

Smithfield City Planning Commission

May 20, 2015

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, May 20, 2015**. The following members were present constituting a quorum:

Chairperson	Jamie Anderson
Commission Members	Bryant McKay
	Jackie Hancock
	Pete Krusi
	Curtis Wall
Engineering Staff	Clay Bodily
Planning Staff	Jon Wells
Deputy Recorder	Char Izatt
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 Anderson at 7:02 p.m.

Opening Ceremonies: Commissioner Wall

Visitors: Brent Lawyer, Wayne Elwood, Carol Eames, Stephen Gingham, Christian Wilson, Justin Taggart, Nate Grossman, Amy Grossman, Paul Fisher, Fave Forrester, Theresa Forrester, Kyle & Susan West, Wade & Dianne Campbell, Lyle Coleman, Diane Esplin, Lowdy & Nan King, Mindi Faulkner, Traci Reeder, David & Edith Lillywhite, Russell Elwood, Lon & Lori Hyer, Janene Hansen, Eric Welker, Bart & Judy King, Matt & Shelby Lovell, Jeff Jackson, Ross Farmers, Dan Woodruff, Charlie Cellan, Gib Cellan, John Robert Knight, Bruce Birky, Austin Birky, Jack Nixon, Alex Rogers, Jeff Barnes, Rick Toolson, Jeffrey & Alena Johnson

Excused: Commissioners: Doug Archibald, Steve Edwards, Stephen Teuscher

Resident Input

Jeff Jackson explained as they were going through the area that they are subdividing and developing in the south gateway zone. One of the requirements is they can't have any standardized, galvanized or corrugated metal. The ordinance continues on about how there shouldn't be any mass sheets of metal without a conditional use permit. He understands they will have to have a public hearing for the conditional use permit, however as they spend money on engineering and purchasing things in time for construction he is trying to gauge the commission's feeling for the product he had displayed on the screen. It is a custom metal panel that has a stucco texture. It is called an IMP (Insulated metal panel). The people that will be building in this area will own light manufacturing or warehouse type businesses. When you start running cash flows for buildings it is pretty tough to justify a full brick or rock building. As a builder one of his least favorite products is stucco. As you look at the ordinance stucco is the least costly product they can use and still hit the condition of the zone. If they can't use a panel like he was showing they would end up with 11 stucco buildings. As an owner of some of the buildings that is not his preference, it would be to get a metal panel that would give the stucco look but give longevity of metal siding. He showed a sample of the panel to the commission. He would like to know if that would be an acceptable conditional use.

Chairperson Anderson inquired where the buildings would be located in the city.

Mr. Jackson responded they had bought 8 Acres west of the O'Reilly Auto Parts store up to Bob Saxton's property.

Chairperson Anderson probed if it was part of the Black Rock subdivision.

Mr. Jackson confirmed yes they are developing Black Rock. They have already started the design process for Prestige Solutions and to hit their timelines to be before Christmas and beat the holiday rush they are trying to design the building while getting approval on the subdivision so they can plan for Christmas time. This component of the decision is very critical, when they order the metal buildings if they go with the ISPs they have to order them the same time they order the building and there is a 12 week lead time in getting the buildings here.

Commissioner Krusi questioned who was part of the commission when the gateway was discussed and they decided they didn't want the metal buildings?

Mr. Bodily mentioned it was to avoid buildings like the IHD building.

Mr. Wells inserted the buildings behind Lee's are also metal buildings and the commission didn't want those type of buildings throughout the city.

Commissioner Wall inquired if the city was behind the times a little bit because of the product change that could bring about a different look or a different quality.

Mr. Jackson stated yes and he felt the pictures showed are where trends are moving. It is understood through the building community that no city wants just the big ugly corrugated metal buildings anymore. The products you are seeing are the building industries attempt to comply with the building you want but still keep costs down and low maintenance. The panels are about 10 – 15% more than stucco but they are 20% cheaper than a brick, rock or cinder block. It is a great alternative.

Commissioner Wall inquired if the sheets of metal come in other colors.

Mr. Jackson explained they do, they are also paintable. The texture is imprinted into the metal. If you were to see a building done with this material you wouldn't be able to tell that it is not a stucco building.

Mrs. Izatt mentioned the Expertec building is a form of this type of metal.

The commissioners were not opposed to this material.

Commissioner McKay assessed if they would be using the siding on all of the building or if they would do something different to the front.

Mr. Jackson informed the commission the front side would be dressed up and then the sides and back would be the panels. They would be back next month for the full unconditional use.

