

## Smithfield City Planning Commission

November 15, 2012

### 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 **Thursday, November 15, 2012**. The following members were present constituting a quorum:

Chairperson	David Price
Commission Members	Bryant McKay
	Jackie Hancock
	Pete Krusi
	Jamie Anderson
	Steve Teuscher
	Douglas Archibald arrived at 7:10
Deputy Recorder	Char 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 7:03

**Opening Ceremonies:** Bryant McKay

**Visitors:** Katie Swain-Hard News Cafe, Lloyd Meyer, Lowdy King, Nannette King, Alan Peterson

**Excused:** Commissioner Steve Edwards

**Resident Input:** No resident input

**Consideration of Consent Agenda**  
**Minutes of September 19, 2012 Planning Commission Meeting**

Minutes were approved by consent

**Swearing in of Stephen Teuscher as a Planning Commissioner**

**The commission will review an annexation request from LaVoyle Crossley, petitioner for Pitcher Family Land LLC, for property located approximately on 250 East and 600 South containing 15.2 Acres. Cache County Parcel #08-117-0004.**

Mr. Wells stated the LDS church is purchasing the land and it will come in as an agricultural zone.

Chairperson Price inquired if the request for a rezone would come back later with a development plan.

Mrs. Izatt confirmed it would.

Chairperson Price mentioned this would be the end of the process. He itemized we have a list of questions for this annexation that we need to answer and then we will pass it on.

- 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**
- 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? **No**
- 5) Has the city's General plan indicated a need for park or trail land within the area proposed for annexation? **No**
- 6) Will the annexation likely encourage urban sprawl? **Yes**

Chairperson Price asked if there were any concerns.

Chairperson Price inquired if the only access was off of 600 South? What will be the next cross street?

Mr. Wells suggested somewhere near 700 South.

Chairperson Price stated if the building takes place on 600 south then there is only one access on 250 east; that is a concern.

Mr. Wells explained 250 East is a collector road. If the Pitcher family wanted to build homes, we wouldn't want driveways on 250 East.

Chairperson Price inquired where the church would be positioned.

Mr. Wells mentioned the corner of 600 South and 250 East. Then they would have to deed over to widen 250 East and widen 600 South as development happens.

Chairperson Price questioned if the deed to widen the street would be in the ordinance for the church or part of the conditional use permit.

Mr. Wells explained the deed to widen the street would be in the development plan through the Engineering Department not the commission.

Chairperson Price expressed concern over secondary water rights. Is the church bringing water shares with them?

Mr. Wells explained the church will have to consider the water use in their plan. They will need to make sure water is available to them.

Chairperson Price questioned if it falls under the subdivision ordinance.

Mrs. Izatt stated the Crossleys will take care of the remaining lots.

Chairperson Price queried if there is enough water for the church and the development.

Mrs. Izatt replied they will have to go through other avenues to supply the water.

Chairperson Price asked if the Pitchers would know they are in charge of the water shares.

Mrs. Izatt replied yes this family has dealt with several condo developments.

Chairperson Price reinstated that water may be the only issue on this piece.

Mr. Wells referred to the ordinance and said it does not specify anything other than a dwelling unit.

Chairperson Price summarized we will list water as a concern as well as limited access on 250 East 800 South. He questioned how we will charge for secondary water.

Mrs. Izatt mentioned the developmental plan will have to incorporate the fees in the plan.

**Lloyd Meyer, property owner, has requested time with the Commission to discuss property located on 350 West 200 North (zoned R-1-12, Single Family Residential 12,000 sf) and 60 N Main (zoned CB, Central Business District)**

Mr. Meyer stated he was here to receive answers to questions on several properties he owns in town. The first property to discuss was on 350 West 200 North. His family has owned it for 80 years and has built 4 large buildings on it that were used for their honey business. They are phasing out of the business but still paying taxes. They would like to change the property zoning into something that would bring in revenue for them.

