

## Smithfield City Planning Commission

January 16, 2013

### 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, January 16, 2013**. The following members were present constituting a quorum:

Chairperson	David Price
Commission Members	Bryant McKay
	Jackie Hancock
	Pete Krusi
	Douglas Archibald
	Jamie Anderson
	Steve Edwards
Deputy Recorder	Char Izatt
Engineering Staff	Clay Bodily
Minutes	Stacey Dority
City Council Member	Brent Buttars

The notice was provided to the Herald Journal and delivered to each Commission Member and posted at the City Office Building, the Smithfield City Web Page and the Utah Public Meeting Notice web site.

**The meeting was called to order by Chairperson Price at 7:02**

**Opening Ceremonies:** Steve Edwards

**Excused:** Jon Wells, Planning Staff

**Visitors:** David C Hughes, Lloyd Meyer, Marty Spicer and Steve Teuscher-alternate Planning Commissioner

#### **Workshop session:**

Chairperson Price summarized the discussion in last month's meeting on how to encourage landlords to notify the city of any new business they lease to, and how to require the landlord to be responsible to make sure licensing is in place with each new business.

Mrs. Izatt explained she had made several contacts to different cities to see how they handle unlicensed businesses showing up in their city. A few examples were: Sandy City, is having similar problems everywhere in their city. The city had to heavily enforce non compliant

businesses to let them know the city was serious about compliance. The shopping mall now helps Sandy City with informing their tenants of licensing requirements.

Chairperson Price announced the commission is leaning towards a penalty to the landlord if they rent without following through on advising tenants about business license and conditional use permit requirements.

Mrs. Izatt gave another example of Springville City who has scheduled drive-bys to investigate the strip malls in their area to make sure new businesses are not showing up without licensing.

Logan City's response to Mrs. Izatt was the enforcement of business licensing is her job, and that she needs an assistant and an enforcement officer.

Mrs. Izatt said she would like to contact the landlords and have them send a list of their renters monthly or quarterly. Then she will compare the list to the business licenses issued. She would like to make the response mandatory and if no responses are received then she would like to move forward with a landlord penalty.

Commissioner Anderson questioned how many landlords we are talking about.

Mrs. Izatt responded six.

Chairperson Price inquired if the strip mall by Lees was a problem.

Mrs. Izatt responded yes, she ran across a banner announcing a furniture store when she was at the Family Dollar and an Insurance Agent by Pizza Hut had been established three to four months and had not been licensed. Mrs. Izatt reminded the commission that signs and banners shouldn't go up until the business is licensed and a sign permit has been applied for.

Mrs. Izatt explained that in the letter to the landlords she would be straight forward with her wording and if the landlord does not comply there will be enforcement. Once the landlords get the idea they need to be responsible for their tenants this should work out. There is no guarantee this method will work, but she would like to try.

Chairperson Price requested that Mrs. Izatt bring a portion of the ordinance that would be affected.

Mrs. Izatt explained the ordinance would be under business licensing Title #5 that goes through City Council. It isn't a zoning issue until a conditional use permit is requested. Not all businesses are required to apply for a conditional use permit.

Commissioner Anderson questioned who the city would penalize.

Mrs. Izatt explained the city would make requirements of the landlord and issue a citation to the business.

Commissioner Krusi expressed his concern that the landlords may assume businesses have their licenses.

Mrs. Izatt responded she had read his concern in last month's minutes and yes the landlords are probably assuming the businesses are licensed. Since public safety is affected, as in the cases of these businesses currently operating without licenses, compliance is important.

Chairperson Price mentioned it is best to start with quarterly notices to the landlords and notify them of their responsibility to reply to the city.

Mrs. Izatt detailed the commercial areas she would be pursuing:

- 1) By the auction
- 2) Smithfield Shoppes
- 3) Lee's Marketplace
- 4) Lowdy King's strip mall
- 5) Kim Foster's place by the auction
- 6) Locations on 560 south

**Resident Input:**

Lloyd Meyer, resident, addressed the commission by stating he is a business owner that has been established for quite some time and there are always new restrictions on the property owners by the city. If there is a change in business it would make sense to have the landlord inform the city. Having to do more paperwork quarterly and notifying the city all the time about things that don't change seems burdensome.

Chairperson Price explained to Mr. Meyer we are trying to protect the citizens. There is a non-licensed business here in Smithfield where the public has been taking their cars to get painted and the customers are getting ripped off. This is the concern we are addressing with new businesses coming in without licensing. They have no limits or guidelines to protect the community.