Mr. Bodily introduced Mr. Christian Wilson with Design West. They are the contractors for the Summit School remodel.

Mr. Wilson explained they are required by law to inform the city of what their construction intentions are. He passed out maps of the construction that would be taking place this summer. They are tearing down the old two story portions of the school. The square footage will not be increased by much. The roof drain off would be taken care of by sump pumps and they will meet all the city and utility and sewer requirements. They are not increasing they are replacing.

He showed a 3D image of the school when it is completed. The main entry is not conducive to the main office. There will be a new entry with a secure vestibule in the corner of the front of the building. They will be moving the Principal's office and front desk. A person will have to pass them before getting into the school. The north wing will have additional classrooms and the setbacks are the same. The media center will be at the back of the school and they have been

asked to provide two gymnasiums because of the 6th grade coming back into the schools. The gym will also be added to the back of the building. The courtyard will be the new kindergarten playground. The kindergarten rooms will be in the back and then four additional classrooms on the south end. Asbestos abatement will start when school is out then three to four weeks after that demolition will take place. There will be construction happening during the next school year.

The city will need to present the School District with a letter stating they have seen the plans and if there are any other questions.

Commissioner Wall inquired if the circle drive will still be used for drop offs.

Mr. Wilson stated they like to keep the buses and cars separate so the buses will still unload to the west and cars to the east.

Mr. Wells was concerned of the run off.

Mr. Wilson felt the engineers really looked at that and made sure it was minimal.

Mr. Bodily stated he or Mr. Wells will write the letter for the School District.

Consideration of Consent Agenda

Minutes of April 15, 2015 Planning Commission Meeting

After consideration by the Planning Commission, the Chairperson declared the consent agenda for the April 15, 2015 planning commission meeting minutes as approved.

Continuation of the request by Gib and Janet Cellan for approval of a conceptual plan review and rezone of 9.37 acres, parcel numbers: 08-105-0015 & 08-105-0016 for Oak Haven Planned Unit Development located at approximately 500 South 150 West from RM (Multiple Family Residential) to RM (PUD) (Multiple Family Residential/Planned Unit Development Overlay Zone)

Mr. Bodily reviewed what was discussed last month regarding the conceptual plan. The city had asked for a temporary turnaround in the street going all the way through, so they were aware of the distance between the property line and the building. Apparently there was a lack of communication that those changes hadn't been made and they are now up to date.

Mr. Charlie Cellan stated Bryan had mentioned he had talked to Mr. Bodily today.

Mr. Bodily concurred.

Chairperson Anderson asked if the road that goes all the way through is considered a through street.

Mr. Bodily replied yes because they no longer have private streets and that is a public street and it will connect with 400 south.

Chairperson Anderson detailed and that makes the street 45 ft.

Mr. Bodily responded yes and those are only available in the PUD (Planned Unit Development) overlay zone.

Chairperson Anderson asked if they are squared away on the parking issue.

Mrs. Izatt mentioned the parking issue will come later.

Chairperson Anderson followed up on the concerns on the detention pond outlet.

Mr. Bodily replied there is nowhere for water to go so it will become a retention pond.

Chairperson Anderson asked for any comments from the commission.

No comments were made.

Mr. Bodily felt everything was in order.

MOTION: A motion was made by Commissioner Krusi to approve the request by Gib and Janet Cellan for approval of a conceptual plan review and rezone of 9.37 acres, parcel numbers: 08-105-0015 & 08-105-0016 for Oak Haven Planned Unit Development located at approximately 500 South 150 West from RM (Multiple Family Residential) to RM (PUD) The motion was seconded by Commissioner Hancock.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Wall

Chairperson Anderson stated the conceptual plan is ready to go.

Public Hearing to consider a request by Don Barringer for approval of a Rezone of property (Parcel #08-079-0076, 4.87 acres) located at 354 Saddleback Road from RA-2 (Residential Agricultural - 2 Acre) to RA-1 (Residential Agricultural – 1 Acre)

The public hearing opened at 7:27

Austin Birky introduced himself as Mr. Barringer's Grandson and he will be building the home on the lot. Last time there was discussion of their plans, there was a frontage issue which they have conformed too. They will try and utilize the 10% reduction where they are only splitting off one lot. Instead of 130 ft. of frontage they will have 117 ft.

