



SMITHFIELD CITY PLANNING COMMISSION MINUTES April 20, 2022

The Planning Commission of Smithfield City met in the City Council Chambers
96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, April 20, 2022

The following members were present constituting a quorum:

Members Present: Katie Bell, Brooke Freidenberger, Scott Gibbons, Brian Higginbotham, Bob Holbrook, Juli Weber

Members Excused: Jasilyn Heaps, Stuart Reis

City Staff: Brian Boudrero, Clay Bodily

Others in Attendance: Lisa Peterson, Kami Stone, Dallin Rice, Donna Rice, Sage Higginbotham, Roger Davies, Jeff Barnes, Debbie Zilles

6:30 p.m. Meeting called to order by Chairman Gibbons

Consideration of consent agenda and approval of meeting minutes

After consideration by the Commission, Chairman Gibbons declared the meeting agenda and the minutes from the March 16, 2022 meeting to stand as submitted.

RESIDENT INPUT - None

AGENDA ITEMS

Discussion and possible vote on the Conditional Use Permit request by Kamille Stone to operate a nail salon at 196 North 300 West. Parcel Number 08-082-0044. Zoned R-1-10 (Single-Family Residential 10,000 Square Feet).

Kami Stone is seeking permission to have an in-home nail salon. The residence has R-1-12 and I-1 zones (fire station) to the west and R-1-10 to the east. She will have no employees and parking will be available in the driveway and on the street.

MOTION: Motion by Commissioner Freidenberger to **approve** the Conditional Use Permit request by Kamille Stone to operate a nail salon at 196 North 300 West. Parcel Number 08-082-0044. Zoned R-1-10 (Single Family Residential 10,000 square feet). Commissioner Bell seconded the motion. **Motion approved (6-0).**

Vote:

Aye: Bell, Freidenberger, Gibbons, Higginbotham, Holbrook, Weber

Public Hearing, no sooner than 6:35 P.M., for the purpose of discussing Ordinance 22-07, an ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.68 “CC Community Commercial Zone”, Section 17.68.030 “Area, Width and Yard Regulations”.

6:37 p.m. Public Hearing Opened

6:38 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 22-07

Based on previous meeting discussions, the Commission’s consensus was to amend the setbacks to be ‘*No Minimum*’ in a Community Commercial zone with the exception of a highway, where it would be 30’.

Area, width, and yard regulations in the CC community commercial zone are as follows:

- A. Area: No minimum.
- B. Width: No minimum.
- C. Front yard: No minimum.
- D. Side yard: None, except ten feet (10') where the side yard abuts a residential zone.
- E. Rear yard: None, except thirty feet (30') where the rear yard abuts a residential zone.
- F. ~~Front~~ **Any** yard adjacent to Highway 91, Highway 218, and all State roads: thirty feet (30’).

Chairman Gibbons thought side yards were discussed to be 30’ as well. Commissioner Holbrook thinks any setback along a highway should be 30’. Commissioner Higginbotham suggested changing it to read “adjacent to” rather than “facing”.

An audience member questioned existing structures. Chairman Gibbons explained that an existing structure would be grandfathered in, but any new development or new building or addition within this zone would require adherence to the new Code once it is adopted. The resident was advised to speak with staff about specific concerns and questions.

MOTION: Motion by Commissioner Higginbotham to **forward a recommendation of approval** to the City Council for Ordinance 22-07, an ordinance amending the Smithfield City Municipal Code Title 17 “Zoning Regulations”, Chapter 17.68 “CC Community Commercial Zone”, Section 17.68.030 “Area, Width and Yard Regulations” amending item F. to read “**Any yard adjacent to Highway 91, Highway 218 and all State roads: thirty feet (30’)**”. Commissioner Freidenberger seconded the motion.

Motion approved (6-0).

Vote:

Aye: Bell, Freidenberger, Gibbons, Higginbotham, Holbrook, Weber

Discussion on corner lot setbacks in residential zones.

Commissioner Higginbotham reviewed a historical summary related to this topic (see – Attachment 1-).

Commissioner Higginbotham interfaces with counties and governments throughout the state and there is an increasing desire to eliminate non-used space. Recently North Logan decreased their front setbacks. This change could allow for larger homes and/or larger backyards.

