

**SUNSET CITY CORPORATION
PLANNING COMMISSION MINUTES
October 20, 2011
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Minutes of a regular Planning Commission meeting held **October 20, 2011** at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Chair Hale presiding:

Planning Commission Members Present:

Tena Hale	Chair
Jason Gabbert	Commissioner
David Hackett	Commissioner
Brian Parker	Commissioner
Brad Weller	Commissioner
Jonathan Ellworth	Commission
Scott Stevenson	Alternate Commissioner

Employees and Officials Present:

Ray Chapman	Council Member
Linda Youngdell	Treasurer/Office Manager

Others Present:

Rogelio Cerda	Sunset Towing and Auto Repair
Mark Willie	Sunset Auto Body

Chair Hale opened the meeting at 6:30 p.m., welcoming everyone in attendance.

1. Request Conditional Use business license for Sunset Towing and Auto Repair, LLC located at 1727 North Main to include vehicle sales at the existing business:

Chair Hale asked Mr. Cerda to step up to the podium; she then turned the time over to the Commissioners to ask any questions they had concerning vehicle sales at this existing business. Commissioner Hackett questioned where the vehicles will be coming from that will be placed on the lot for sale. They will mostly be coming from auto auctions. Commissioner Hackett stated that it looks like all of the insurance is in place. Commissioner Weller asked how many cars they would have at one time to be sold. Mr. Cerda replied five to ten displayed out front of the business. Commissioner Weller also inquired about their planned security measures and what their plans were to stay in Sunset. Mr. Cerda replied for a while and that he likes Sunset. They moved here during the summer months. Commissioner Parker feels that they need to set the number of vehicles that can be placed on the property at one time along with the parking of customer vehicles. Alternate Commissioner Stevenson addressed ingress / egress and that there needs to be a clearly marked area for customer parking. Alternate Commissioner Ellsworth also feels that the area for customers needs to be clearly marked and striped. He feels that it is a combatable business. Chair Hale inquired about the hours of operation. They will be Monday – Friday 9:00 am – 6:00 pm and Saturday they would open at 9:00 with the business being closed on Sunday. Commissioner Weller would like to recommend that they stay open until 9:00 pm. Commissioner Stevenson asked how they would be advertising this lot, he feels they need to use good aesthetics and make sure to follow the sign ordinance. If it looks like a circus it will not reflect well on the City. Commissioner Hackett asked how many mechanics they have on site. Mr. Cerda replied that there is one but he is not certified. Commissioner Hackett is a little

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uneasy having someone who isn't certified working on vehicles to be sold to the public. City Council Member Chapman stated that they would not need to be certified if the vehicles are not going to be sold with warranties. Commissioner Weller verified that information online. Mr. Cerda will make sure that they pass inspections and emissions before they are sold to the customers.

Motion: Commissioner Weller made a motion to recommend this business to the City Council with the addition of vehicle sales from the existing business with the following conditions. 1) hours of operation Monday through Friday 9:00 am to 9:00 pm, Saturdays 9:00 am to 6:00 pm and closed Sunday. 2) Limit of 20 cars on the lot to be sold at one time. 3) Strip reserved for customer parking. 4) Meet Fire and Building Codes. Commissioner Parker seconded the motion the motion passed unanimously.

Chair Hale informed Mr. Cerda that he will go before the City Council on Tuesday, November 1, 2011 at 6:30 pm.