Mr. Bodily was concerned with a subdivision being built on the remaining section that they are splitting from the 3.8 acres. He explained when you subdivide you have to meet the requirements of a subdivision which means you have to put in the utilities. Which means sewer for both lots down to the main line and if the council decides you do not have to put in curb and gutter that could be forgiven. As a rule you do have to put in curb, gutter and sidewalk. In the email he sent he indicated there is a road on the north side of the property that the city would be asking for the right of way for a future road. It is a 60 ft. road and we would be asking for 30 ft. He wanted to make them aware of the subdivision requirements.

Mr. Birky mentioned he was going to use a septic system like the Barringer's.

Mr. Bodily stated the ordinance states it needs to be hooked to the sewer system when they divide into a subdivision and within 300 ft. He showed Mr. Birky where the main line of the sewer was located. He also explained they would have to bring in the water dedication as part of the subdivision as well. He was pretty confident that they would have to hook to the sewer.

Chairperson Anderson clarified that even though the original property is on the septic system they would still have to hook into the sewer system.

Mr. Bodily confirmed both lots the original and the new would have to be hooked into it.

Chairperson Anderson called for public comment.

There was no public comment.

The public hearing was closed at 7:32 p.m.

Commissioner Wall was okay with the rezone if Mr. Birky decided to hook into the sewer.

Commissioner McKay would like Mr. Birky to consider all the other costs with curb, gutter and sidewalk. The city council could waive some of the costs but that is up the council.

Mrs. Izatt redirected that he has to be comfortable with the rezone and then any questions or concerns could be taken to city council meeting.

Mr. Birky questioned if they incur the costs of hooking into the sewer and someone else was able to hook into that system then could they receive compensation for that having incurred the costs to bring it in.

Mr. Bodily replied yes someone could write a development agreement and then anyone that hooks into the system could repay some of the expenses. There is a time limit on that agreement in the ordinance.

MOTION: A motion was made by Commissioner Krusi to approve the request by Don Barringer for approval of a Rezone of property (Parcel #08-079-0076, 4.87 acres) located at 354 Saddleback Road from RA-2 (Residential Agricultural - 2 Acre) to RA-1 (Residential Agricultural – 1 Acre). The motion was seconded by Commissioner Wall. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Wall

Ironwood Development Group, LLC agents for Real Estate Investment Vehicle 1, LLC & Ironwood Development Group, LLC, have requested approval of a Concept Plan for Black Rock Commercial/Industrial Subdivision, located at approximately 75 West 800 South. Zoned CC (Commercial Community) & GC (General Commercial)

Scott Jackson has partnered with Real Estate Investment Vehicle 1, LLC and has purchased 2 ½ acres west of the O'Reilly Auto Parts and Ironwood Development has bought the 5 ½ acres further in. We are bringing the two parcels together for an eleven lot subdivision. As they have met with the RDA (Redevelopment Agency) their goal is to make it look a little nicer. There are a lot of businesses that do online work but still need an upfront retail store. It doesn't need to be big but this would be a prime location for these types of businesses. There will be 1000 -1500 sq. ft. of retail on the main level and then a warehouse type building on the back half. It will be a master plan subdivision meaning that there will be interlacing parking lots and accesses will be limited. It will be fully landscaped with an association that controls the general upkeep.

Chairperson Anderson inquired where the run off will be located?

Mr. Bodily referred to the map and highlighted the areas for all the storm water retention.

Mr. Jackson mentioned they want to use the retention ponds as a landscape feature rather than throw them in the back corner and leave it as a big open area.

MOTION: A motion was made by Commissioner Hancock to approve a Concept Plan for Ironwood Development Group, LLC agents for Real Estate Investment Vehicle 1, LLC & Ironwood Development Group, LLC, have requested approval of a Concept Plan for Black Rock Commercial/Industrial Subdivision, located at approximately 75 West 800 South. Zoned CC (Commercial Community) & GC (General Commercial.) The motion was seconded by Commissioner McKay. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Wall

Public Hearing to consider a request by Ironwood Development Group, LLC, agent for Real Estate Investment Vehicle 1, LLC & Ironwood Development Group, LLC, for approval of the Preliminary Plat for Black Rock Commercial/Industrial Subdivision, located at approximately 75 West 800 South. Zoned CC (Commercial Community) & GC (General Commercial)

The public hearing opened at 7:42 p.m.

Mr. Matt Lovell lives in the home right by this area. He was concerned with how this development would affect his home.

Mr. Bodily felt it would be an improvement. He explained there would be curb and gutter on the south side of the street. The fire department is fine with the structure of the street and the road will be widened and asphalt put down.

