

MINUTES
ENOCH CITY PLANNING COMMISSION
March 22, 2016 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Commissioner John Horstdaniel
Commissioner Paul Hardy
Commissioner Josh Killian
Commissioner Debra Ley
Commissioner Bob Tingey

STAFF PRESENT:

Julie Watson, City Recorder
Rob Dotson, City Manager
Dave Nelson, Bldg. Inspector-absent
David Harris, Council Member

PUBLIC PRESENT: Dave Owens, Betty & Steve Talbot, Michael Yellowitz, Darla Park, Michelle Anderson, Toni LoConte, Jerome & Traci Heavyrunner, Rene & Steve Mardis and Shane Sackett

1. **CALL TO ORDER OF REGULAR MEETING-**By Chairman Tingey at 5:30pm. He welcomed the audience.
 - a. **Pledge of Allegiance** –Led by Jerome Heavyrunner
 - b. **Invocation** –Audience invited to participate. Given by Shane Sackett
 - c. **Approval of agenda for March 22, 2016 – Commissioner Killian made a motion to approve the agenda. Motion was seconded Commissioner Ley and all voted in favor.**
 - d. **Approval of minutes for March 8, 2016- Commissioner Horstdaniel made a motion to approve the minutes. Motion was seconded by Commissioner Hardy and all voted in favor.**
 - e. **Conflict of Interest Declaration**-none stated

2. **PUBLIC HEARING ON CONDITIONAL USE PERMIT FOR AN AUTO REPAIR BUSINESS IN A RESIDENTIAL ZONE-Shane Sackett**

Commissioner Hardy made a motion to close the regular meeting and go into the public hearing on a conditional use permit for an auto repair business in a residential zone. Motion was seconded by Commissioner Horstdaniel and all voted in favor.

Chairman Tingey said since tonight is caucus night we would like this to be brief and succinct. He invited public comments asking them to state their name for the record and reminding everyone to be civil and to keep comments to two minutes.

Michael Yellowitz said he lives behind Shane and has no issues with this business adding he is not making noise at night. He does not know how other neighbors can see into Shane's backyard unless they are going to a lot of trouble to climb on things to see his backyard. He added another person works on cars out there too and makes a lot of the noise. It is not Shane.

Darla Park said she lives two houses down behind Shane. He works day and night, has worked without a business license and started building without a building permit. He should have to tear it down. She does not want a commercial business in a residential zone. This area was sold as horse property and was residential only. Shane has flammables and bad gasoline smells come from over there. He has burned when it is not

burn season. She cited a past incident when they were awakened by smells of smoke coming from his direction. When she asked Shane about it he said he was burning wood but this was a horrible caustic smell unlike wood. She should have called the FD but did not. She has been afraid of fire spreading. She has talked to 40 people and many are not here tonight due to the caucus but they submitted letters. She is opposed to this.

Everything was done illegally all the way around. He has flammables on sight and that property is not safe for children, even his own.

Betty Talbot is here to say and they have nothing against Mr. Sackett but disapprove of what is going on. There is noise at night and there was hammering at all hours up until he was stopped. There is a gasoline smell all the time. It is unsafe for the community. They abide by laws and this is a residential area. He has a handicapped child who he allows to run around naked all day. He should get a babysitter and go into business in a commercial area. They feel unsafe and it is hard to see oncoming traffic due to his parked cars right out to the roadway edge. There are a lot of children in the area and this is unsafe for them. They are against this business.

Jerome Heavyrunner said they just had a property assessment and because of Shane's property they have lost value on their property. Shane is pursuing a commercial venture and they were told this was all residential. He cited other businesses on Driftwood saying it is turning into a commercial area and they are not in favor of that use. There is other property set aside for commercial businesses. He said the vehicles do rotate and move out but business should not be done there.

Toni Laconte said she is concerned because all she can see is Shane's front yard with 9-12 cars parked there all the time. Junk cars are parked out to the very edge of the road. She said she does not care what he does in the back yard to support his family but it is unsightly in front. They bought their home last June and it should stay residential. She cited Rick Edmunds business saying that he lied about what he was going to do and now the trashy used appliance place is doing business. It drives down the value of homes.

Renee Mardis said this impacts the whole street and many feel disenfranchised they did not get a letter. It has increased the traffic and Shane getting a business license would make it worse. It is residential and 25 mph. She became concerned with his property two years ago. She noticed it was unsightly and counted 30 vehicles parked there. The cat and sewer smells were horrible and she said they had an RV with a make shift drain into the sewer. She expressed concerns to the City. She feels it is unsightly, illegal and dangerous and she does not want Enoch to turn into an unsightly place.

Steve Talbot said they live next door to Shane on the north side. There is a lot of activity over there and it does go past 10:00 at night. They smell the gasoline all the time. He likes Shane and his kids. If he had a shop somewhere else he would go there to support his business but it does not belong in a neighborhood.

