

Smithfield City Planning Commission

July 17, 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, July 17, 2013**. The following members were present constituting a quorum:

Chairperson	David Price
Commission Members	Stephen G Teuscher
	Jackie Hancock
	Pete Krusi
	Douglas Archibald
	Jamie Anderson
	Steve Edwards
Deputy Recorder	Charlene Izatt
Planning staff	Jon Wells
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 7:00 p.m.

Opening Ceremonies: Josh Grunig, Boy Scout

Visitors: Brian Behm, Chris Biggs, Klarissa Jackson, Travis Taylor, Nicole Thompson, Tim Thompson, Susan Roecker, Craig & Karyl Eustice, Trent Grunig, Joshua Grunig, Ryan Grunig, Ron Wiley, Julie Wiley, Steve & Carolyn Fillmore, Jeff Hansen, Kris Oliverson, Jeff Cromwell, Jeff Barnes, City Council Member

Excused: Bryant McKay, Commissioner

Workshop Session: The Planning Commission will continue discussion on holding a Land Use Training, evening session and determine a date. The training is sponsored by the Utah League of Cities and Towns and the Utah Local Government Trust. Trainer: Megan Ryan, Land Use Planning Consultant for the League.

Mrs. Izatt informed the commission of the details for the Land Use Training. It is a two hour training and Megan Ryan, the instructor, travels from Salt Lake City. She stated the Commission should accommodate Ms. Ryan. The training is open to all the communities if they

would like to attend. Mrs. Izatt felt it would be better to have an separate meeting for the training rather than add it on to a commission meeting. She had not heard back from four people on the commission on the date that worked best for them.

Chairperson Price felt the training would be better on a commission meeting night from 6-8 p. m. with the commission meeting following at 8:00 p.m.

Mrs. Izatt stated the dates the training could be held. She will try to coordinate schedules with all the commission members for the training. She reminded the Commission the League training is still coming up and the City will pay for the training should any commissioners wish to attend.

Commissioner Archibald requested the training to start at 7:00 p.m. or later, if possible, so he could participate.

Mrs. Izatt confirmed she will work it out with the Ms. Ryan and send the finalized information in an e-mail.

Resident Input

Ron Wiley is a resident that lives on 1030 east. He has concerns with the changes that are happening with the Smithfield Ridges development. He lives in the Villas and has had a few calls of concern from neighbors in the Smithfield Ridges. They feel like there are promises that are not being kept that were in the original brochure. (He presented the original brochure to the commission). The park and pavilion is being put in where the clubhouse and pool was designed in the beginning.

Chairperson Price informed Mr. Wiley the commission held a public hearing and had the impression from several residences from the Villas that they had met with Mr. Taylor and approval was given for the upcoming changes.

Mr. Wiley stated the approval was from a committee regarding the changes to the home structure and lots. The actual buildings that they were told would be provided in the complex are not being taken care of.

Chairperson Price questioned Mr. Wiley on why he wasn't at the public hearing.

Mr. Wiley replied he was out of town but he had placed a call. In talking with other neighbors they were saying the clubhouse area was never presented in the public hearing.

Chairperson Price indicated Mr. Taylor had come in with each phase change he needed. He followed through with all the requirements the commission needed to increase density and side

yards. A public hearing was held and we heard from the citizens and listened to their suggestions. The amended Preliminary Plat has already gone to City Council for approval.

Mr. Wiley mention he found that out on his answering machine. He is concerned with the things that are not being done as promised.

Chairperson Price informed Mr. Wiley the commission is no longer the avenue he needs to work through. He would need to work with the builder on his complaint.

Mr. Wiley replied they had tried to bring the concerns up in a meeting but Mr. Taylor said that it is the way it is.

Mrs. Izatt reminded the Commission Mr. Taylor is here for Phase 1 of the Final Plan for the Villas.

Chairperson Price summarized that City Council could be the next place Mr. Wiley could intervene.

Consideration of Consent Agenda

Minutes of June 19, 2013 Planning Commission Meeting

Minutes will be reviewed for clarification on a public hearing statement.

Travis Taylor, agent for Smithfield Ridges, LLC, has made a request to amend Phase 1 of the Final Plan for The Villas in the Smithfield Ridges Planned Unit Development located east of 1000 East between 300 South & 600 South. Zoned R-1-12 (PUD) Combined Single Family Residential/Planned Unit Development Overlay Zone.