Chairman Gibbons pointed out that in previous discussions the idea of water conservation was mentioned, however, if the front yard is decreased but the back yard is increased, there would likely not be much of a water savings. Commissioner Higginbotham agreed and said the biggest benefit would be allowing developers and homeowners more flexibility to meet their needs.

Chairman Gibbons wondered if a 15' front setback would be too small and too much variance within a neighborhood; he would be more comfortable with the front being a bit larger than 15'. Commissioner Freidenberger noted that the sidewalk and park strip adds additional space from the road. Commissioner Weber said if one home had a standard 30' front setback and the next house had a 15' front setback, it may curtail the view of the street from home with the larger setback. Chairman Gibbons agreed and said the Commission should consider how much variance might be too much.

Chairman Gibbons said the current ordinance is a 30' front yard setback, which would require a 20' side setback on a corner lot; he suggested changing it to allow for a 25' front and 25' side setback (totaling the 50' requirement).

Commissioner Freidenberger asked about the small 5,000 sf lots in areas where there are not many parks or trails. Mr. Bodily said smaller lots that have been approved are in PUDs or MPCs, this discussion is only applicable to residential areas. PUDs and MPCs are granted the opportunity for smaller lots (allowing for more density) in exchange for large open spaces.

Commissioner Bell said one of the main purposes of this would be to give individuals choices. Larger backyards could allow for detached ADUs. Commissioner Higginbotham said it could also allow for a larger house on the same size lot.

In addition to the purposes for the change, Commissioner Higginbotham posed the question about the reasons for not changing it. When the Council was discussing this item, some members seemed open to the idea. Homes are expensive and younger generations seem to want smaller yards. Maintaining the status quo will not help, reducing setbacks is one way that could maximize space.

Mr. Bodily pointed out the need to also discuss the fence height, if the setbacks are reduced, there could be a possibility that a fence could obstruct a view.

Chairman Gibbons asked members to consider and/or visit areas that have smaller setbacks to get a feel for what it may look like.

Mr. Bodily said the corner setbacks in the PUD and MPC zones are 20'.

Commissioner Holbrook said 15' may be too small, but 20' (with a 6' fence) seems reasonable and would be consistent with other zones.

Chairman Gibbons recapped that the Commission would like to edit the ordinance to allow for a minimum 20' front setback and 20' corner setback and schedule a public hearing for this item at next month's meeting.

Discussion on Accessory Dwelling Units (ADU).

Commissioner Freidenberger asked the staff if there had been any interest in having ADUs. Mr. Boudrero has received one question. Commissioner Higginbotham has had several people ask about them.

Chairman Gibbons pointed out that the Utah Legislature passed a statewide law that made Accessory Dwelling Units (ADUs) that are internal or attached to a single-family dwelling permitted uses. This law went into effect on October 1, 2021. There is already a current ADU ordinance, however, it can always be updated and/or improved. The question is whether detached should be allowed and if so, what the requirements should be.

Commissioner Holbrook said detached would only happen on larger lots because of setback requirements.

Mr. Boudrero said in the progression of any city there eventually becomes a need for something like this and setbacks are adjusted accordingly. Smithfield is not quite there which is why there has been some pushback from the City Council, however, there are codes in place that address many of the problems people are having with detached units, such as simplifying and streamlining the process for minor subdivisions and interblock development. Commissioner Higginbotham said one of the challenges with those options is the infrastructure costs. If detached units were allowed, developers could pre-plan for future potential. Commissioner Freidenberger said if this is not addressed there will likely be more undocumented and unregulated units.

The argument concerning shared utilities was briefly discussed and found to be void because it cannot be controlled and could happen in other scenarios. It is not an issue that should prevent discussion or consideration.

Commissioner Higginbotham said when the Council previously discussed it, they were one vote away from approval (without a full Council present). He thinks they are open to the idea. Chairman Gibbons agreed that the ordinance, as written, is done well. He suggested sending it back to the City Council.

The Commission asked Mr. Boudrero to schedule a public hearing on this item at next month's meeting.

MEETING ADJOURNED at 7:56 p.m.

