

Smithfield City Planning Commission

February 20, 2013

MINUTES

The Planning Commission of Smithfield City, Utah met at the City Council Chambers, 96 South Main, Smithfield, Utah at 7:00 p.m. on **Wednesday, February 20, 2013**. The following members were present constituting a quorum:

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|---------------------|-------------------|
| Chairperson | David Price |
| Commission Member | Jackie Hancock |
| | Pete Krusi |
| | Douglas Archibald |
| | Jamie Anderson |
| | Steve Teuscher |
| Deputy Recorder | Char Izatt |
| Engineering Staff | Clay Bodily |
| Minutes | Stacey Dority |
| 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 7:06

Opening Ceremonies: Jamie Anderson

Absent: Steve Edwards, Commissioner; Bryant McKay, Commissioner

Excused: Jon Wells, Planning staff

Visitors: Jeanne M. Nielsen, Gary Tyler of Bott Pantone Architects, Sally Crossley, Paula Boothe, Barton Boothe

Resident Input:

No resident input

Consideration of Consent Agenda

Minutes of January 16, 2013 Planning Commission Meeting

Minutes were approved by consent

Char Izatt informed the commission that Jay Baker, Countywide Planner had been asked to review the City's Zoning Chapter for his suggestions on updating the ordinances to be more compliant with State law.

Mr. Baker reviewed them and returned them to Mrs. Izatt. Mrs. Izatt would like to review the suggestions given on the Sign and Conditional Use Permit chapters with the commission. A copy of his notes will be given to the commission prior to the next meeting. Mrs. Izatt would like to form a committee and start working on the changes. The commission decided to review the changes and then determine if a committee was needed.

Some of the suggested changes include:

- Clarification on the after hours issue on conditional use permits
- Expirations on conditional use permits
- Definitions on the sign ordinance are not content neutral and need revision

PUBLIC HEARING to consider request by Gary Tyler of Bott Pantone Architects, agents for the Marie Pitcher Family Trust, for Pitcher Family Land LLC, for approval of a rezone of 3.104 acres located south of 600 South 50 800 South and east of 250 East, Parcel #08-117-0004, from A-10 (Agricultural-10 Acre) to A-3 (Agricultural-3 Acre)

Chairperson Price opened the Public Hearing at 7:23 p.m.

Mr. Tyler approached the commission and explained they have gone through the annexation process last month and they're ready to start the next phase of rezoning. The City Staff suggested a rezone to the Agricultural A-3.

Chairperson Price questioned what was the total area annexed.

Mr. Tyler stated 16 Acres.

Chairperson Price commented that leaves the area A-10. He referred to a map issued at the meeting and indicated if the map was correct the frontage of the 3.104 rezone is 250 East. He asked if that was correct.

Mr. Tyler confirmed the map was correct. The rezone was in regards to the three acres. Chairperson Price replied are we to assume the rest of the A-10 will come in at R-1-10 or R-1-12.

Mr. Tyler responded we are not here to deal with that portion of the property; our understanding is the plans are not to change or develop that parcel. At some point if they decide to develop

then they will come back and go through the same process to rezone. The reason you have the map, is we wanted to show the Pitcher family what the area would look like with the three acres being used for the church and the possibilities of how they could use the other area.

Chairperson Price responded that is why he is raising the question. The unused area is not being moved to a different block once you rezone.

Mr. Tyler said no, the three acre area is being purchased by the LDS church.

Chairperson Price inquired if anyone wanted to comment on this issue.

No comments.

Mrs. Nielsen from the audience requested to see the map the commission was referring too.

Mr. Bodily showed her the map and she received a copy.

Commissioner Price responded it seems premature to approve the rezone without knowing the lot sizes and what will happen in the extra space.

Mrs. Izatt replied our priority is to approve or decline the rezone request.

Chairperson Price closed the Public Hearing at 7:30 p.m.

MOTION: Commissioner Anderson made a motion to approve the request by Gary Tyler of Bott Pantone Architects, agents for the Marie Pitcher Family Trust, for Pitcher Family Land LLC, for approval of a rezone of 3.104 acres located south of 600 South 50 800 South and east of 250 East, Parcel #08-117-0004, from A-10 (Agricultural-10 Acre) to A-3 (Agricultural-3 Acre) The motion was seconded by Commissioner Krusi.

A roll call vote was asked for by Chairperson Price.

- Hancock, yes
- Krusi, yes
- Price, yes
- Archibald, yes
- Anderson, yes
- Teuscher, yes

The motion passes. The voting was unanimous.