Mr. Taylor stated he is in compliance with the concept plan for the east side of the Villas.

Chairperson Price questioned Mr. Taylor if the information is basically what the commission has hammered out in the last two months.

Mr. Taylor replied the only changes were from City Council removing two more lots and extending the road on six south to the east. These changes do not affect this plat.

Commissioner Hancock informed Mr. Taylor that after the meeting last month, someone approached her and asked why the commission approved the amended plan so quickly. They were concerned over the issues Mr. Wiley discussed in the resident input about the clubhouse and swimming pool.

Mr. Taylor responded that the original plan for the Villas was the clubhouse would be owned by the Villas. The Ridges could opt in or out and pay for the use of the clubhouse. Running the clubhouse would be born solely by the Villas. There were two meetings and several exchanges about this. The feeling we got from the people in the Ridges was they didn't want to have the extra fees for the clubhouse. The Ridges could participate if they wanted to but would not be required. He denied ever considering a pool for this development.

Mrs. Roecker, from the audience, exclaimed the brochure shows a clubhouse and pool. Why would there be a pool on the brochure if the intention was not to put a pool in place?

Mr. Taylor explained a pool would require a person to take care of the chemicals. I apologize about the pool. I don't recall ever intending on having a pool put in.

Chairperson Price stated the city cannot control the pool. That would be between the developer and home owners.

Mr. Taylor mentioned this issue was brought up in City Council. The obligation should be between the company and the homeowners.

Chairperson Price summarized the commission doesn't need much discussion on the final plat. Mr. Taylor has fulfilled all his obligations.

MOTION: A motion was made by Commissioner Anderson to recommend amending Phase 1 of the Final Plan for The Villas in the Smithfield Ridges Planned Unit Development located east of 1000 East between 300 South & 600 South. Zoned R-1-12 (PUD) Combined Single Family Residential/Planned Unit Development Overlay Zone. The motion was seconded by Commissioner Hancock. The voting was unanimous.

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

Commissioner Price informed the residents in the audience this amendment will go to City Council for the final plat, they are the elected officials. They also have a resident input where residents can call attention to this problem. This approval has been going on for four months. Mr. Taylor has been coming in and working through these approvals. We have only had two residents come in. He told the citizens to go to City Council Meeting and voice their concerns at the next hearing.

Nicole Thompson, from the audience, indicated this was her first experience at the meeting and wondered what else they could do to prepare for the meeting.

Susan Roecker expressed that they feel what the commission is hearing is not what they are hearing. She felt like they need to alert the city to what is happening.

Mr. Wells commented on Mr. Clements comments in the minutes of last month's meeting; indicating his approval of the meetings with Mr. Taylor and all that was said.

Commissioner Edwards quizzed the audience if they had participated in the meetings with Mr. Taylor.

Mrs. Thompson replied there have been two meetings and they have been in the last 30 days.

Mrs. Roecker mentioned the Clements, mentioned in last month's minutes, are out of town. Mr. Clements will be surprised with how his comments have been received.

Public Hearing to consider a request by Don Corbridge for approval a Conditional Use Permit for a one (1) lot Intrablock Development located at 151 South 300 West. Zoned R-1-12.

Commissioner Edwards stated his wife is a cousin to Mr. Corbridge
Commissioner Krusi stated Mr. Corbridge is his Brother-in-Law

Chairperson Price opened the public hearing at 7:31 p.m.

Mr. Corbridge would like to do a lot split to bring the house that he sold off into compliance and apply for a second parcel that can be built on. He has done a preliminary plat on the property as far as prospective buildings in the future we recognize we have a 30 ft. set back. There is an existing barn with a 10 ft. clearance and 42 ft. access and he will pave 14 ft. of that access.

Chairperson Price questioned if it should be considered with a 100 ft. clearance from home to barn. Wouldn't it fall under the half acre rule? One acre rule for animal rights?

Mr. Wells replied there haven't been animals on this property for years.

Mrs. Izatt responded to Chairperson Price the ordinance he was thinking of, has to do with a residential zone abutting an agriculture zone.

Chairperson Price questioned if this barn would be used as a shed.

Mr. Corbridge replied yes. He assumed he can go within 10 ft. of the fence. There is room for at least 30 ft.

Chairperson Price responded the rule doesn't apply if there are no animals. He questioned how much footage was required for a shed.