The property was initially zoned commercial. The city rezoned it to an R-1-12. They have not used the property for business purposes in the last 12 months so their permit has expired. Their family was unaware of the zoning change. His question is what does he need to do to get the zoning changed so he can use the property to bring in revenue?

Chairperson Price inquired what the buildings are being used for now?

Mr. Meyer replied the buildings are being used for storage.

Chairperson Price questioned the city; if Mr. Meyer came in for business permit on the property can he apply for one.

Mr. Wells stated it was dependent on the use of the property. Mr. Meyer's business has been honey and the business has phased out so it has fallen into the non-conforming category. As soon as Mr. Meyer changes the type of business the zone will not allow a new commercial business because of the residential zoning.

Chairperson Price asked Mr. Meyer if he had tried to develop a business to fit in the R-1-12 zone, or had he looked to rezone the property to a commercial zone. Mr. Price explained most people bring a request with a business in mind rather than a rezone. He also informed Mr. Meyer that if he tries to rezone and the commission denies it he could go to the City Council for approval.

Mr. Meyers questioned if he could build a home on the property.

Chairperson Price asked what size of lot he had.

Mr. Meyers stated it is a one acre lot

Chairperson Price asked if it would be considered an intra-block.

Mr. Wells replied yes if you want to put a house behind the building. It would be eligible.

Chairperson Price suggested Mr. Meyer could develop up to three lots. He explained he had enough frontages he could find access behind the buildings.

Mrs. Izatt reminded the commission regarding the non-conforming use, after 12 months you lose non-conforming status.

Chairperson Price responded to Mr. Meyer you can try to rezone.

Mr. Wells questioned if it would be a futile attempt or would the commission be willing to give them a favorable recommendation.

Commissioner Krusi inquired what other property owners are around his lot.

Mr. Wells mention Lamar Nelson, and Lloyd Meyers are basically back to back buildings.

Chairperson Price inquired if there are any businesses that require R-1-12.

Mr. Wells said no, only home businesses, he is trying to return it to a commercial zone and then maybe lease it to someone who has a business.

Chairperson Price inquired how the commission felt about this request.

Commissioner Hancock didn't feel there was a problem with a business being there because the neighbors are used to the buildings being there.

Chairperson Price agreed that the buildings being there is an advantage.

Mr. Meyer inquired if it could be rezoned and become storage units.

Mrs. Izatt replied no. Individual Storage units are only allowed in a heavy zone: M-1 or GC. For Mr. Meyer to have storage units he would have to have a general commercial or manufacturing zone.

Mr. Wells mentioned Lamar Nelson is under a non-conforming use because he kept the business going after it was handed down from his grandfather.

Mrs. Izatt mentioned there is a lot you can do with a community commercial zone.

Mr. Meyers restated the purpose is to gain revenue from the property not sell it.

Mrs. Izatt listed a few businesses that fall under the community commercial zone; car repair, bank, office floral shops, retail.

Mr. Wells explained retail would not work well in that area of town.

Mr. Meyers changed the discussion to the property located at 58 North Main and 60 North Main where Callaways is located. He explained behind Callaways is a machine shop. It has worked out okay because machine shop is under a non-conforming use permit. The property south of the building is about 90x100 square feet and located just south of the machine shop. In order to come out ahead on property taxes we have to utilize the property as much as we can. Revenue needs to be increased. His question is, can we expand the non-conforming use on the vacant lot and add another building for storage for the machine shop.

Chairperson Price clarified Mr. Meyer would need a conditional use permit on a non-conforming lot.

Mrs. Izatt stated expansions for non-conforming uses are approved in residential areas all the time.

Chairperson Price replied yes you can request a for an expansion to a non-conforming use.

Mrs. Izatt clarified it would not be a conditional use permit request.

Mr. Wells mentioned the non-conforming use may be expanded to include the entire area. What Mr. Meyer wants to do is expand. The machine shop needs more space. He needs permission to enlarge.

Chairperson Price summarized the commission would allow Mr. Meyer to come back with a plan. The commission may ask a few conditional use items like would you need a fence or additional access. There may not be a need for any changes.

