

**Smithfield City Planning Commission**  
**December 19, 2012**  
**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, December 19, 2012**. The following members were present constituting a quorum:

Chairperson	David Price arrived at 7:15
Commission Members	Bryant McKay Jackie Hancock Pete Krusi Stephen Teuscher Steve Edwards
Deputy Recorder	Char Izatt
Planning Staff	Jon Wells
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 Commissioner Bryant at 7:05

**Opening Ceremonies:** Pete Krusi

**Visitors:** David Barnes, Barton Boothe

**Resident Input:**

No resident input

**Consideration of Consent Agenda**

**Minutes of November 15, 2012 Planning Commission Meeting**

Minutes were approved by consent

**Workshop session:**

Mrs. Izatt stated there are a couple of commercial developments where the landlords are renting out units to renters that aren't aware they need to have a conditional use permit for their businesses. We would like to make the landlords more responsible for informing their future tenants of zoning and licensing requirements. Mrs. Izatt has talked to other communities to see how they are handling this issue. She wants to know if we should be more proactive as a commission and if the commission would like her to continue to research how other cities handle this problem.

Commissioner McKay inquired how Mrs. Izatt finds out about the businesses that haven't acquired a permit.

Mrs. Izatt mentioned usually through complaints from neighbors or inadvertently learning of a business operating out of a specific location. She suggested holding the landlord responsible to advise their renters of the need to obtain a business license and conditional use permit. She gave the example of the units available for rent in the Lee's Marketplace complex. The Badgers would be responsible for advising their renters of the need to check with the city in regards to zoning clearances and licensing requirements.

Commissioner Teuscher inquired if Logan City has information on how they handle this problem. He mentioned Logan has been changing a lot of ordinances with the landlord/renter permits. He pointed out people may think if they move out of Logan they don't need to license again in their new area.

Mrs. Izatt confirmed it is a State law to license any business. We have a landlord tenant agreement in place and we don't have anything specified for a commercial zone landlord that would require them to notify the renters of this obligation.

Commissioner Krusi explained he didn't see where the landlord being involved would make a difference. Most people just assume the renter will take care of the licensing.

Commissioner McKay inquired what the procedure is for notifying a business owner of the need to gain a license and conditional use permit.

Mrs. Izatt explained a letter is sent out first. Then additional contact is made before the Police are asked to get involved.

Commissioner Krusi questioned if this is for people that don't come in and apply for a license on their own.

Mrs. Izatt replied yes.

Chairperson Price inquired if the property can be sub-leased. He stated they cannot sublease again to someone else.

Mrs. Izatt stated that walls are being tore down and changes made to the buildings. It is important to be informed of these changes so the non-compliant issues can be addressed.

Chairperson Price inquired if the commission can require the landlords monitor who they are leasing to.

Mr. Wells explained when the building is up to code we don't have any reason to check the building. As a minimum we need to hold the landlord responsible to inform the tenant that he needs to go to the city and get all the conditions taken care of for their business. If it doesn't happen, then the landlord needs to take some of the responsibility; we will have to issue consequences.

Commissioner Krusi inquired if there are any requirements for the landlord that is leasing to renters to make changes to the building.

Mrs. Izatt explained that applicants are required to go through the commission for approval of business based conditional use permits. Is this issue important enough for her to continue to research this information?

Commissioner McKay questioned if the renters were to tears down walls etc., could we say you have thirty days to have your tenant take care of the compliance.

Chairperson Price stated we don't have anything in the ordinance about renters contacting the landlord with changes to the building.

Mr. Wells explained we need to add in the ordinance the landlord will be responsible for anything changed in the building that isn't in compliance.

Chairperson Price stated, I think it is appropriate to check with other cities and find out how they handle this type of problem.

Commissioner Krusi added we should have some kind of penalty.

Chairperson Price clarified not necessarily a financial penalty. A penalty could be the landlord losing his lease.

Mrs. Izatt shared an example of another problem they face with landlords. The County garbage people were concerned and contacted the city because a landlord told them his location did not need a garbage dumpster. Then the landlord called the City and stated that other businesses had been using the dumpster and the landlord had been the one paying for it and it gets very frustrating because the City is asked to get involved to try and solve the issue.

Chairperson Price explained if the landlord is violating the conditional use permit he needs to be liable.

Commissioner Krusi inquired what happens when someone applies for a conditional use permit.

Mrs. Izatt detailed there are a lot of steps to get to the permit approval, such as fire code and parking. She indicated she will go ahead and get research done with other cities and bring it back to the commission.

Chairperson Price inquired if the commission is allowed to have an inspection when there has been a request for a conditional use permit.