Mr. Wells asked Mr. Corbridge how far the barn was from the back property line.

Mr. Corbridge responded, it's more than 30 ft.

Mr. Wells mentioned they could right up next to the barn.

Chairperson Price inquired what the height of the barn was.

Mr. Wells explained the barn is an existing structure so the height limit is not a problem.

Chairperson Price asked Mr. Corbridge if the building will stay as he develops the property.

Mr. Corbridge indicated he wants to preserve the barn.

Mrs. Izatt informed Mr. Corbridge about a separate parcel number. He needs to make sure the parcel numbers match. She thought it was still one parcel; however, when she looked up the history it had already been split. It has been assigned 0058 the other is 0012. Mr. Corbridge would need to make sure it matches or he will have to come back to the commission.

Chairperson Price continued, we need to address the new lot to make sure the set backs are correct and the remaining access is wide enough for the ordinance requirements. Is it a 30 ft. access?

Mr. Wells indicated it is a 20 ft. access for one (1) home and there is plenty of room.

Commissioner Anderson stated there appears to be trees, are they on your property?

Mr. Corbridge responded half of the trees are on his property half are not.

Commissioner Anderson questioned if the trees affect access to the property.

Mr. Corbridge replied no.

Chairperson Price opened the floor for comments.

There were no comments.

Chairperson Price closed the public hearing at 7:39 p.m.

MOTION: A motion was made by Commissioner Anderson to approve a Conditional Use Permit for a one (1) lot Intrablock Development located at 151 South 300 West. Zoned R-1-12. The motion was seconded by Commissioner Edwards. The voting was unanimous.

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

Jeff Hansen of JSH Surveying & Drafting, Inc., agent for Lavon Peterson, has requested approval of a three (3) lot minor subdivision located at 294 South 200 East. Zoned R-1-10.

Mr. Hansen handed out site drawings to the commission members. The drawings show the curb, gutter and side walk. He felt it was straight forward showing three (3) lots with all the frontage and improvements needed.

Commissioner Teuscher questioned if the garage and house are already there.

Mr. Hansen indicated there is a water meter on lot two and they will have to install a meter on lot three. There used to be a house there and they have torn it down.

Chairperson Price questioned if the house on the corner would make it a non-compliant lot.

Mr. Hansen mentioned he thought it would be grandfathered in because it has been there forever.

Mrs. Izatt interjected the house in question had been there since before 1970. She debated on the barn Mr. King had bought from him.

Mr. Hansen stated the lot on the south will not be changing. The lot to the north will be changing with a boundary line agreement with the Kings.

Chairperson Price inquired about the irrigation.

Mr. Wells responded this area uses secondary water. Before we issue building permits we make sure the water arrangements have been made with the city. A minimum is 1/3 share for each lot.

Chairperson Price informed Mr. Hansen the water would have to be in place for all three lots and the water has to be in place before he would be approved.

Mr. Wells informed the commission there are two different irrigation companies. The ditch on the lot comes out of the Logan canal. Water hasn't been available because of the canal problems.

Commissioner Krusi made a comment that the ditch does fill up with overflow water.

Mr. Wells informed Mr. Hansen who the water master is: Darren Evans and the President is John Meikle. He will give the phone numbers to Mr. Hansen.

Chairperson Price voiced his only concerns were the corner house and the irrigation issues. He asked if there were any other issues from other commission members.

Mrs. Izatt informed the commission the need for the motion to indicate three lots. She didn't count the existing house on the agenda posting.

Chairperson Price indicated the boundary adjustment agreement will need to come back to the planning commission.

Mr. Hansen questioned if he could survey one line for both parcels.

Mr. Wells replied they have just had legal descriptions made up in the past.

Mrs. Izatt stated both parties have to sign and then the deed has to be signed. She will send Mr. Hansen information on the process and the State law the City follows.

MOTION: A motion was made by Commissioner Krusi to approve a three (3) lot minor subdivision for Jeff Hansen of JSH Surveying & Drafting Inc. agent for LaVon Peterson, located at 294 South 200 East. Zoned R-1-10. The motion was seconded by Commissioner Teuscher. The voting was unanimous.

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

Chris Biggs has requested approval of a Conditional Use Permit for a Dog Kennel Permit for up to three (3) dogs located at 200 Summit Drive. Zoned R-1-10.

