

**TOOELE CITY PLANNING COMMISSION MINUTES**  
**September 12, 2012**

Place: Tooele City Hall Council Chambers  
90 North Main Street, Tooele Utah

**Commission Members Present:**

John Curwen, Chair  
Phil Montano  
Melanie Hammer  
Sheldon Birch  
Matt Robinson  
Steve Dale

**Commission Members Excused:**

Tom Poyner  
Doug Redmond  
Chris Sloan

**City Employees Present:**

Rachelle Custer, City Planner  
Matt Johnson, Assistant City Attorney  
Councilman Brad Pratt

Minutes prepared by Elisa Jenkins

Chairman Curwen called the meeting to order at 7:00 p.m. He also excused Mr. Baker, City Attorney and Mr. Bolser, Public Works Director from the meeting.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Curwen.

2. **Roll Call**

Chairman Curwen, Present  
Matt Robinson, Present  
Phil Montano, Present  
Doug Redmond, Excused  
Chris Sloan, Excused  
Steve Dale, Present  
Melanie Hammer, Present  
Sheldon Birch, Present  
Tom Poyner, Excused

3. **Public Hearing and Motion on conditional use permit for C&B Auto Repair and Sales to be located at 1070 N Main Street**

Presented by

Ms. Custer stated that Mr. Taylor has leased his property to Brandon Justesen for vehicle sales and repair facility. The property has been used for vehicle retail sales in the past, but has not been used for repair. Any vehicle repair is a conditional use in the general commercial zone which this is in. Staff recommends approval of the conditional use permit with the following conditions:

- 1) 15% landscaping be incorporated into site as required by Tooele City Code 7-16-4, Table 2.
- 2) Applicant obtains permits and installs the proper equipment required by IBC for general automotive repair.

Commissioner Montano noted that there is parking and storage in the back of this lot. He asked what vehicles the applicant is allowed to keep and if the lot is required to be fenced.

Ms. Custer said that in the past they have allowed a car to remain on the property for no more than 7 days. They have also in the past not allowed auto repair facilities to keep wrecked vehicles. The commission can require a screened fence if that is a condition they would like to place on the conditional use. She said that it is up to the Planning Commission what they want to require for conditions on the conditional use.

Commissioner Montano noted that they do have neighbors on both side of this property.

Commissioner Dale said that the plans show a rock garden and he asked if that is the 15% landscaping that is required?

Ms. Custer said that they do have additional landscaping around the building with planters.

Commissioner Dale is concerned with keeping rock gardens up because many times they become overgrown with weeds.

Commissioner Hammer noted that often landscaping is required and there is no maintenance to keep it looking nice.

Commissioner Dale asked if there is irrigation.

Ms. Custer said that there will only be hand watering.

Commissioner Montano said that he drove by and thought it looked nice. He asked if they should screen the storage and/or parking in the back?

Commissioner Birch noted that the plans suggest that it is fenced already.

Mr. Justesen, the applicant stated that there is not a fence there now but they will be putting in a 6 ft. chain link fence with slats.

Commissioner Hammer noted that the plans say an 8 ft. fence.

Mr. Justesen said that it will be a 6 ft. fence.

Commissioner Birch noted that other conditions have been placed on auto repair facilities in the past, but staff did not recommend them in this case and asked if there was a reason?

Ms. Custer said no, she left it to the Commission to discuss.

Commissioner Montano asked if it mattered if the applicant did a 6 ft. or 8 ft. fence.

Ms. Custer said that anything over 6 ft. requires engineering and a building permit so staff would be satisfied with a 6 ft. fence.

Commissioner Montano asked the applicant if they have access to the back of the lot from the north.

Mr. Justesen said that they do have access from the north and they will be installing a gate to keep their business secure.

Commissioner Montano noted on the plan that the fence runs 51 ft. by 8 ft. on the north side. He asked if there would be a gate along this fence.

Mr. Justesen said yes.

Chairman Curwen stated that this is a public hearing if anyone would like to come forward and address the Commission. No one came forward.

Chairman Curwen closed the public hearing at 7:09 p.m.

Commissioner Birch said that he feels it would be a good idea to add a condition about not allowing wrecked vehicles to remain on the property and a condition about how long vehicles can be left on the property.

Commissioner Robinson asked Mr. Justesen if he had plans to keep wrecked cars.

Mr. Justesen said he does not plan to keep wrecked cars on the property.

Chairman Curwen asked why they had placed conditions in the past about leaving vehicles on the property for 7 days.