Mr. Lovell was concerned with lights coming into his home at night when they pull onto the road.

Mr. Bodily wasn't sure what business will be there and what the hours of operation would be.

Mr. Layne Parker owns property directly north and he was concerned with the main thoroughfare and would like to know what the distance from his property line and how the road going straight north will line up. He explained, if they decide to develop his land and they have to design their lots along the road going straight north that would give him a very small lot from his property and the storage facility and he wouldn't be able to develop the lot.

Mr. Bodily explained the curb and gutter should line up with the existing going towards the west. 100 west has always been master planned to be approximately there.

Mr. Parker was concerned about the "approximately" word, how would it affect him?

Mr. Bodily finished by saying how it affects his future development they don't know but that is where 100 west will be. There will not be an offset intersection.

Chairperson Anderson described Mr. Taylor's concern where 100 west intersects with 700 south.

Mr. Wells explained his concern is the depth of the lots on his piece of property as 100 west changes to a road.

Mr. Jackson inquired how far is Mr. Lovell's property was from the Pitcher's barn.

Mr. Lovell stated 50 ft. west of the barn.

Mr. Jackson said if he is 50 ft. west of the barn then it will be about 200 ft. of depth in his property.

Mr. Parker questioned if the setbacks would be minimal.

Mr. Jackson felt they would not affect the property.

Mr. Parker doesn't have a problem with the development he was more concerned with his property and how the change would impact it.

Chairperson Anderson called for any other public comment.

The public hearing was closed at 7:48 p.m.

MOTION: A motion was made by Commissioner Krusi to approve the Preliminary Plat for Black Rock Commercial/Industrial Subdivision, located at approximately 75 West 800 South. Zoned CC (Commercial Community) & GC (General Commercial). The motion was seconded by Commissioner Hancock. A roll call vote was taken.

McKay Yes

Hancock Yes

Krusi Yes

Anderson Yes

Wall yes

Public Hearing to consider a request by David Lillywhite to rezone property (Parcel No. 08-083-0022, 1.0 acres) located at approximately 200 South 500 West from RA-1 (Residential Agricultural – 1 Acre) to R-1-12 (Single Family residential – 12,000 sf)

The public hearing opened at 7:50 p.m.

Mr. David Lillywhite referred to the map regarding his one acre lot. He explained they have tried three times to get this lot rezoned. They couldn't get it rezoned so they bought two more acres and built the home. Then they went in a fourth time and had it zoned medium density. He talked to Mayor Ward after he rezoned and he asked if he needed to build on it immediately or if it was permanent. He explained it was permanent. When he came back it had been rezoned back to one acre and the city had not even informed him about it. He explained if he does anything to his property he has to notify all the neighbors and here the city can come in and rezone without even letting him know. He felt cheated. On the frontage on the east and south it is a waste to not put a house there. He did have it rented for a few years and that was helpful. Now it is rented to a farmer so they could use the pasture grass, all the farmer does is mow and water once a week. The land has been worthless and he can't understand why the city doesn't want more tax revenue and let him put it to better use. Will the city fall apart if he builds another house there? It is a sore spot since it has been rezoned by the city.

Chairperson Anderson questioned when it was rezoned back to one acre.

Mrs. Izatt mentioned either in 2000 or 2005.

Mr. Lillywhite felt whatever the reason the land needs to be put to use. That is why he is asking for it to be put to medium density zone.

Chairperson Anderson opened the meeting for comments from the public.

Mr. Lon Hire lives in the house Mr. Lillywhite built to the west. He was concerned that this area could be subdivided into four quarter acre homes. He wouldn't mind one home but he doesn't want four homes.

Mr. Wells felt he could only get one home in there because of the setback.

Mr. Hire asked is there a different zone that could be put in there.

Mr. Wells stated an R-1-20 is basically a half acre lot.

Mr. Hire explained his only concern was to have four homes come in. He is fine with one or two homes.

Mr. Lyle Coleman remembered when Mr. Lillywhite had approval to build there and then when he was notified it was rezoned.

The public hearing was closed at 7:58 p.m.

Chairperson Anderson questioned how big is the property?

Mr. Lillywhite stated one acre and he would like to put in one house. He is trying to liquidate his assets.

Chairperson Anderson inquired if it was his plan to put in one house or if down the road he wants to put in additional houses. He also questioned if Mr. Lillywhite opposed to a different type of zone that would keep it a larger lot?

Mr. Lillywhite responded no, he is not opposed to a different zone.