Mr. Biggs told the commission he has a French bulldog, English bulldog and Italian mastiff.

Mrs. Izatt explained the picture Mr. Biggs had submitted showed four dogs. Where is the other dog?

Mr. Biggs explained it is a puppy and he is still trying to sell it.

Chairperson Price explained there has been a lot of neighbor input about this application. An e-mail has been sent to everyone. All comments have been duly noted.

Commissioner Anderson asked Mr. Biggs if he was aware of all the complaints.

Mr. Biggs mentioned he had been approached by one neighbor for a barking dog. I have been home every day this last month I have observed that when a golfer has been coming into my yard or a child is throwing a ball at the dogs they will bark. I have a shock collar for the Italian mastiff to try to help him stop. I have recently filed with the police department because the golfers keep knocking over my fence to retrieve balls.

Chairperson Price inquired about the cleanliness complaints.

Mr. Briggs stated he cleans up every Monday, Wednesday and Friday.

Mr. Krusi inquired about the log of complaints.

Mrs. Izatt replied she keeps a log of complaints after she sends out a letter informing the neighbors of the upcoming application. There have been a couple of police reports about the cleanliness.

Mr. Biggs interjected that most complaints have been vehicles that were unlicensed on the property.

Mrs. Izatt stated she had talked to the Police Chief and animal control and felt Mr. Biggs had met the requirements. However, the neighbors are still concerned and should be allowed to speak.

Mr. Biggs mentioned the only correspondence he had received is for this meeting.

Chairperson Price asked Mr. Biggs to take a seat so the commission could hear the neighbor's opinions.

Steve Fillmore, 180 Summit Drive approached the commission and stated, you have seen all the letters and Mr. Biggs says he hasn't received them. Since the letters have been written, at 11:30 today, Mr. Fillmore had grandkids at his home and the two dogs were in his yard going to the bathroom and they have broken the fence in his yard. The mastiff is so big it has broken the post. Mr. Biggs has never attempted to help with fixing the fence. It is not an appropriate place for a dog kennel. It makes a terrible smell in the neighborhood. The dogs feel like our yard is a bathroom. It is an inappropriate request and should be denied.

Jeff Cromwell, 190 Summit Drive, adjacent neighbor commented that most of his concerns were with the vehicles. They have been taken care of for the most part. There is a sense of frustration because there is a minimal amount of effort on Mr. Biggs part. He waits until a complaint

happens and then he takes care of the problem. The neighbors are not complaining people. The larger dog needs to be quieted. There aren't a lot of children to cause the dog to bark. The neighbors are frustrated at the dog leaning over the fence and barking. Kids aren't awake at 12:30 at night or 6:30 in the morning. Golfers may be out there. He didn't have a problem with the smaller dogs. The larger dog is a nuisance. The other two neighbors have more of a problem with dogs on their property. Mr. Biggs fence is not in the best shape. Mr. Biggs is a good person and loves animals and cars.

Chairperson Price brought up the cleanliness issue and inquired if Mr. Cromwell had any comments.

Mr. Cromwell mentioned the lady that lived there before kept it so clean. Originally it wasn't as clean but Mr. Biggs has been trying now that there is more complaining going on. He probably won't ever keep up his property. Mr. Cromwell is concerned for the new people moving into his home. A kennel won't make the smell any better. Mr. Cromwell hasn't been around the last three weeks so he doesn't know if any cleanup has happened since then. There have been trust issues with other animals. There are a lot of cats around and Frank wanted to see what could be done about the cats. The cats scratched the realtor's daughter. Frank called Mr. Biggs and he said he didn't like cats and didn't have any. The next thing you know the cats have tags with inappropriate names and he felt that is inappropriate for others living around the neighborhood, especially the children who are calling the cats by these names. If you came and looked at it you would understand the situation.

Kim Thomas, 210 Summit Drive felt like her opinions are repeating what has been said. She invited the commission to come to her house and look in her backyard and see the problem for themselves. The dogs get out and urinate on her backyard furniture and she has to replace it. She has a Great Dane and it has a designated area to go to the bathroom and it doesn't get out of her back yard. On the 4th of July she had a family get together and it was nonstop barking. Mr. Biggs did get her letter. She put it on his front door with tape and the next day there was a shock collar on the dog. The holes in the fence are fixed by a frying pan, and a plastic swimming pool. Two posts are completely rotted. We came and fixed the fence. We asked Mr. Biggs if he would mind if we came on his property. He said, "No, go ahead." He never took responsibility to help financially or physically. The smell is terrible on a hot day. The dogs are not cleaned up after and everything is matted down with leaves. Just come up to my backyard and see for yourself.

