

# Smithfield City Planning Commission

July 16, 2014

## 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 16, 2014**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Bryant McKay
	Curtis Wall
	Pete Krusi
	Douglas Archibald
	Steven Teuscher
	Steve Edwards

Engineering Staff	Clay Bodily
Planning Staff	Jon Wells
Deputy Recorder	Char Izatt
Minutes	Stacey Dority

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 Anderson at 7:00 p.m.

**Opening Ceremonies:** Commissioner Edwards.

**Visitors:** Michael Gibbs, Dave Garner, Jamie Garner, Jeff Strate

**Excused:** Jackie Hancock, Commissioner; Brent Buttars, City Council Member

### **Workshop Session:**

The Commission will discuss questions, concerns and suggestions garnered from the Mobile Tour of the City that was conducted as part of last month's meeting.

Chairperson Anderson listed the agenda questions one at a time as the commissioners responded.

#### **1) What did you feel was good about the community?**

Commissioner Teuscher commented the diversity in Smithfield is a great thing. We have different community set ups we have parks in different areas and all kinds of cultures represented throughout the community.

Commissioner Krusi noted there are more trails and parks and felt the city is doing well in that regard and hopes we will continue to add more trails.

Chairperson Anderson also liked the trails and parks and the open space.

## **2) What did you see that was negative about the community?**

Commissioner Teuscher mentioned that the west side of Smithfield is in the flight path of the Airport and as the valley starts to grow there will be bigger airplanes and that will be a detriment.

Commissioner McKay added parking around the parks is very limited. He referred to Mack Park and the Blue Sox field. There is roadside parking but that isn't convenient. The city has not made very good accommodations for the crowds. He also mentioned there are no biking paths along the roads in the community. He would like to see the road width increase and add a path for bikers. It would be nice to have a bike path around park areas and the High School. He also felt the bus routes throughout the town might be a good study for the community.

Mrs. Izatt explained we don't have any power over some of the situations. We had larger bus routes for a while but that didn't attract more riders so they have reduced the routes.

## **3) What would you like to improve in the city?**

Commissioner Teuscher thought we needed roads that go east to west to help divert traffic when Main Street is overcrowded.

Commissioner Edwards observed the older buildings could be torn down and improved or fixed up and used. There are a lot of areas that could be enhanced to bring in new business and industry.

Chairperson Anderson questioned if we had any allowance or any direction to mixed use areas. It seems to be a little more popular or trendy right now. He would like to see a mix of residential commercial come into the city.

Mrs. Izatt explained we have property zoned (CB) Central Business District over behind the Sinclair station. That mixed use zone is available in case someone wants to put residential multiple behind the Sinclair they would then need to mix it with a business to comply with the ordinance.

Commissioner Teuscher explained at the USU training they addressed different areas where they set up a business and the community builds around it. This was created to help with the total flow of the city.

**4) What would you preserve in the city?**

Commissioner Krusi likes the mixed lots; large lots out west and small lots throughout the city. There are options throughout the city to choose the size of lot you would like.

**5) What is missing in the city?**

Commissioner Teuscher replied a theater.

Commissioner Krusi responded a lake.

Chairperson Anderson mentioned there was talk of a water park, splash pad or aquatic center in the last meeting.

Mrs. Izatt asked for clarification on what direction she should take on the water issue? Splash pads are really popular right now. Aquatic centers are really cool but with Logan's so close that may not work.

Commissioner Krusi suggested starting with a splash pad and move from there.

**6) What would make the city a better place to do business?**

Commissioner Teuscher felt the parking for businesses in the city needed to be looked at and increased.

Mrs. Izatt asked for clarification on the parking problem. It is up to the individual owner to determine the amount of parking.

Commissioner Teuscher comments were directed to the existing businesses that have limited parking. If someone wanted to put a business in they would have to address the parking in the conditional use permit. Mrs. Izatt replied the city has need of parking as well.

Commissioner McKay commented on the theater and how the parking issue is for that building. We need to look towards the north and see if we can get that part of the city developed. It may take someone coming in and buying out a section of property and knocking down old buildings and redeveloping the area.