PUBLIC HEARING to consider a request by Barton E. Boothe for approval of a rezone of .74 acres located at 58 West 400 South, Parcel #08-110-0055, from RM (Multiple Family Residential) to CC (Community Commercial)."

Chairperson Price opened the Public Hearing at 7:34 p.m.

Chairperson Price indicated he was confused with the map that was presented. When he did a drive-by there were notations of buildings that were not identified by the drawings on the map. He asked Mr. Boothe to explain what the map represents.

Mr. Boothe approached the commission and detailed the location of his home in accordance with the map. He indicated where north was on the map and showed where the buildings were on the south side. His home sits right in the middle of the property. The home sits back 36 ft. from the sidewalk. There is 16 ½ ft. on each side of the building. He specified there was concern if a fire truck could make passage through that 16 ½ ft. area. He spoke with Mr. Wells and he said the fire department general likes 20 ft. for turn around, but they can make passage with 16 ft.

Chairperson Price referred to the map and asked about the buildings in the back, were they proposed buildings.

Mr. Boothe confirmed yes they are proposed buildings and in two different positions, one parallel and one horizontal. He specified when he talked with Mr. Wells, they decided since it is a commercial business he should move the building to the back of the property line, about two feet away from Mortimer's Pallet Shop. Mr. Boothe mentioned he may have to make the building a little wider to allow run off. Mr. Wells mentioned he would need a retention pond to accumulate water from the building and the lot. He also pointed out asphalt would be needed for parking.

Chairperson Price questioned if this was considered an allowed use under community commercial.

Mrs. Izatt replied it is not.

Chairperson Price declared this rezone would need to have a conditional use permit to allow this business. He went on to explain there is not enough information for the conditional use. Even though tonight we are looking at the rezone it is a good idea to see what you would like to do with the property and then decide if it is worth the rezone. He asked Mr. Booth if he understood the tire repair is not considered a permitted use in that zone. He informed Mr. Booth he would have to come back with a conditional use permit request and the commission would go through

them one at a time; parking, employees etc. Tonight we are looking at the rezone from multiple family residential to community commercial.

Mr. Boothe inquired if the commission would be deciding tonight; he understood there was another meeting next month.

Mrs. Izatt explained Mr. Boothe will need to go to City Council next month for the rezone. She clarified one point Mr. Boothe had brought up about the fire lane. The Fire Department generally needs 70 ft. for a turn around and Mr. Boothe needs to talk to the fire station about that clearance.

Mr. Boothe described the fire hydrant being about 60 ft. away from his corner property. He didn't think the fire department would need to pull into the lane.

Mrs. Izatt reminded him there might be need for emergency vehicles to be used at the sight at some time.

Chairperson Price emphasized to Mr. Boothe he would have to approach the fire department and bring a written statement into the commission and then they would look at his business request.

Chairperson Price measured the community commercial being ½ block west of Main Street and this property is on 58 west. Are we considering this ½ block?

Mrs. Izatt revealed Mr. Boothe is in the same zone as the Autumn Retirement Community.

Chairperson Price commented we are trying to rezone part of that RM zone which includes the community retirement home and put a commercial business in there.

Commissioner Anderson clarified this property backs up to the Mortimer Pallet company, is the pallet shop zoned M-1?

Mrs. Izatt reported the pallet shop is CC and he bought the building from Metal Vision and that is zoned M-1 and then Del Monte is M-1.

Chairperson Price reminded the commission we don't want commercial to sneak past the ½ block of Main Street.

Mr. Boothe alluded he was under the impression the entire area around 400 south will be community commercial in reference to the master plan.

Mrs. Izatt interjected when they did the gateway they started at 700 south. They have always stayed with the ½ block.

Chairperson Price expressed, "I've never seen a request come in where the property is straddling the line with the physical address." We have to decide on how much leeway we give. If we approve we are setting a precedent for what will follow.

Chairperson Price assessed if there had been any complaints from the retirement community.

Mr. Boothe revealed he had received a few complaints because of the number of cars there. He has since parked two cars at a different location. In terms of noise there have been no complaints.

Mrs. Izatt commented there have been complaints but they have not been pursued.

Commissioner Krusi probed if there are other rezones like this in the city.

Mrs. Izatt affirmed there was one where Jerry's floral used to be. It went all the way to first east. The commission allowed a residential multiple to go in place of the floral shop.

Chairperson Price called attention to the intent in the planning of the gateway; which is the south entrance into Smithfield. The commission knew what we wanted the entrance of Smithfield to look like so we extended the commercial 1/2 block east and west of Main Street. We have tried to stick to that plan when it comes to commercial.

Mrs. Izatt indicated she had the gateway ordinance.

