



SMITHFIELD CITY PLANNING COMMISSION MINUTES January 18, 2023

The Planning Commission of Smithfield City met in the City Council Chambers
96 South Main, Smithfield, Utah at 6:30 p.m. on Wednesday, January 18, 2023

The following members were present constituting a quorum:

Members Present: Katie Bell, Brooke Freidenberger, Scott Gibbons, Jasilyn Heaps, Brian Higginbotham, Bob Holbrook

Members Excused: Stuart Reis

City Staff: Brian Boudrero, Councilmember Jon Wells, Councilmember Sue Hyer,

Others in Attendance: Shawn & Liz Kirkley, Guy Perkins, Lyle Tilman, Stephen Allred, Sage Higginbotham, Kenneth Bell, Lazaro Soto, Jeff Barnes, Brett Brunson, Debbie Zilles

6:34 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 minutes from the December 21, 2022, meeting to stand as submitted.

RESIDENT INPUT – No resident input

AGENDA ITEMS

Introduction and **Public Hearing**, no sooner than 6:35 P.M., for the purpose of discussing Ordinance 23-01, an Ordinance rezoning Cache County Parcel Number 08-105-0058 from GC (General Commercial) to M-1 (Manufacturing). The parcel is located at approximately 560 South 200 West and is approximately 4.92 Acres. The request was submitted by Brett Brunson.

Ordinance 23-01 is a requested rezone for Brett Brunson. He owns 4.92 acres located at approximately 560 South 200 West (08-105-0058). The property is currently zoned GC and he wants to rezone it to M-1. The property to the north built individual storage units when they were allowed into the GC zone; now, they are only allowed in M-1. He wants to continue building storage units to the south. The property has GC to the north and east, A-3 to the west, and A-5 and M-1 to the south (the Trueline piece was rezoned by the council on 1/11/2023). Mr. Brunson said the rezone will allow more flexibility with the use of the property.

6:38 p.m. Public Hearing Opened – No public comments.

6:39 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 23-01.

MOTION: Motion by Commissioner Heaps to **forward a recommendation for approval** to the City Council for Ordinance 23-01 rezoning Cache County Parcel Number 08-105-0058 from GC (General Commercial) to M-1 (Manufacturing). The parcel is located at approximately 560 South 200 West and is approximately 4.92 acres. Commissioner Bell seconded the motion. **Motion approved (6-0).**

Vote:

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

Introduction and **Public Hearing**, no sooner than 6:40 P.M., for the purpose of discussing Ordinance 23-02, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.04 “General Provisions”, Section 16.04.060 “Compliance Required” and Chapter 16.06 “Minor Subdivision”, Section 16.06.050 “Approval of Minor Subdivision”.

The proposed changes in Ordinance 23-02 include:

16.06.050 Approval of a Minor Subdivision

A. A final plat or record of survey shall be submitted to the STRC (Subdivision Technical Review Committee) for review. Upon receiving approval from the STRC, the final plat or record of survey shall be submitted to the planning department at least fourteen (14) days prior to a regularly scheduled meeting of the planning commission. No public hearing shall be required.

16.04.060 Compliance Required

G. Multiple-family residential projects having more than one hundred (100) dwelling units shall be equipped throughout with two (2) separate and approved fire apparatus access roads. Developments of one (1) or two (2) family dwellings where the number of dwelling units exceeds thirty (30) shall be provided with two (2) separate and approved fire apparatus access roads.

6:40 p.m. Public Hearing Opened - No public comments.

6:41 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 23-02

MOTION: Motion by Commissioner Freidenberger to **forward a recommendation for approval** to the City Council for Ordinance 23-02, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.04 “General Provisions”, Section 16.04.060 “Compliance Required” and Chapter 16.06 “Minor Subdivision”, Section 16.06.050 “Approval of Minor Subdivision”. Commissioner Holbrook seconded the motion. **Motion approved (6-0).**

Vote:

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

Introduction and **Public Hearing**, no sooner than 6:45 P.M., for the purpose of discussing Ordinance 23-03, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.04 “General Provisions”, Section 16.04.030 “Definitions”.

Ordinance 23-03 is a new ordinance defining a hard surface street. This was tabled last month due to not knowing when a new code would be enforced on a current project. After further discussion and research, new code decisions can only be enforced on final phases that have not yet been approved. Projects previously approved will adhere to the code as it was when the project was approved.

The proposed change for the definition of a hard surface (16.04.030) is:

HARD SURFACE STREET: *A street that will support a three (3) axle, 80,000-pound (lb.) vehicle and will not absorb water, making it less stable and reduce bearing capacity. The two options for a hard surface street are asphalt, which is 2 1/2 inches thick, or concrete with a minimum thickness of four (4) inches.*

Mr. Boudrero talked with Mr. Sundstrom, who expressed concern about this last month.

6:48 p.m. Public Hearing Opened - No public comments.

6:49 p.m. Public Hearing Closed

Discussion and possible vote on Ordinance 23-03

MOTION: Motion by Commissioner Bell to **forward a recommendation for approval** to the City Council for Ordinance 23-03, an Ordinance amending the Smithfield City Municipal Code Title 16 “Subdivision Regulations”, Chapter 16.04 “General Provisions”, Section 16.04.030 “Definitions”. Commissioner Freidenberger seconded the motion.

Motion approved (6-0).