Mrs. Izatt discussed if the commission would increase the stalls required to accommodate a business? That would be like Lee's being asked to give some of the parking stalls for the Credit Union and Wendy's.

Commissioner Teuscher responded that is the problem. How do you address it?

Commissioner Krusi felt the newer areas seemed to have ample parking it is the older areas that have a parking problem.

Commissioner Edwards mentioned the size of the parking stalls are a problem now because they are not wide enough for a pick up.

Mr. Wells mentioned they have made the stalls wider and shorter. Now they are too short.

Mrs. Izatt stated she would put parking as its own mini discussion for the next session.

Commissioner McKay had a question since we were dealing with businesses. As you come in from the north end of town what does UDOT say about entrances off of the highway. Can businesses knock out an entrance?

Commissioner Edwards explained that was one of the toughest things to pass through UDOT.

Mr. Bodily referred to Expertec. It made sense to have the dentist office and chiropractor share a driveway. If the city can find a solution like that, they do. They also try to discourage the quantity of entrances on Main so they can keep traffic under control. It is not impossible.

Commissioner Krusi added a lot of businesses have to put in a turning lane.

Mr. Bodily replied yes.

Commissioner Krusi questioned Mrs. Izatt if the Gateway was part of the general plan.

Mrs. Izatt responded it is an ordinance. It hasn't been addressed as far as a component of the General Plan. It wouldn't hurt to add it if you want it in the master plan.

Commissioner Krusi felt something like that would make the city more appealing to businesses.

Mrs. Izatt asked if he had a chance to look at the existing ordinance. She had another copy if he was interested.

Commissioner McKay commented on the Gateway and mentioned they had talked about developing the south end.

Mrs. Izatt interpreted the Gateway as what the city wanted to see in the entry way both at the north and south end of the city. Is that what the commission understands the Gateway to be?

Commissioner Anderson asked if there were any more comments and what the next steps were regarding the items discussed.

Mrs. Izatt summarized she would bring back the parking issue for a mini session. She commented to Commissioner Teuscher regarding the airport. The city just passed the ordinance about a year ago.

Mr. Bodily mentioned the airport was a big obstacle and a major thorough fare to the west also.

Commissioner Wall expressed an item of concern regarding the parks issue. This year is the worst year for the amount of teams signed up to play softball at the Recreation Center. The problem is the diamonds are not ASA approved which means the fences are not 300 ft. back for home runs. We are at 275 ft. Mendon and Logan have the ASA approved fields so that is where the teams are going. Moving the lights and fences is expensive but there used to be times that we had eight games a night, now we have two games. The back side road is the obstacle with moving the fences. The softball program is about 1/3 of what it used to be. It brought in a lot of revenue. You can't certify for ASA without the fences being fixed.

Mr. Wells expressed there was no way to move some of the fences back because they would be in the right of way.

Chairperson Anderson encouraged the next step to move these items through.

Mrs. Izatt stated she didn't feel we were ready for public hearings. There will be a lot of questions asked and she wanted to be prepared. We need to determine which items are the most important and we will need a lot of suggestions on how to fix the parking problems.

Mr. Bodily declared we are adding 30 more stalls to the Forrester Acres right now.

**The Commission will continue discussion on State statutes dealing with breed-specific rules, regulation and policy and the procedure on amending the Dog Kennel ordinance to meet the State statute requirements.**

Chairperson Anderson introduced the agenda item and asked if there were any comments. He summarized we were stating the conditional use for kennels which allows five or more dogs may be issued if a fixed dog run is provided.

Mrs. Izatt explained she added the option in case we wanted the ability to put an added mitigating item like a fixed dog run for multiple dogs. If we go without adding something all dog kennels will not be required to have a fixed dog run.

Commissioner Krusi confirmed the ordinance was saying if someone has three or more dogs they have to get a kennel permit for three or more dogs.

