m. The motion was seconded by Commissioner Krusi and unanimously approved.

Continuation of Planning Commission Minutes

02/15/12

Commissioners voting in favor: Edwards, Anderson, Price, Krusi, Hancock, and Archibald

David Price,
Chairperson

Attested:

Charlene Izatt, Deputy Recorder