2. Request Conditional Use business license for Sunset Auto Body at 2123 North Main to include the addition of a tow yard in the rear section of the adjacent property to the north of Sunset Auto Body: Chair Hale asked Mark Willie to step up to the podium. Chair Hale turned the time over to Mr. Willie to make their presentation. Mr. Willie introduced his father-in-law Dave Hansen. Mr. Willie stated that he worked for Rusty for many years and managed Rusty's Auto Body. Last January Mr. Willie bought the business and they would like to improve the property and capture some of the traffic that passes by each day. They would like to make their business an enticing place to do business. Business is tough right now they would like to be able to survive through this rough time and eventually begin to grow. Because they are surrounded by larger shops that have tow trucks and they do not, they are loosing some of that business. They would like to partner up with a company that will do the tow side of the business. The property they want to place the vehicles on is off of the road and therefore out of site. Every tow truck that comes in will go through the existing gate on their property. There are surveillance cameras and the property will be monitored. They showed a map of the proposed area they would like to use for the storage of the vehicles for the tow lot. They will need to finish running the fencing down the property to join the existing fenced area. A membrane will be placed 4 inches down to catch any fluids that drip from the vehicles due to OSHA/EPA requirements. Eventually, if he can purchase the property from Rusty, he would like to asphalt the area. He has been involved in this type of business for many years, currently they are a long way from where he would like to be. This is one more step towards his goal. He wants to provide a clean business with top notch service. Eventually he would like to expand to a drive in bay. Commissioner Parker asked them to update him on the requirements OSHA/EPA requires that if a vehicles stays on the property for twelve days, they are required to control the drainage. Asphalt would be the ideal situation, but not at this time. Hopefully they are going to keep most of the vehicles at the business for the repair, but some of them may eventually go to another shop to be repaired. Commissioner Parker asked if they were planning on using the cinderblock wall. Mr. Willie replied that the state is fine with the wall the way it is. Ultimately a barbed wire top could be added to the top of the wall. Since there are residential lots adjacent to the property the

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requirements are different than if they abutted a commercial property. Commissioner Weller asked what the hours will be for the tow trucks to bring vehicles onto the property. The beeping of the trucks backing up is a concern for him. Mr. Willie stated that unfortunately they cannot plan for someone who receives a DUI or is involved in an accident. There was discussion about keeping the vehicles up on the top property if it is after a certain time and move them down the following day. They currently have vehicles that do get towed to their business. Commissioner Weller asked if Mr. Willie has spoken to the neighbors that abut the property. Mr. Willie stated that he has not. Commissioner Weller commented that it is a fine balance when you have commercial abutting residential. Commissioner Hackett has walked the lot and confirmed that the driveway on the front of the property is for the use for the tenants who rent that house. Commissioner Hackett is also concerned about the mud on the property and the tow trucks getting stuck. Mr. Willie stated that it would not be mud, it would be road base. There is an area on the lot that would need to be leveled and Mr. Willie plans on using the same type of blocks that are currently used on the property. Commissioner Hackett is concerned about how those will be reinforced because currently there is an issue with the existing block wall. Mr. Willie stated that the wall has been there for eight years and it isn't going anywhere. There will be nine feet of dirt that will have to be moved and cement barriers added. Commissioner Hackett is concerned about the water run off. Mr. Willie stated they are not trying to reengineer anything; they are just trying to take an existing eye sore and improve it. Obviously if there gets to be a water run off issue, they will address it. Commissioner Parker asked if Mr. Willie would be willing to have the existing fence engineered like the City has been requiring for years. Mr. Willie stated that it depends on what it would cost because he doesn't own the property. If there are problems that arise from it at a later date, they will address it. Commissioner Weller suggested that maybe the conditions could include if it becomes a problem at a later time it will be addressed. Commissioner Parker read from a prior conditional use license in 2007 where Director Hennessee required that engineering be done on the fence and that they address the storm water run off. This has never happened. He can guarantee that will be one of the conditions that will need to be met. Mr. Willie asked what the City would do next if they decide not to proceed with this. He guarantees the walls are not going anywhere and that they will deal with any water problems. He is trying to make this work for everybody and not try to reinvent the wheel. Mr. Willie can not come in here and say that he is going to come in and put all of this money into the business in this type of economy. The City will be the one who will benefit from this because they will make money off of every car that comes onto the property, he would collect money only on the ones that they keep there. He would like to provide this service, without putting too much into it. Mr. Willie does not own the property. Commissioner Weller asked who owned the property. Mr. Willie responded that Rusty Eskelson does. Commissioner Weller feels that it is Mr. Eskelson's responsibility to deal with the wall. Mr. Willie stated that Mr. Eskelson will not invest money into this property or come before Sunset City. Mr. Eskelson has spoken to the Mayor and some of the Council Members. He would like the Planning Commission to get this before the City Council so that they can address some of these issues with them. Alternate Commissioner Ellsworth asked what their time frame was in making some of these improvements that were mentioned earlier in the meeting. Mr. Willie stated that there are certain things that would be done immediately due to certain requirements in order to get a permit. The improvements in the front of their existing business will be done as soon as it is feasible.