Mrs. Izatt responded the third dog requires a kennel permit. She can approve up to four dogs the fifth dog will have to be presented to the commission. That change came about because of the breed specific law. She needs to make sure everyone is comfortable with how it is stated.

Chairperson Anderson assessed if there were any concerns with the language in the policy.

No concerns were given.

### **Resident Input**

No Resident Input

### **Consideration of Consent Agenda Minutes of June 18, 2014 Planning Commission Meeting**

Commissioner Edwards noted a correction on Page 3 Commissioner Price needed to be changed to Edwards.

Mrs. Izatt stated that was called in previously and is a cosmetic item so the minutes can be approved.

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the June 18, 2014 planning commission meeting minutes as approved.

**PUBLIC HEARING** to consider a request by Michael Gibbs, property owner, for a rezone of property located at 320 West 400 South (Parcel #08-105-0052, 1.07 acre) from RA-1 ( Residential Agricultural – 1 Acre) to R-1-12 (Single Family Residential 12,000 sq. ft.

**The Public Hearing was opened at 7:35 p.m.**

Mr. Gibbs approached the commission and said the proposal for a rezone is because of family circumstances and the need to generate income. Someone has offered to buy a small piece of his land. The offer is for 1/3 of an acre allowing him to keep .72 of the acreage. He doesn't want to sell less than a 1/3 acre. The purchaser would build their residence there later on. The zoning across the street is R-1-12.

Mr. Strate, a neighbor in the audience, inquired who the builder was?

Mr. Gibbs explained her name is Adams and has inquired over the land for many years. Knowing her personally it is probably two years out before she builds on it. It only affects his land as far as the division of the property.

Mr. Wells informed Mr. Gibbs he needs to understand as soon as he subdivides a piece of property in an R-1-12 zone the ordinance demands improvements be put in. That would be curb, gutter, sidewalk and stub in the utilities as well as where the curb and gutter goes he would have to extend the existing asphalt over to the new curb and gutter. The curb and gutter would go in front of the entire parcel of land that currently exists. If you are looking for additional income in selling the parcel these development costs need to be figured in.

Mr. Gibbs acknowledged the ordinance and stated he had read the city wanted to keep it as natural as possible starting at 300 west and going west. He questioned a few of his neighbors subdivisions that had not required improvements.

Mr. Wells stated the city has in their ordinance the opportunity to waive the curb and gutter requirement in an agricultural zone and residential agricultural zone. When you sell off part of your property then it is a requirement. As it stands now there is no possibility of you having that waived.

Mr. Gibbs couldn't understand why he would be required to put in curb and gutter and then the person who purchases the lot would have to take it out to put in a driveway.

Mr. Wells replied no they would have to cut it out. It still carries water. Mr. Wells wanted Mr. Gibbs to fully understand that is what will be required once the lots are split these are the costs that will be incurred.

Mr. Gibbs said he tried to look at all the rezoning options that would possibly fit his situation if this person would purchase 1/3 of the lot.

Mr. Wells specified we have an R-1-20 zone but that would mean the minimum lot size would be 20,000 sq. ft. You have enough there to make two lots that are at least 20,000. You could go

that route, but the ordinance still doesn't allow a waiver for the curb and gutter on an R-1-20; just through agricultural.

Mr. Strate questioned if Mr. Gibbs could split the costs with the one buying the other property.

Mr. Wells mentioned the owner would be considered the developer and the city would hold Mr. Gibbs responsible for the fees. Mr. Gibbs can collect the fees however he would like.

Mr. Gibbs inquired if the curb and gutter is required from the moment it is rezoned or just when it is developed.

Mr. Wells responded when it is subdivided.

Mr. Gibbs detailed he could go through the rezoning and then when he sells a parcel that is considered the subdivide that requires the curb and gutter.

Mr. Wells replied yes.

Chairperson Anderson called for any other comments.

**The Public Hearing was closed at 7:48 p.m.**

Chairperson Anderson opened comments or questions from the commission.

Commissioner Krusi was concerned about the procedure to approve the rezone.