Minutes submitted by Debbie Zilles

Scott Gibbons, Chairman

- ATTACHMENT 1 -

History of residential setbacks discussions

October 20, 2021 – Planning and Zoning

Public Hearing Opened Chairman Gibbons clarified for Karl Lambert that this ordinance would allow for a 15' minimum front setback from the property line. There have been requests for larger backyards and more flexibility in home designs. He explained that garages will require a 25' minimum setback to ensure there is enough room for vehicles to park in the driveway without hanging out over the sidewalk. Mr. Lambert asked if this would create/allow for smaller lots. Chairman Gibbons confirmed that this does not affect lot sizes.

6:50 p.m. Public Hearing Closed This ordinance will adjust the setbacks in the R-1 and Single-Family Residential zones to differentiate between the resident setback and the garage setback. Commissioner Weber feels comfortable with the proposal because the Commission has discussed it for the last several months. MOTION: Motion made by Commissioner Weber to forward a recommendation to the City Council to approve Ordinance 21-32, an Ordinance amending the Smithfield City Municipal Code Title 17 "Zoning Regulations", by amending Chapter 17.56 "R-1 Single-Family Residential Zone", Section 17.56.030 "Area, Width and Yard Regulations". Commissioner Reis seconded the motion. Motion approved (4-0). Vote: Aye: Gibbons, Holbrook, Reis, Weber Absent: Bell, Freidenberger, Daniels, Heaps

November 10, 2021, page 17 – City Council

DISCUSSION AND POSSIBLE VOTE ON ORDINANCE 21-32, AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 17 "ZONING REGULATIONS", BY AMENDING CHAPTER 17.56 "R-1 SINGLE-FAMILY RESIDENTIAL ZONE", SECTION 17.56.030 "AREA, WIDTH AND YARD REGULATIONS". Jamie asked what issue is driving the proposed Ordinance? Jon replied a planning commission member felt people don't utilize their front yard like they do their backyard. If the home is closer to the road, then people will have a bigger backyard. Driveways were discussed and the concern was that 15 feet was not enough to keep people from parking on the sidewalk. The proposal is to allow homes to have a 15-foot setback and the garage must have a 25-foot setback. Jamie stated most homes have the garage closer to the road than the house. Jon stated corner lots are not addressed in the proposed Ordinance and should be. Jamie asked Jon if he felt the Ordinance was incomplete? Jon stated he felt it was incomplete and the request is not something that needs to be incorporated into the code. ***A motion to DENY Ordinance 21-32, an Ordinance amending the Smithfield City Municipal Code Title 17 "Zoning Regulations", by amending Chapter 17.56 "R-1 Single-Family Residential Zone", Section 17.56.030 "Area, Width and Yard Regulations" was made by Jon, seconded Jamie and the motion to DENY passed by a vote of 4-1.*** Yes Vote: Wall, Anderson, Wells, Campbell No Vote: Hunsaker

December 15, 2022, page 7 - Planning and Zoning

Commissioner Higginbotham asked staff to consider adjustments that need to be made regarding corner lot setbacks in Ordinance 21-32, which could then be re-sent to the City Council for consideration because that is what they expressed concern with. Chairman Gibbons asked that this be added to next month's agenda for discussion

January 19, 2022 minutes, page 4 - Planning and Zoning

Commissioner Higginbotham noted last month's meeting minutes (page 7) "it was asked staff to consider adjustments that need to be made regarding corner lot setbacks in Ordinance 21-32, which could then be re-sent to the City Council for consideration because that is what they expressed concern with. Chairman Gibbons asked that this be added to next month's agenda for discussion." He requested that the discussion regarding corner setbacks be added to the next meeting agenda. Councilmember Wells explained that the Council had concerns about changing the setbacks in a residential zone. There is a provision in the Code regarding corner lots. 17.45.050 C.1 "On corner lots, the least of the two (2) front yards shall be a minimum of twenty feet (20') and the combination of the two together shall total a minimum of fifty feet (50')." The wording could be eliminated and/or changed and the discussion should address this topic. Chairman Gibbons asked that this be added to the February 16, 2022 agenda; he will work with Mr. Boudrero on it before the meeting.