Chairperson Price inquired if everyone that would like to comment had taken the opportunity too.

Commissioner Anderson questioned where the complaint log had been recorded.

Mrs. Izatt responded she records the complaints as they come in after the letters for the public hearings are sent out. She records so if there are three mitigated instances then the license can be revoked. She relies on the animal control department for follow through. Frank, the Animal Control Officer reported to Chief McCoy that everything was in compliance. Mr. Biggs is allowed two dogs according to City ordinance.

Commissioner Anderson questioned Mr. Biggs about the letter from Smithfield City to remove the dogs. Which two (2) dogs did you remove?

Mr. Biggs replied the Mastiff and the English bulldog.

Commissioner Anderson inquired if there is a problem with the dogs getting out.

Mr. Biggs informed the commission the dogs get out through the corner of the lot. He is trying to get money to fix the fence.

Commissioner Edwards stated we have more issues than just the kennel. He golfs regularly and sees the dogs out on the golf course quite often. There is some history here and Mr. Biggs hasn't been able to contain the dogs.

Chairperson Price inquired if Mr. Biggs had anything else to say.

Mr. Biggs approached the commission and listed his responses to the comments that had been presented.

- 1) His dogs were not at Mr. Fillmore's house that morning. He called Mr. Fillmore a liar. If he has video or tape Mr. Biggs would like to see that it did happen.
- 2) He has personally witnessed kids throw things at his dogs.
- 3) He doesn't like cats and wants the cats gone. The lady across the streets claims she has 100 cats.
- 4) The note that was taped on his door he did not see. There are other people living there.
- 5) There is no swimming pool covering a hole in the fence. There was a sandbox leaning up against the fence.
- 6) The fence was broken when he moved into the house.

Commissioner Anderson was concerned with the difference in opinion and how this puts the commission in the role of playing judge.

Chairperson Price responded that even if Mr. Biggs had two dogs his responsibility is keeping them contained and he does not do that. In his mind the request for the kennel license should be denied because he hasn't filled the requirement for two dogs let alone three (3) or more. We could allow him to reapply if he could keep them contained.

Brian Behm from the audience stated the golfers push the fence down to retrieve their balls and he has not heard barking from Mr. Biggs dogs.

Commissioner Krusi brought out the fact that there are so many neighbors complaining doesn't show well for Mr. Biggs.

Chairperson Price replied we have to respect his rights.

Mrs. Izatt stated that the animal control and police department are not aware of all these complaints and they have responded to the complaints that have been filed.

Chairperson Price summarized the dogs have to be contained. The neighbors have ways to complain about the two dogs to the City Council. He told the neighbors they need to continue to pursue their complaints with City Council.

Commissioner Anderson informed the audience the definition of nuisance is when an animal causes disturbance by excessive barking or noise making.

Chairperson Price interjected or an animal at large.

Mrs. Izatt pointed out the need to prove the two dogs are the ones causing the problem.

Mr. Cromwell voiced he has a small collection of photos showing the problems with the dogs but the police officer suggested it was not a good idea.

Commissioner Krusi summarized the need to contain the two dogs, gain the trust back with neighbors and reapply.

Chairperson Price informed the ways to make a motion. 1) Deny the request or 2) approve with strict conditions; free standing kennels, septic systems, cement floors, 8x12, no free running.

MOTION: A motion was made by Commissioner Edwards to deny the request for a Conditional Use Permit for a Dog Kennel Permit for up to three (3) dogs located at 200 Summit Drive. Zoned R-1-10.

The motion was seconded by Commissioner Krusi. A roll call vote was called for

Edwards: Aye

Anderson: Aye

Archibald: Aye

Price: Aye

Krusi: Aye

Hancock: Aye

Teuscher: Aye

Chairperson Price notified Mr. Biggs that he has ten days to appeal to City Council.

MOTION: A motion was made by Commissioner Krusi to adjourn the meeting at 8:29 p.m. The motion was seconded by Commissioner Archibald. The voting was unanimous.

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

David Price, Chairperson

Attested:

Charlene Izatt, Deputy Recorder