Mr. Meyer inquired what the City's plan was for the Main Street property.

Chairperson Price indicated it is central business on both sides a half block East and West.

Mr. Meyer inquired if there was a difference in zoning.

Chairperson Price replied that up and down Main Street from 100 South to 200 North is Central Business. In the City's master plan it is zoned for retail or professional business. He mentioned that studies had been done by City council to stimulate business in that area. They were getting somewhere until the economy changed course.

Mrs. Izatt indicated businesses want to go south.

Mr. Meyer inquired about annexation for his property on the North end of Smithfield on the East side, consisting of 16 acres in the County. What is the feeling about annexation?

Chairperson Price inquired if the property is in the annexation boundary

Mr. Wells confirmed it is in the boundary.

Chairperson Price responded, in the master plan if you fall within the boundary line you will qualify for annexation.

**Alan Peterson, agent for Longhorn Productions, would like to discuss a Commercial Conditional Use Permit for approval of a Country Dance Club and Events Center located at 866 South 100 East Zoned GC (General Commercial)**

Alan Peterson from Hyde Park introduced himself to the commission. He has been in the furniture business and has run several other businesses. He has been working for seven years on this idea of a country dance center. He would like the dance center to be a first class place. His committee and connections are from Jackson Hole, Wyoming and Wisconsin; a well-known established business in resort entertainment. The King's building became available, and took over the need to build. His idea for the building would be a place to house entertainers that were popular 15-20 years ago like Sawyer Brown and TG Shepherd. Events would run through the day as an event center but used to serve the community.

Mr. Peterson mentioned his wife works as an Event Coordinator at a nursing home and they have small budgets to go to locations for entertainment opportunities. His vision includes dancing, singing and clogging lessons. The proposed building is very suited for this purpose. Mr. Peterson wanted to get a feel for who was on the commission. The most important part of the success is the occupancy. The Kings said they will do what is required to get things to pass for the commission. Mr. Wells has been given the plans for this event center. Mr. Peterson felt the most important item he needed to proceed is the support from the planning commission.

Chairperson Price inquired what type of occupancy he was looking for.

Mr. Peterson responded 1100 to 1200 people.

Chairperson Price mentioned parking would be an issue.

Mr. Peterson mentioned this property has three acres to the side.

Chairperson Price instructed Mr. Peterson as part of the process he would have to show the commission where the cars will be parked.

Mr. Peterson responded; I love a challenge.

Chairperson Price stated it will be one of your challenges. He mentioned to Mr. Peterson, you will need an occupancy request. Then we will need to make sure there is enough parking to conform to code. When an application is made we can address those issues.

Mr. Peterson said he would need to sign a lease, time is of the essence and he needed to know what time frame he was looking at for the approval to be passed. What criteria would need to be met?

Chairperson Price inquired if this application would fall under the matrix for this zone.

Mrs. Izatt mentioned it would fall under the conditional use permit. We will treat it as a business license with conditions on employees, hours, how late you will be open, noise ordinance, etc.

Mr. Peterson asked if the conditional use information could be supplied to him.

Chairperson Price replied yes, if you come to get a license then we will discuss this information item by item. He then asked if food would be served.

Mr. Peterson replied food will not be served, just non-alcoholic drinks and snacks. He then asked what criteria the commission uses for occupancy.

Chairperson Price stated when we have occupancy issues we defer to the Fire Marshall to see how many people he would allow.

Mr. Wells indicated there is a chart that tries to identify the use and then assigns parking places. It is up to the discretion of the planning commission. The occupancy is up to the Fire Marshall and the City.

Chairperson Price summarized once the City and the Fire Marshall have decided on occupancy, then the commission can decide on all the specifics or conditional uses along with the application. The commission will have the final say.

Commissioner Anderson inquired what this business would be classified under.

Mrs. Izatt responded it would be classified as a dance hall or tavern.