Commissioner McKay felt he might be in conflict of interest with this issue because he was on the original commission when they rezoned it. He can provide the conversation that was had back when it was rezoned by the city.

Commissioner Hancock felt it would fit the area better with a larger lot rezone.

Commissioner Krusi was in agreement with the larger lot if he didn't have to come back next month.

Mr. Wells stated on an R-1-12 the minimum frontage is 90 ft. and on a corner you have to have 100 ft. because they don't have 99 ft. for the right of way. On the south side of the property he has 164 ft. so he could take 100 ft. for frontage on one lot but the remaining would be 64 ft. and that is not another frontage for a second lot. He could take advantage of the reduction of lots and could technically on an R-1-12 get three lots. He would have to remove the garage to make it work. An R-1-20 zone would only allow one more home. They never had an instance where someone came in and the commission recommended a different zone.

Mrs. Izatt felt they should post the change in the paper.

Mr. Wells thought a recommendation to the city council would be appropriate.

Commissioner McKay considered if it is an RA-1 and it is zoned for that area couldn't we just build one home on the acre.

Mrs. Izatt reminded him it is one dwelling unit on the acre. He would have to go to an R-1-20 to get the two homes on the land. This does go to the city council for another Public Hearing. She

is required to notify and notice and she wouldn't feel comfortable changing the rezone if notification hasn't taken place.

Chairperson Anderson was concerned about the filing fee if they were to have him come back next month.

Mrs. Izatt stated the commission could make the decision on waiving the fee.

Commissioner Krusi would like to recommend to the city council at twenty thousand.

Commissioner McKay would prefer to leave it as is.

Commissioner Hancock would definitely not go smaller than a half-acre.

Commissioner McKay felt that reducing some of these homes down to half acres and quarter acres, it could possibly start a trend that would allow others to do the same in that area.

Chairperson Anderson responded it appears that is comes up against an R-1-12 zone. There are three options on the table: 1) **approve as is an R-1-12** 2) **deny it** 3) **recommend to change to an R-1-20**. If we deny we have to state why we are denying it.

MOTION: A motion was made by Commissioner Krusi that they recommend the request by David Lillywhite to rezone property (Parcel No. 08-083-0022, 1.0 acres) located at approximately 200 South 500 West from RA-1 (Residential Agricultural – 1 Acre) to the recommended zone of R-120 single family resident with the request being an R-1-12 (Single Family residential – 12,000 sf) The motion was seconded by Commissioner Wall. A roll call vote was taken.

McKay No

Hancock yes

Krusi Yes

Wall Yes

Anderson Yes

Chairperson Anderson the commission recommends to rezone to an R-1-20 pending approval through City Council.

Public Hearing to consider a request by David Lillywhite to rezone property (Parcel No. 08-077-0018, .312 acres and 08-077-0003, 1.584 acres) located at approximately 265 South

Main from R-1-10 (Single Family Residential 10,000 sf) to RM (Multiple Family Residential).**The public hearing opened at 8:10 p.m.**

Mr. David Lillywhite called attention to the townhouses he built by Forrester Acres. This is the type of townhouses he would like to build in this proposed area. He would make them a little smaller and for older people. Originally he wanted to put in an Assisted Living Center however he had trouble getting the right of way for access into the property at the time. He recently purchased the property that provides the right of way so now he has access to that property.

Chairperson Anderson inquired where the access point would be.

Mr. Lillywhite detailed he owns all the way through the block. The access would be from 100 west which is 32 ft. wide. The secondary street is exiting on Main Street which is good for the fire trucks. He showed where the townhouses and parking would be located.

Mr. Bart King pointed out where his home sits and indicated that all the surrounding residents do not want this rezone. He is speaking on behalf of the residents. He also handed out a petition list from the residents. The reasons why they don't want the rezone are varied. Townhouses would destroy our neighborhood which consists of a nice single family residential neighborhood that they would like to have stay that way.

Mrs. Carol Eames pointed out the home north east of the questioned property. She owns this property but doesn't live there at this time. She may live there at some time and she doesn't want the townhouse in her backyard. She feels it would ruin the atmosphere of her yard and home. It is built for a single family. The home has been added onto since first established with two big bedrooms and garage and a nice yard.

Mr. Nate Grossman lives in Mrs. Eames rental property the townhouses would take away the country feel in the area. He doesn't want a lot of neighbors peeking in his windows. There are all different ways of living that come into a townhome. It is not a good place for townhomes right in the middle of a block.