Mrs. Izatt explained the ordinance allows the City to inspect anytime.

**Richard Rudd has requested approval of a Commercial Conditional Use Permit for an Automotive Repair business located at 150 West 700 South, Bldg. F, Suite. 8. Zoned GC**

Mrs. Izatt had a request as a city staff member; the building has been inspected for fire and all other things they need for a permit, her request was that action be taken on this agenda item so it

would not take up more time and the city could move forward. She also stated that as the Planning Commission you are welcome to go look at these job sites and see what takes place there.

Commissioner McKay indicated he had a question on the number of employees listed, should it be zero or one.

Mrs. Izatt confirmed Mr. Rudd is a sole proprietor and chooses to not have employees.

**MOTION:** Commissioner Krusi made a motion to approve a Commercial Conditional Use Permit for an Automotive Repair business located at 150 West 700 South, Bldg. F, Suite. 8. Zoned GC. The motion was seconded by Commissioner Edwards and approved unanimously.

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

**Enrique Mendoza has requested approval of a Commercial Conditional Use Permit for an Automotive Repair business located at 150 West 700 South, Bldg. B Ste. 1,2,3& 4 Zoned GC**

Commissioner Krusi inquired if Enrique had a bigger place.

Mr. Wells indicated, yes he is taking up four bays.

Chairperson Price questioned if the commission needs to address things like outside parking now that he is getting bigger.

Mr. Wells agreed and directed the commission to the map that indicates where Mr. Mendoza wants to fence off the property.

Chairperson Price stated I don't know if we want to let this one slip by until he comes and talk to us.

Mr. Wells indicated Mr. Mendoza wants to move from this location to a larger area.

Mrs. Izatt mentioned she is requesting the landlord assign parking. She will not issue a permit until it is done.

Chairperson Price indicated there should be restrictions on how many cars should be parked at the business at one time.

Mr. Wells pointed out with four bays Mr. Mendoza could hold fifteen cars in different stages of repair.

Chairperson Price examined if the commission should make sure the cars are licensed and have current registrations.

Mrs. Izatt conveyed as long as it is site proofed, and this zone is approved for that, it would work. She referred to the conditional use permit she had for Unit 2.

- 1) Maximum three employees.
- 2) Hours from 9:00 -9:00, Monday through Saturday.
- 3) Ten parking spaces available for one unit.

Mr. Wells referred to the ordinance on repair garages stating they require four parking stalls per repair bay. Mr. Mendoza has four bays so he should have sixteen parking spaces. We will require a detailed list of which stalls are for his business, assigned by the landlord. I don't think it is out of line to have twenty spaces.

Mrs. Izatt questioned if we could ask the landlord to sign something that indicates the parking.

Chairperson Price said I guess we can put these conditions on it tonight. Char will not issue a permit until conditions are met.

Commissioner McKay asked is this a business that could be operational right now.

Chairperson Price summarized the following:

- 1) A minimum of sixteen parking spaces plus one for each employee assigned by the landlord.
- 2) No outside storage for spare parts, only cars not used.
- 3) All inspections must be completed
- 4) Hours from 9:00 – 9:00, Monday – Saturday
- 5) Seven employees

Commissioner Hancock inquired if the fenced area included the sixteen parked cars.

Mr. Wells stated the fenced area has not been completed yet.

Chairperson Price inquired if we are considering parked cars as outside storage.

Mrs. Izatt indicated everything needs to be site proofed.

Chairperson Price explained cars are not considered storage. Everything else needs to be behind the fence.

**MOTION:** Commissioner Edwards made a motion to approve a Commercial Conditional Use Permit for an Automotive Repair business located at 150 West 700 South, Bldg. B 1,2,3& 4 with the following conditions: sixteen parking spots with an additional seven spots for employee parking, written approval and designation of parking by the landlord and a site proof fence for anything other than cars. Hours of operation are from 9:00 – 9:00, Monday – Saturday, with seven employees. The motion was seconded by Commissioner McKay and approved unanimously.

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

**The Commission will continue review and consideration 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 explained the deletions are the items on the page with the lines through it. All we are doing is striking the lines that we have discussed.

Commissioner Hancock questioned if we are adding two ferrets.

Mrs. Izatt confirmed, yes.

Chairperson Price explained chickens will be added but the request for chickens will not come to the commission they will go directly to Char.

**A public hearing was set for January 16, 2013.**

**ADJOURNMENT**

**MOTION:** A motion was made by Commissioner Krusi to adjourn the meeting at 7:56 p.m. Commissioner McKay seconded the motion and it was approved unanimously.

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