Vote:

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

Review and discussion on Municipal Code Chapter 17.36 “Signs”.

Prior to the meeting, Commissioner Holbrook asked staff about the specific concerns regarding signs. One of the concerns is that Smithfield is not business-friendly, namely the ability to advertise off-premise. There are areas in the older part of downtown where there is no room to put signage in the right-of-way. Commissioner Higginbotham noted that community event signs are allowed for nonprofit public events in certain designated locations (17.36.060-G).

Commissioner Freidenberger would like to see something allowed for low-profile temporary signage that might not protrude out into the right-of-way.

Commissioner Bell questioned the prohibited transitions for electronic message displays (EMDs) listed in 17.36.155-K and whether this prohibits what they are intended to do. There seems to be a fine line between what transitions are

prohibited and what are permitted. Chairman Gibbons noted that the definition of an EMD sign in 17.36.030 is “*A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means*” which would seemingly include a video board. Commissioner Higginbotham pointed out that “video” is a prohibited transition in 17.36.155.

Commissioner Bell asked about the difference between a temporary sign and a portable or wheeled sign. Commissioner Freidenberger pointed out that a portable/wheeled sign cannot exceed ninety (90 days) – 17.36.150. Commissioner Bell said 17.36.126 indicates that temporary signs must be firmly secured to the building or ground, which is different from a portable sign that can be moved daily. Mr. Boudrero said temporary means that it is there for a short time, altering the amount of time for a portable sign might be able to address part of the concern. Election signs that are staked into the ground are an example of a temporary sign. Chairman Gibbons said putting signs in the right-of-way (such as a sandwich sign on the sidewalk) can create safety concerns for pedestrian travel, especially in the older parts of downtown (such as in front of Smithfield Implement). Commissioner Higginbotham pointed out that the second paragraph in 17.36.150 states that all portable and wheel signs must adhere to the setback requirements of a freestanding sign. 17.36.080-B further addresses some of the areas of concern “*In all commercial zones, except as listed in SMC A of this section, freestanding signs shall be set back a minimum of three (3) feet from the property line or sidewalk, whichever is more restrictive. If no sidewalk exists, then the setback shall be from the sidewalk as it would be located by the adopted street cross-section.*” Mr. Boudrero pointed out that there are a few businesses on Main Street where the sidewalk is built right up to the property line. Chairman Gibbons said the difficulty is how to define it so that it fits every right-of-way scenario. Commissioner Freidenberger recommended removing the 90-day permit requirement but maintain the setback requirements and define specific times. Chairman Gibbons suggested only allowing a certain percentage of the right-of-way to be used. Commissioner Freidenberger would like to see the signs located closest to the building so as not to obstruct pedestrian circulation. Commissioner Higginbotham cautioned that encroaching into the right-of-way may impact ADA regulations.

Chairman Gibbons asked if the Commission is searching for a solution to a problem that does not exist and questioned whether it might be smarter for the City to address specific concerns (e.g. brightness) rather than adjust an entire code section. Commissioner Higginbotham agreed and questioned whether new code language would apply to signs that have already been approved. Councilmember Wells pointed out that it can be defined so that no signs are grandfathered and that all signs must comply with the current code. Chairman Gibbons said working with specific businesses seems to be a better approach.

Commissioner Holbrook pointed out that illumination, specifically related to creating a traffic hazard or distraction, is defined in 17.36.100-B. If a particular sign is creating a hazard it should be enforced. Commissioner Higginbotham agreed.

Commissioner Freidenberger would like a definition for dark sky compliant, specifically the lumen requirements. She also recommended removing “...for a

~~period not to exceed ninety (90) days after which the time the sign must be removed...~~ from 17.36.150.

Commissioner Higginbotham recommended adjusting gender language, there are some references to building inspector as “he”.

Commissioner Heaps questioned how 17.36.060-G “*Signs in direct competition with city-sponsored events shall not be permitted*” is enforced. Would a soccer league not be able to advertise if it conflicted with a city-sponsored league? Chairman Gibbons asked Commissioner Heaps to talk to Brett at the Recreation Center and see if she could get better clarification on this issue.

Commissioner Heaps recommended updating the approved holidays.

Commissioner Holbrook asked about election signs. Commissioner Higginbotham pointed out that political campaign signs are clearly defined in 17.36.060-I.

Commissioner Higginbotham suggested removing Video (17.36.155-K 4) from the list of prohibited transitions of an EMD.

Councilmember Hyer advised that the Mayor suggested the Commission review the section for adjustments that would help the ordinance be more business friendly. Councilmember Wells said it can be challenging to find the balance between visual pollution and business friendly.

17.36.140 Wind Sign; the Commission agreed to strike “~~except as permitted~~” and “~~not to exceed six (6) times per year with fourteen (14) day intervals between displays~~” and indicate that they shall conform with all applicable setback and visibility requirements.

Jeff Barnes asked the assistant manager at Green Gorilla to tone their EMD sign brightness down. Chairman Gibbons said this is a good example of enforcing and addressing specific concerns with businesses directly.

OTHER:

Mr. Boudrero will provide the Commission with an appropriate training option for the required annual hours, so it is not a repeat of what has been done over the past few years.

Councilmember Hyer said the bridge construction will be postponed due to runoff concerns.

MEETING ADJOURNED at 7:55 p.m.

Minutes submitted by Debbie Zilles

Scott Gibbons, Chairman