Mrs. Izatt responded there could be a motion to approve the rezone and then it becomes a recommendation and Mr. Gibbs can go to the City Council. If he doesn't go to the council then there is no rezone. This way he sees if the commission is comfortable with the rezone and that indicates a positive step for him moving forward.

**MOTION:** A motion was made by Commissioner Teuscher to approve a request by Michael Gibbs, property owner, for a rezone of property located at 320 West 400 South from RA-1 to R-1-12 residential. The motion was seconded by Commissioner Archibald. A roll call vote was called for:

Commissioner Edwards Yes  
Commissioner Teuscher Yes  
Commissioner Archibald Yes

Chairperson Krusi Yes  
Commissioner Wall Yes  
Commissioner McKay Nay

The motion carries five to one.

Chairperson Anderson introduced the next item on the agenda.

**Continued review and discussion of Ordinance #14-02 which amends Title 17, Zoning Regulations: 17.04. 070: “Definitions”, 17.12.100: “Exceptions to Height Limitations”; 17.36 “Signs”: 17.36.060: “Permitted Signs; Permits Not Required”; and 17.120.010: “Use Allowance Matrix.**

Mrs. Izatt mentioned she and Jon had been working on the Wheatland food products issue introduced last month. She inserted the language in the ordinance just in case. It is in 17.120.010 in the land use matrix. She listed it would be allowed in the GC zone as a conditional use permit. She wanted to make sure if the ordinance was approved it would be approved everywhere in the General Commercial zone throughout the city. In talking with Commissioner Edwards he mentioned Lower’s as an example and they keep a very nice business, but there is no guarantee that all business owners are created equal. Mrs. Izatt did add it to the ordinance and can take it out just as quickly if the commission does not want it through all GC zones. It would be nice in some areas.

Commissioner McKay followed up by explaining if we allow it we can stipulate the conditions and create the regulation needed. If something came in we weren’t sure about we could put conditions on it to help regulate it.

Commissioner Krusi thought the Wheatland offer fell through.

Mrs. Izatt replied it did, however; it brought up a need and even if this company doesn’t come in we can change the ordinance now. We will bring the matrix back because there are a lot of areas that need to be revisited.

Commissioner Krusi assessed if a change is good now or when another company approaches the commission.

Mrs. Izatt mentioned it might be good to be prepared for a new business and help them not have to wait the three or four month it takes to get this approved. If we want the businesses bad enough it would be good to be prepared.

Chairperson Anderson responded one of the things we have been looking at is to be more desirable for businesses so we need to consider that as a conditional use in that zone.

Mrs. Izatt mentioned Assisted Living Centers are not in the ordinance but she would like to open it up for discussion. We address the elderly and disabled in the ordinance because the State has some very strict rules.

Mr. Wells mentioned we only address them with what they call a residential facility. The Federal Government has required us to put the assisted living centers into the ordinance. This isn't a nursing home like Sunshine Terrace; it is probably like the Pioneer Valley Lodge.

Commissioner Wall commented on the Caring Hearts building in North Logan that is a new establishment to help Alzheimer and dementia patients. It is a lock down facility. It is very classy building and houses up to 12 people.

Mrs. Izatt mentioned in all the property that is available for this type of facility would fit under what Commissioner Wall is talking about.

Chairperson Anderson felt the assisted living centers would be important to put into our matrix. Some of them can be fairly large and have rehab included.

Mrs. Izatt will call a few of the assisted living places and see about the zones. Some of the establishments that were recommended for Mrs. Izatt to call were: Williamsburg, Pioneer Valley and Caring Hearts.

Commissioner McKay encouraged Mrs. Izatt to look at the size of lot that would be required.

Mrs. Izatt mentioned there isn't a lot of land available for large buildings. Hyrum is adding an assisted living facility that is probably two to three acres and it will be a nice facility.

Commissioner Wall stated the Legacy house is on less than two acres.

Mr. Wells mentioned if you look at the people that will be developing these buildings they would need to have a facility large enough to house several people to make it a worthwhile investment.

Chairperson Anderson would like to consider the assisted living on the matrix.