Chairperson Price inquired what the ordinance states for the east and west.

Mrs. Izatt replied the ordinance indicates one block. She referred to the actual zoning map, which is law; everything goes to the middle on community professional.

Chairperson Price inquired if anyone in the audience was there to speak regarding the rezone.

No Response.

Chairperson Price questioned what portion of this property is beyond the middle of the block?

Mr. Bodily responded he thought the property was about 9/10ths over the middle line.

Chairperson Price related the only thing in question is if the property is beyond the middle of the block.

Commissioner Anderson concurred.

Chairperson Price continued if Mr. Bodily's analysis shows it is 9/10ths west of the half-way point then we would have to deny the rezone.

Mrs. Izatt explained it has been a while since they had actually figured the boundaries in the area.

Chairperson Price asked Mr. Boothe if he had any response.

Mr. Boothe responded this is the first time he has heard of this ordinance. Are we looking at the full block or a short block? Does the size of the block matter? Eightieth west is short of a full block.

Mrs. Izatt declared it does matter.

Chairperson Price questioned between fourth and fifth south there is not a 100 west?

Mr. Boothe clarified there is a 100 west, but there is also an 80 west where the retirement center is. Is the block in question 1st west or 80 west?

Chairperson Price mentioned 80 west would make Mr. Boothe's request for rezone worse.

Commissioner Teuscher explained a block is 660 feet.

Mrs. Izatt replied a block is 660 feet when we are working but the streets differ in size.

Chairperson Price identified his concern for the people in the retirement community that are established and then the commission approves a business. Is that fair to the citizens of the retirement community?

Chairperson Price closed the public hearing at 7:47 p.m.

A discussion was held by the commission.

Chairperson Price summarized the retirement community moves in understanding commercial ends at ½ block and not thinking they will have an automotive business in their back yard. We have never had a request that straddles the line like this.

Commissioner Krusi examined if we rezone a future owner could come in and build a building right up to the fence.

Mrs. Izatt remarked yes and you need to remember if Mr. Boothe sold the property zoned as CC (Community Commercial) it opens the property up for anything that is allowed in a CC zone. The requirement for a building is 10 ft. against a residential zone.

Chairperson Price specified if the rezone was east of the block it wouldn't be a problem. The only other thing that would help Mr. Boothe would be a rezone and then restrict building on the east.

Mrs. Izatt inserted the commission wouldn't have control of the restriction; it falls under the building code.

Mr. Boothe proposed he could file a deed with a restriction if it was sold in the future.

Mrs. Izatt disclosed a new owner has the same right to the full ordinance so they would receive the original rights.

Chairperson Price summarized, do we want to allow a community commercial lot west of the center of the block? The only reason Mr. Boothe is here is the RM zone won't allow him to have a General Auto Repair.

Mr. Bodily was dismissed to find paperwork that would identify the exact portion of the property over the ½ block line.

Commissioner Anderson suggested the commission make a motion and see where we end up.

Chairperson Price explained the two options for motions:

- 1) Make a motion to deny the rezone and if the rezone is denied Mr. Boothe still goes to City Council. The commission is presenting a recommendation to City Council.
- 2) If we pass the rezone Mr. Boothe will still go to City Council and they can still deny the rezone.

Mrs. Izatt reiterated that the city council would want to know why the commission denied the rezone so in the motion you need to state the reason.

Commissioner Teuscher specified the commission is setting precedence for future applications that straddle the line.

Mr. Bodily presented a map to the commission showing how close the property was to the middle of the block. The commission discussed the property.

MOTION: Commissioner Anderson made a motion to deny a request by Barton E. Boothe for approval of a rezone of .74 acres located at 58 West 400 South, Parcel #08-110-0055, from RM (Multiple Family Residential) to CC (Community Commercial),” due to the standing ordinances of the zone for community commercial. Commissioner Hancock seconded the motion.

A roll call vote was asked for by Chairperson Price:

- Teuscher, Yea
- Anderson, Yea
- Archibald, Yea
- Price, Yea
- Krusi, Yea
- Hancock, Yea

The motion was denied. The voting was unanimous.

Chairperson Price recapped they would recommend to City Council they deny the rezone because of the location of the property.

ADJOURNMENT

MOTION: A motion was made by Commissioner Krusi to adjourn the meeting at 8:05 p.m. Commissioner Anderson seconded the motion. Chairperson Price asked all those in favor, all commissioners responded Aye.

Commissioners voting in favor: Hancock, Krusi, Price, Archibald, Anderson, Teuscher

David Price, Chairperson

Attested:

Charlene Izatt, Deputy Recorder