Mr. John Knight had one question, which property was owned first? Nobody knows. He feels the person who wants to rezone it should sit down with all the neighbors and come to a common agreement.

Mr. Paul Fisher is concerned with the parking that would be in his backyard. He has been in the Real Estate Company and knows how that will devalue their properties. He would like to keep it open property.

Mrs. Teresa Forrester's concern was the traffic that would end up on her street. There are a lot of children walking to school where there would be more traffic coming in and out. There isn't a sidewalk on that side of the road but the kids walk there because the school is on that side. There are animals in that area and new people would be complaining about the smells and flies. The residents are used to the animals and they like the smells.

Mr. Burke Reeder would like to get together and see what could be done with the property. He doesn't like to see townhouses in the back yard but he isn't against a few homes. Smithfield is growing and we need to make room for people.

Mr. Jack Cheney owns the property on the corner and they have built the two homes adjacent to their home. He has watched the conflict there because of access to that property. The access is not very wide yet it is legal. They are not objecting to developing the lot because he has seen Mr. Lillywhite's single family units which are very nice. It is the multi-family which causes the problem. If they could discuss this with Mr. Lillywhite and come to an agreement then it would work out. The city has inherited a lot of inter block problems. Another problem is people that own the property but are not living there. The priority should be given to those living there.

The public hearing was closed at 8:28 p.m.

Chairperson Anderson pointed out the land is zoned R-1-10 and could be developed with single family housing per that zoning. At some point in the future he could come in with a plan to do so and by ordinance and by law he has the right to do that. He turned the time over to discuss the petition for the rezone.

Mrs. Izatt reminded the commission that petitions are not legal documents so the petition will be added to the file, but it will not be acknowledged as a legal document or attached to the minutes.

Commissioner McKay had a question about the exit onto Main Street which is 16 ft. wide could it be made to 32 ft. wide?

Mr. Lillywhite replied it was too close to the other homes and the state doesn't want them to exit onto Main Street. The preference would be to have the access on the west side. He didn't realize this would have so much opposition. They are fine to not build townhouses; they can look into something else.

Commissioner Krusi didn't feel like multiple family fit in there; homes would be a better fit.

Commissioner Wall felt they should keep the zoning as is.

MOTION: A motion was made by Commissioner Wall to deny the request by David Lillywhite to rezone property (Parcel No. 08-077-0018, .312 acres and 08-077-0003, 1.584 acres) located at approximately 265 South Main from R-1-10 (Single Family Residential 10,000 sf) to RM (Multiple Family Residential.) The denial is due to multi-family not being a general fit in the residential zone and the desire to keep it a single family residential community. The motion was seconded by Commissioner Krusi. A voice vote was called for:

McKay in favor of denial for proximity of multi-family residential not fitting the zone and remaining the same as a single family residential.

Hancock in favor of denial due to the space being more compliant to single family housing rather than multi-family housing.

Krusi in favor of denial based on the multi-family does not fit in residential area.

Wall in favor of denial for multi-family not fitting in that zoning category

Anderson in favor of denial for reasons listed as well.

David Lillywhite, agent for Roger Cantwell, has requested approval for a two (2) Lot Minor Subdivision located at 490 West 300 North and 250 North 400 West. Zoned RA-1.

Mr. David Lillywhite referred to an overhead map and indicated Mr. Cantwell wants to sell a parcel of his land. He showed the commission where the access road would be. He didn't feel there was a problem to sell the land and Mr. Cantwell needs the money. One request he would like to make is that Mr. Cantwell wouldn't have to build the road; if they could just do curb and gutter and the improvements and then sell to someone that could develop it.

Mr. Bodily restated when there is a subdivision he would get either a letter of credit or the cash for those improvements up front. Even if Mr. Cantwell didn't put in the improvements he would have escrow money that would pay for the improvements at some time. The property is still .947 acres which with the 10% reduction it can still be subdivided.

Mr. Lillywhite considered instead of taking the corner they choose to extend the road and put a cul-de-sac in there.

Mr. Bodily replied the money would be in escrow and then they could entertain different options.

Chairperson Anderson inquired what improvements need to be made.

Mr. Bodily stated the curb and gutter the water and sewer into parcel two and because it is part of the subdivision there would be curb and gutter on 300 north. They can recommend to the council that it did not need to be put in now the money could be in the same escrow account.

Mr. Lillywhite questioned if the Barringer's are required to put in curb and gutter.

Mr. Wells explained it is a zone where it could go either way.

Chairperson Anderson clarified how the motion would have to read? Does it need to state the escrow money has to be set aside for improvements?