Ms. Custer said when they originally looked into how long it took to get parts to repair a vehicle it was 2-3 days and then a few more days to get the vehicle fixed.

Commissioner Dale said that sometimes situations come up where customers find out that it costs more than they want to pay to get the vehicle fixed and the company ends up with the car. He understands that it takes time to get title to the car so it can be salvaged.

Commissioner Robinson noted that this business is for vehicle sales and repair and asked how they word the conditional use permit to allow cars there for a certain amount of time when they have vehicles for sale that will be there longer?

Ms. Custer stated that the Commission would have to stipulate in the condition that the 7 days be based upon the auto repair business not the auto the sales business and leave it to the applicant to honor that.

Chairman Curwen noted that this business sold vehicles previously.

Ms. Custer stated that this conditional use is not for the auto sales it is for the repair business. The change of use is the auto repair.

Commissioner Robinson said that he is not comfortable requiring a condition for the length of stay of a vehicle. He does agree with requiring a fence.

Commissioner Birch asked if there should be a condition about wrecked vehicles.

Commissioner Montano suggested allowing the applicant time to put in a fence because it would place a financial burden on them. He suggested six months.

Commissioner Robinson asked the applicant what time frame he is looking at to have the fence installed?

Mr. Justesen said that they are working on a grant right now to help pay for the fence and it will probably take about six months to get it done.

**Commissioner Dale moved to approve a conditional use permit for vehicle repair and sales to be located at 1070 N Main Street with the following conditions:**

- 1) 15% landscaping be incorporated into site as required by Tooele City Code 7-16-4, Table 2.**
- 2) Applicant obtains permits and installs the proper equipment required by IBC for general automotive repair**

- 3) **A 6 ft. chain link fence with vinyl slats is placed around the perimeter within 90 days.**
- 4) **Vehicles are only allowed to be kept for 7 days.**

Commissioner Birch asked if the conditional use permit was for vehicle repair and sales?

Ms. Custer said that the conditional use permit is for vehicle repair but the business is going to do both. They have been selling vehicles in the past at this location so that part of the business does not need a new conditional use permit, only the repair part of the business.

Commissioner Hammer is concerned about the 90 day requirement of the fence.

**Commissioner Robinson amended the motion to approve a conditional use permit for vehicle repair and sales to be located at 1070 N Main Street with the following conditions:**

- 1) **15% landscaping be incorporated into site as required by Tooele City Code 7-16-4, Table 2.**
- 2) **Applicant obtains permits and installs the proper equipment required by IBC for general automotive repair**
- 3) **A 6 ft. chain link fence with vinyl slates is placed around the perimeter within six months.**

Commissioner Montano seconded the motion. The vote was as follows: Phil Montano, "Aye", Commissioner Hammer, "Aye", Commissioner Birch, "Aye", Commissioner Robinson, "Aye", Commissioner Dale, "Nay", and Chairman Curwen, "Aye". The motion passed.

4. **Public Hearing and Motion on conditional use permit for a drive thru coffee shop to be located at 832 N Main Street**

Presented by Rachelle

Ms. Custer asked that this item be tabled because the site plan is not ready.

**Commissioner Robinson moved to table this item.** Commissioner Birch seconded the motion. The vote was as follows: Phil Montano, "Aye", Commissioner Hammer, "Aye", Commissioner Birch, "Aye", Commissioner Robinson, "Aye", Commissioner Dale, "Aye", and Chairman Curwen, "Aye".

5. **Review and Approval of Planning Commission minutes for meeting held August 8, 2012.**

**Commissioner Hammer moved to approve the Planning Commission minutes as presented for the meeting held August 8, 2012.** Commissioner Dale seconded the

motion. The vote was as follows: Phil Montano, “Aye, Commissioner Hammer, “Aye”, Commissioner Birch, “Aye”, Commissioner Robinson, “Aye”, Commissioner Dale, “Aye”, and Chairman Curwen, “Aye”.

6. **Adjourn**

**Commissioner Robinson moved to adjourn the meeting.** Commissioner Birch seconded the motion. The vote was as follows: Phil Montano, “Aye, Commissioner Hammer, “Aye”, Commissioner Birch, “Aye”, Commissioner Robinson, “Aye”, Commissioner Dale, “Aye”, and Chairman Curwen, “Aye”. The meeting adjourned at 7:18 p.m.

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this 10<sup>th</sup> day of October 2012

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Chairman John Curwen