Mrs. Izatt responded the city would include Mr. Meyer in the letters and all he needs to do is send a e-mail for his response. She thought it was a good idea to have established commercial landlords participate every six months.

Commissioner Edwards asked if the ordinance could state, “ if there was a change in occupancy” then the landlord would need to notify the city of a change instead of routine quarterly checks.

Chairperson Price replied then the concern would be enforcement issues; for example, the landlord would be allowed to self-report to the city, and if they don't report then what does the city do?

Mrs. Izatt interjected that Mr. Meyer has an advantage because his rentals are visible and the city can observe what is happening there. She would like to give this new system a try and see how it works. Mrs. Izatt has sent Mr. Foster of River Birch commercial complex a list of the businesses she has on file and requested that he verify or note any new businesses so she is able to follow-up with any compliance issues.

Chairperson Price gave Mrs. Izatt the consent to go ahead with the notice to the landlords.

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

Minutes were approved by consent

**PUBLIC HEARING to consider recommending approval of Ordinance #12-03 which amends the Smithfield City Land use Ordinance (Zoning) Title 17; by amending sections; 17.04.070 “Definitions”; 17.97.020 “Conditional Use Permit Required”; 17.120.010 “Use Allowance Matrix”.**

**Chairperson Price opened the public hearing at 7:20 p.m.**

Chairperson Price introduced the ordinance open for public discussion; R.V., household pets and the chicken ordinance.

Mrs. Izatt reminded the commission the reason for the change in household pets was people were thinking they could eat any household pet. We wanted to clarify the ordinance.

Chairperson Price referred to the crossed out lines on the ordinance handout.

Mrs. Izatt reminded the RV was two definitions and the commission decided to separate them.

Chairperson Price opened participation to the public.

No comments.

**Chairperson Price closed the public hearing at 7:23 pm**

Chairperson Price requested comments from the commission.

No comments.

Chairperson Price quipped he hoped this was the final time the commission addresses the chickens. He asked if the influx of community members requesting chickens had diminished.

Mrs. Izatt replied yes. The coops were a little more expansive and people realized raising chickens became more work than they thought. Therefore the requests for chicken permits has dwindled.

**MOTION:** Commissioner Krusi made a motion to approve Ordinance #12-03 which amends the Smithfield City Land use Ordinance (Zoning) Title 17; by amending sections; 17.04.070 “Definitions”; 17.97.020 “Conditional Use Permit Required”; 17.120.010 :Use Allowance Matrix”. Commissioner Anderson seconded the motion. The voting was unanimous.

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

**David C. Hughes has requested approval of a Conditional Use Permit for a Dog Kennel for three (3) dogs located at 597 Maple Dr. Zoned R-1-10.**

Chairperson Price opened the request by stating Mr. Hughes is asking the commission to waive the enclosed dog run.

Mr. Hughes started his comments by talking about his dogs. He has a husky that is 13 years old with diabetes and very inactive. The chow is 10 years old with arthritis. He informed the commission that most of the time they are in the backyard. They are never outside at night any time of year. He doesn't foresee the husky being around for more than two months. All three dogs in question were licensed last year. They have been inside all winter. When the dogs are outside in front they are anchored and tethered and cannot get to the front sidewalk. It would be an added expense to have an enclosed dog run with one dog not expected to live much longer. The yard is completely enclosed with a 4 ft. high fence with vinyl slats. He understands the concern of a dog getting out, but he feels he has made every effort to prevent this from happening.

Chairperson Price explained to Mr. Hughes, we can issue a conditional use with the exception of an enclosed dog run, but if there is a complaint against your dog's getting out of the fenced yard you will have to come back in to the commission.

Mr. Hughes replied he has never had a complaint in the six years he has lived at his current residence.

Chairperson Price asked the commission if they had any discussion on this request.

There was no discussion.

Chairperson Price reminded Mr. Hughes if the commission does grant the exception and a complaint is received, that would warrant him reappearing in front of the commission.

Mr. Hughes replied the he understood.

**MOTION:** Commissioner Hancock made a motion to approve a Conditional Use Permit for a Dog Kennel for three (3) dogs located at 597 Maple Dr. Zoned R-1-10. With a condition if there are complaints of the dogs running beyond the fenced yard, Mr. Hughes would be required to come back before the commission. A fixed dog run will not be required. Commissioner McKay seconded the motion. The voting was unanimous.

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

#### **ADJOURNMENT**

**MOTION:** A motion was made by Commissioner McKay to adjourn the meeting at 7:33 pm. Chairperson Price asked all those in favor, all commissioners responded aye.

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

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David Price, Chairperson

Attested:

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Charlene Izatt, Deputy Recorder