Mr. Bodily responded the escrow happens automatically. That is taken care of before the final is recorded on any subdivision.

MOTION: A motion was made by Commissioner Krusi to approve a request by David Lillywhite, agent for Roger Cantwell for a two (2) Lot Minor Subdivision located at 490 West 300 North and 250 North 400 West. Zoned RA. The motion was seconded by Commissioner Hancock. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Wall

Ross Farmer, agent for Caisson Laboratories, has requested approval for a Commercial Conditional Use Permit to allow for manufacturing of cell & tissue culture media, located at 836 South 100 East. Zoned GC.

Mr. Ross Farmer & Eric Welker had a few handouts for the commission. They represent Caisson Laboratories and they are in the process of purchasing the building at 836 South 100 East in Smithfield. They are here to answer any questions the commission may have.

Chairperson Anderson would like a description of their business.

Mr. Farmer informed the commission it is a very sophisticated fertilizer. It is used in research and most all their customers are Universities. A few customers are in Cache Valley but most are around the world. They purchase and ship internationally. They also purchase raw materials internationally. Their products are for research purposes only. They are not FDA approved company. They are not for human consumption. They do things to ISO manufacturing standards; which is a form of regulation.

Chairperson Anderson inquired what raw materials they purchase.

Mr. Welker replied over 300 different chemicals and processes like salts, amino acids, anything plant food, nothing hazardous. They have a website that has all the chemicals they use on there. He handed out information on the products they offer and their website has all the other information listed there.

Commissioner Krusi inquired about the employees and hours of operation.

Mr. Welker mentioned there would be up to 30 employees with the possibility of two shifts running in the future from 6 a.m. – 10 p.m. Monday – Saturday. There are 45 Parking stalls.

Mr. Wells stated if you have 25 or more stalls you need two handicapped stalls.

Mr. Bodily would like to point out that there was a problem with playing basketball out back in the early morning hours and the residents complaining about it.

Chairperson Anderson called for any other comments from the commission.

There were no comments.

MOTION: A motion was made by Commissioner Hancock to approve a Commercial Conditional Use Permit to allow for manufacturing of cell & tissue culture media, located at 836 South 100 East. Zoned GC. The days and hours of operation being Monday – Saturday from 6 a.m. to 10 p.m. with 30 employees. The motion was seconded by Commissioner Wall. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Wall

Dianne K Campbell has requested approval of a Conditional Use Permit for a home based business to give horseback riding lessons, located at 57 North 200 East. Zoned R-1-10.

Mrs. Dianne Campbell has two to three students a day from 8:00 a.m. - 8:00 p.m. Monday through Saturday. During school year lessons starts at 4:00 p.m. She has been teaching down at Forrester Acres and would like to teach at her mother-in-law's property. There have been animals at the home since the house was built. There is no dust and plenty of water. There are no employees.

MOTION: A motion was made by Commissioner Wall to approve a Conditional Use Permit for a home based business to give horseback riding lessons, located at 57 North 200 East Zoned R-1-10. With the hours of operation being 8 a.m. - 8 p.m., Monday through Saturday. The motion was seconded by Commissioner McKay. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Wall

Mindi Faulkner, Reiki Master, has requested approval of a Conditional Use Permit for a home based business to provide Reiki energy work and sell oils, located at 280 East 200 South. Zoned R-1-10.

Mrs. Mindi Faulkner handed out a form from the State of Utah that states Reiki has not been regulated by the state. It is a spiritual type of energy work and as long as they don't use massage therapy techniques they are okay to practice. Hours of operation from Monday – Saturday from 6 a.m. – 10 p.m.

Commissioner Krusi asked about parking.

Mrs. Faulkner has plenty of parking on her side yard. There is no curb and gutter in front of her home so people can park off of the street. Her side yard goes to the back of her home.

Mr. Wells mentioned the rule is to have enough property on her lot.

Mrs. Izatt mentioned if Mrs. Faulkner had an employee (one (1) employee is allowed and the employee needs to be related), she would have to put in a parking pad.

MOTION: A motion was made by Commissioner Krusi to approve a Conditional Use Permit for a home based business to provide Reiki energy work and sell Essential oils, located at 280 East 200 South. Zoned R-1-10. The days of operation will be Monday – Saturday with the hours being 6 a.m. – 10 p.m. The motion was seconded by Commissioner Hancock. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Wall

Alena C. Johnson has requested approval of a Conditional Use Permit for a home based custom furniture business, located at 644 West 100 South. Zoned RA-2.