Mrs. King inquired, from the audience, if there was a list of conditional uses Mr. Peterson could look at that would help him see the type of items that would fall under the conditional use.

Chairperson Price indicated there is no printed list; he was just listing items that have been brought up before.

Mr. Peterson indicated he wanted to avoid repeat appearances.

Chairperson Price instructed him to work with Jon and Char and they will walk him through the process step by step. He then asked Mr. Peterson how much of the building would be used for dancing.

Mr. Peterson replied the building is 16,000 square feet and 13,365 feet is designated for dancing.

Chairperson Price read from the ordinance 17-24-050, letter A, one parking space for 100 square feet of gross floor area; gross being the whole bldg.

Mr. King stated, from the audience, in regards to parking, they have another five acres of property that can be added to that area.

Chairperson Price informed Mr. Peterson that 160 parking spots would be required for the 16,000 feet. If the overflow comes out of that area, then those people will be parking illegally.

Chairperson Price gave an example that has been done in the past. When businesses need parking they go to adjoining businesses and ask to use their parking, the other business can provide a letter indicating their parking can be used.

Mr. Wells stated if you read the end of the ordinance 17.24.050, letter B, there is a disclaimer that states "In no case shall a building be constructed, altered, or increased where, if the foregoing parking provisions are inadequate to provide sufficient space for all employees and customers combined, the provision of adequate parking spaces shall supersede any and all foregoing formulas."

Chairperson Price reaffirmed the occupancy supersedes parking so Mr. Peterson will have to make a decision in his application to the commission. If your peak is 1000 people then you need 300 parking stalls. He told Mr. Peterson to simplify the application, start with the parking stalls you have and figure how many occupants will be approved with that parking. Then when other parking is acquired come in and reapply for higher occupancy.

Mr. Peterson assumed he has 160 parking stalls. He inquired if there was a table to figure out how many people per parking stall.

Chairperson Price indicated the parking information would need to be in his presentation. The commission will see if they agree with his plan.

Mrs. Izatt indicated the commission will not have the ultimate decision on the parking, their purpose is to protect the safety of the community. The commission may set conditions for the number of employees, hours & days of operation, etc.

Mr. Peterson explained he has had several businesses, but this is a different type of business.

Chairperson Price asked if he should read regulations to Mr. Peterson.

Mr. Peterson questioned if the regulations were online and clarified his reason for coming was to understand occupancy requirements. He didn't want to apply if the occupancy rate was not very large. The occupancy is crucial to the success of this business. The organization he is working for is very big. They have achieved the longest line dance of 17,000 people.

Mr. Wells mentioned the plan Mr. Peterson provided the city shows certain items pertaining to the building. A site plan that shows parking, security and other details is still needed.

**The Commission will review Ordinance #12-03 which amends the Smithfield City Land use Ordinance (Zoning) Title 17; by amending sections: 17.04.070 "Definitions"; 17.97.020 "Conditional Use Permit Required"; 17.120.010 "Use Allowance Matrix".**

Chairperson Price stated we need to add this to the matrix.

Mrs. Izatt replied, "It's the chickens", we need to finalize where and how. Is it under the AC, Administrative Conditional in R-1 zones? We have two different definitions for recreational vehicle parks. We need to decide if we want the same definition as in the General Definitions or the little two liner at the end of the first paragraph in the RV Park ordinance. We can take out the little two lines or insert the more detailed definition or refer to definition section.

Commissioner Krusi responded to Mrs. Izatt, do you suggest we take out the two little lines?

Mrs. Izatt replied whatever you decide, but it does make a difference.

Chairperson Price responded, take it out.

Mrs. Izatt indicated Ordinance #12-03 would be put on next month's agenda.

**ADJOURNMENT**

**MOTION:** A motion was made by Commissioner Krusi to adjourn the meeting at 8:19 p.m. Commissioner Anderson seconded the motion and it was approved unanimously.

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

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David Price, Chairperson

Attested:

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Charlene Izatt, Deputy Recorder