Mrs. Izatt requested a consensus be made on each item listed on the agenda by either a ye or nay to which it stays in the ordinance. This wouldn't be considered a vote, just information to help her move each item forward.

- 1) **The Antenna Definition:** *All commissioners in favor.*

- 2) **The Kennel Conditional Use and all that was stricken out referring to the breeds.** *All commissioners in favor.*
- 3) **Ordinance 17.12.100 where flag poles are taken out as an exception to the height limitation.** Do we want to remove any regulations on residential flag poles?  
*All commissioners in favor.*

Mrs. Izatt inquired about the commercial flag poles, everyone voted to leave it in. We don't need to zone flag poles for residential she will cross it out and fix it; we just needed clarification. She will be adding food products and most likely assisted living centers which we can discuss next time.

Commissioner McKay had a question on public swimming pools. Should we add Swimming Pools/Aquatic Centers in case it comes up for a need at some time? It would cover both definitions.

Mr. Wells liked the addition of the aquatic center definition. It will incorporate a lot of other water activities. It is a generic term.

Mrs. Izatt felt a public hearing would be in order for this next meeting.

Chairperson Anderson explained he disliked dragging things out for months. He prefers to move quickly on each change. A public hearing would be in order next month.

**MOTION:** A motion was made by Commissioner McKay to continue the ordinance of #14-02 and set a public hearing for August 20, 2014. The motion was seconded by Commissioner Krusi. The voting was unanimous.

Commissioners voting in favor: McKay, Wall, Krusi, Anderson, Archibald, Teuscher, Edwards

**MOTION:** A motion was made by Commissioner Krusi to adjourn the meeting at 8:32 p.m. The motion was seconded by Commissioner Edwards. The voting was unanimous.

Commissioners voting in favor: McKay, Wall, Krusi, Anderson, Archibald, Teuscher Edwards.

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Jamie Anderson, Chairperson

Attested:

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Charlene Izatt, Deputy Recorder

**SMITHFIELD PLANNING COMMISSION  
Smithfield City Council Chambers  
96 South Main  
Smithfield UT 84335**

**NOTICE and AGENDA**

**Public Notice** is hereby given that the Smithfield Planning Commission will hold a regular Planning Commission Meeting at 7:00 p.m. on **Wednesday, July 16, 2014** in the Smithfield City Council Chambers, **96 South Main**, Smithfield, Utah.

**7:00 p.m. Opening Ceremonies**

**Workshop session:**

The Commission will discuss questions, concerns and suggestions garnered from the Mobile Tour of the City that was conducted as part of last months meeting.

The Commission will continue discussion on State statutes dealing with breed-specific rules, regulation and policy and the procedure on amending the Dog Kennel ordinance to meet the State statute requirements.

**Agenda items:**

1. 7:20 p.m. Resident Input
2. 7:25 p.m. Consideration of Consent Agenda  
Minutes of the June 18, 2014 Planning Commission Meeting
3. 7:30 p.m. **Public Hearing** to consider a request by Michael Gibbs, property owner, for a rezone of property located at 320 West 400 South (Parcel# 08-105-0052, 1.07 acre) from RA-1 (Residential Agricultural-1 Acre) to R-1-12 (Single Family Residential 12,000 sq. ft.
4. 7:40 p.m. Continued review and discussion of Ordinance #14-02 which amends Title 17, Zoning Regulations: 17.04 070: "Definitions", 17.12.100: "Exceptions to Height Limitations"; 17.36 "Signs": 17.36.060: "Permitted Signs; Permits Not Required"; and 17.120.010: "Use Allowance Matrix".

5. 8:00 p.m. **ADJOURNMENT**

Posted this 11th day of July 2014 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 11th day of July 2014.

Charlene Izatt, Deputy Recorder

**ITEMS ON THE AGENDA MAY BE CONSIDERED EARLIER THAN SHOWN ON THE AGENDA.**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Charlene Izatt, Smithfield City Offices, at 435-792-7989 at least three working days prior to the meeting.