Alena Johnson closed their store in Hyde Park and would like to continue online sales at home. There would be no more than one car at a time coming to their home. One truck would be coming to deliver furniture and they would store the furniture in their garage.

Commissioner Krusi asked if they manufactured the furniture

Mrs. Johnson replied no it is shipped from Ohio

MOTION: A motion was made by Commissioner Hancock to approve a Conditional Use Permit for a home based custom furniture business, located at 644 West 100 South. Zoned RA-

2. With the hours of Operation being Monday – Saturday from 6 a.m. – 7 p.m. The motion was seconded by Commissioner McKay. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Wall

MOTION: A motion was made by Commissioner Krusi to adjourn the meeting at 9:05 p.m. The motion was seconded by Commissioner McKay. The voting was unanimous.

Commissioners voting in favor: McKay, Hancock, Krusi, Anderson, Wall.

Jamie Anderson, Chairperson

Attested:

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, April 15, 2015** in the Smithfield City Council Chambers, **96 South Main**, Smithfield, Utah.

7:00 p.m. Opening Ceremonies

Agenda items:

1. 7:03 p.m. Resident Input
2. 7:08 p.m. Consideration of Consent Agenda
Minutes of the March 18, 2015 Planning Commission Meeting
3. 7:10 p.m. **Public Hearing** to consider a request for approval of proposed Ordinance #15-08 which amends Title 17, "Zoning Regulations" in particular Section #17.12.200, "Division of Lots and Buildings".
4. 7:20 p.m. **Public Hearing** to consider a request for approval of proposed Ordinance #15-07 which amends Title 17, "Zoning Regulations" in particular Section 17.88.060 "Application of PUD to underlying zone", paragraph "C" "Yard Setbacks", of the Planned Unit Development (PUD) ordinance.
5. 7:30 p.m. **Public Hearing** to consider a request for approval by Ryan Reeves, agent for C & T Development LC, property owner, for a rezone of **7.64 acres** located at 532 South Main, Parcel # 08-110-0017, from CC (Community Commercial) to RM (Multiple Family Residential)"
6. 7:40 p.m. **Public Hearing** to consider a request for approval by Lowell & Nanette King, agents for Tout Properties LLC, to amend the Preliminary Plat for Apple Creek Commercial Subdivision located approximately between Main St & 150 East and 800 South & 1000 South. Zoned GC (General Commercial) and CC (Community Commercial)
7. 7:50 p.m. **Public Hearing** to consider a request by Gib and Janet Cellan, 142 West 400 South, for approval of a conceptual plan review and rezone of 9.37 acres, parcel numbers: 08-105-0015 & 08-105-0016 located at approximately 500 South 150 West from RM (Multiple Family Residential) to RM(PUD) (Multiple Family Residential/Planned Unit Development Overlay Zone)."
8. 8:00 p.m. **Public Hearing** to consider a request for approval of proposed Ordinance #15-09 which amends Title 17, "Zoning Regulations", in particular adding to section 17.04.070 "Definitions" and Chapter 17.120 "Use Matrix Table" to allow for "Assisted Living Facilities" in certain zones."

9. 8:10 p.m. Don Barringer has requested time with the Commission to discuss property located at 354 Saddleback Road. Zoned RA-2 (Residential Agricultural - 2 acre)
10. 8:20 p.m. Chad M Tarbet, 879 S 250 E #20, Smithfield, has requested consideration for approval of a Conditional Use Permit to allow a Commercial Firearms business for the manufacture, wholesale/retail sales, and service of firearms. To include the sale of accessories, components, ammunition and sporting goods and apparel. Zoned GC
11. 8:30 p.m. The Commission will consider recommending approval of proposed Ordinance #15-05 which amends Title 16: Subdivision Regulations, in particular Section 16.20.070 "Secondary Water" and Section 16.16.050, "Dedication of Water"; 16.04.030 "Definitions".
12. 8:40 p.m. The Commission will review an annexation request from Gary A. Hansen and Rigo Chaparro for property containing 4.87 acres, parcel #'s 08-044-0006 (4.85 acres); 08-044-0007 (0.02 acre) located at approximately 700 North on the west side of Main Street (Hwy 91).
13. 8:50 p.m. **ADJOURNMENT**

Posted this 10th day of April 2015 at the Smithfield City Offices, City Web Page and the Utah Public Meeting Notice web site. Notice provided to The Herald Journal this 10th day of April 2015.

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.