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Commissioner Ellsworth respects their ambition and their willingness to come before them tonight. Prior issues with the property will come up when this goes before the City Council. Alternate Commissioner Ellsworth cannot see that this would be a bad thing for the City. Alternate Commissioner Stevenson wants to make sure that the road base is secured to prevent mud. Less than 5% of the vehicles that are towed are not drivable. Therefore there could be 40 to 60 cars at a time with only 5% of them that are not drivable. Alternate Commissioner Stevenson questioned the rental property on the front piece of the property. Mr. Willie stated that this brings up another can of issues. He feels the house should be condemned. Currently there are two families that live in that home, but there are plans to make some changes there. This house would be isolated from the tow lot. Alternate Commissioner Stevenson questioned the use of that house as a rental property. Chair Hale stated that the ordinance states that the business owner or employee of the business can live in the home, but it cannot be rented out to someone that is not associated with the business which is located on the same property. Commissioner Parker stated that they could look at subdividing the property. Chair Hale read comments from Mickey Hennessee who is the Public Works Director and City Building Inspector. The wall has been measured and at the highest point it is 9' 2". It is the Directors job to make sure that building codes are followed and in this case they have not been. Blocks are possibly seconds and the City has no idea how they were secured. Hard surface rain/snow run off needs to be addressed. Chair Hale asked how many vehicles they estimate to be brought in during the hours of 9:00 pm to 6:00 am. Mr. Willie estimates there would be ten. Chair Hale then asked if the volume of the beeping when the trucks are being backed up can be adjusted. The answer was no and they can set it up so that the tow trucks would not need to be backed up. Chair Hale confirmed that the entire lower lot would be graveled. Mr. Willey wants to be respectful of his neighbors and they want to make Sunset their home. He then asked if this could go before the City Council and if their requirements are feasible, they then will proceed. Chair Hale stated that it is the Planning Commission's responsibility to bring these items up. They do encourage business and appreciate them being a business owner in Sunset. Commissioner Hackett suggested that trees be planted along the back property to help with the barrier between this property and the residential properties.

Motion: Commissioner Weller made a motion to recommend the addition of a tow yard in the rear section of the adjacent property to the north of Sunset Auto Body with the following conditions 1) No vehicles be allowed to backup between the hours 10:00 pm. and 6:00 am, 2) the talk to the adjoining neighbors and get their consensus in written form, 3) conditional use would be for a time period of 6 months and then reviewed by the City Council. 4) the City needs to deal with the owner on the engineering of the wall, 5) comply with all building and fire codes and 6) comply with OSHA requirements. Commissioner Weller then asked Mr. Willie if there was anything else that he wanted him to include in this motion. Mr. Willey responded no. Commissioner Parker wants to add 7) look into subdividing the property to allow for the use of the rental property. Commission Member Gabbert seconded the motion the motion passed unanimously.

This item will go before the City Council on November 1, 2011 at 6:30 pm.

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General Information

Commissioner Weller reminded everyone to vote, asked that they review the Planning Commission by-laws in a future meeting and sarcastically thanked everyone for attending the Planning Commission barbeque that he has been trying to plan.

Commissioner Parker asked if the Planning Commission has ever begun their meeting with a prayer like the City Council does. Treasurer/Office Manager Youngdell responded no and this has been an item that the City Council has addressed several times.

Treasurer/Office Manager Youngdell informed the Commissioners that the Mayor has asked that the Planning Commission begin the General Plan review with the completion date being April.

Commissioner Parker made a motion to adjourn. Alternate Commissioner Stevenson seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:50 p.m.

These minutes have been read and approved at the Planning Commission meeting held January 19, 2011.

Tena Hale, Chair

Linda J. Youngdell, Treasurer/Office Mgr.