Traci Heavyrunner said they did not get a letter but they live close enough to hear the noise. They heard about this public hearing from neighbors. She said in 2002 they applied for a business license for an online business that would have no impact and they were denied. They have disabled children too and are not in favor of this use.

Michelle Anderson said her concern is with the building permit for the structure in the backyard. She understands that no permit was issued. She is concerned the proper process is not being followed. How can she have confidence that he would meet any conditions put on him when he goes around the law in every instance? She is concerned that

hazardous materials are not being disposed of properly. He did not get a building permit and she has no confidence any conditions will be met.

Shane Sackett said facts are amazing. He had a shop in town and that did not work out for him. He poured his concrete and had materials and labor donated to him but now the project is on hold because of the building permit. He is not up all night working. He said "I am a slob, sorry". There have been problems with the child but no one can see into his yard. He said he wished people would come and talk to him if there are problems. He will put up a bigger fence and will get a permit for the building. No customers will be out front. He has arranged for a place to take the cars. He is sorry if he upset people. He can't afford to pay someone to tend the child.

The discussion dissolved into a shouting match between Mr. Sackett and the other residents. Chairman Tingey tried to regain control of the meeting saying the purpose is for them to have the chance to comment. That has been allowed and there will be no arguing or accusations.

Commissioner Killian made a motion to end the public hearing and Commissioner Ley seconded the motion. All voted in favor.

3. SET A PUBLIC HEARING FOR APRIL 12, 2016 FOR CHANGE TO ZONING ORDINANCE, CHAPTER 2, SECTION 2-16 REGARDING FENCES

Chairman Tingey asked for a motion to set the public hearing for the change to the Zoning Ordinance regarding fences. Commissioner Horstdaniel asked about the height of fences saying he thinks it should be three feet because the four foot fence could go right up to an intersection and block the view of traffic. City Manager Dotson said in this action we are just referring to Chapter 2, Section 2-16 for the front street side yard. They could move ahead with the public hearing for this part and then go back and modify the other sections of the ordinance that refer to fence height at a later date. He noted we have already had the discussion on this item and made the recommendation to the City Council however a public hearing must be held first before that moves onto the Council.

Commissioner Hardy made a motion to set a public hearing for April 12, 2016 for changes to Chapter 2, Section 2-16 regarding fences. Motion was seconded by Commissioner Killian and all voted in favor.

4. PUBLIC COMMENTS

Shane Sackett apologized for getting upset saying there have been too many exaggerations by the public. His shop is a personal thing for him. He is doing it as the money comes in and he had volunteer labor and wood donated to him. He is waiting on inspections and the permit. The building is not to do with the business and is his personal shop. He is trying to make other arrangements for the cars.

Michelle Anderson said she would like more notices sent to everyone in the subdivision as it affects all. Rick Edmund's used car lot is an example and they want to be notified. She understands what Shane is saying but he still needs to have a building permit. She followed the rules when building her shed and this needs to be safe and built right.

Darla Park said she had respect for Shane until she got to know him saying his temper bends on a dime. Seeing into his yard is not hard to do and it does smell. She said he told her directly he meant to have a business there.

The meeting dissolved into a shouting match and Shane was heard to say he has rights as an American and no one can take his building or anything else from him. City Manager Dotson said the reason for “public comments” in this portion of the meeting is to comment on items not on the agenda. They had the opportunity in the public hearing to comment on the conditional use permit. This is for other things. Toni Loconte asked why only some got letters.

5. COMMISSION/STAFF REPORTS

City Manager Dotson said residents can find information at www.cityofenoch.org. Everything in regard to meetings and hearings is posted on the City website and many other places up to two weeks ahead of time.

City Recorder gave information about noticing referring the public to the Utah Public Notice website saying they can sign up to get emails whenever Enoch is mentioned there. Chairman Tingey said we are doing our best to get letters to the adjacent neighbors and there is a cost with that noticing. We sent out 48 letters on the Edmunds conditional use permit. We are working on educating the public on where to look for information. We are trying to do the right thing within the context of the law.

Commissioner Horstdaniel asked if we are having fireworks this July 4th. City Manager Dotson said there is a page on the website telling about the 5-K race at 7:00am at Old Enoch Park. At 2:00pm there will be a parade and car show ending at the park and the City Council will cook hot dogs at 6:00pm. There will be some entertainment and fireworks at dusk due to generous donors. Commissioner Horstdaniel said he would like an item on the agenda regarding removing the M-R-2 zone completely. Council Member Harris said we are looking at amending that zone and suggested we should look at changes first before eliminating it. This zone has to do with affordable housing issues which are mandated by State law to be in our General Plan.

Commissioner Ley agreed with Commissioner Horstdaniel on the M-R-2 zone. Commissioner Killian thanked public for their input.

6. ADJOURN-Motion to adjourn by Commissioner Hardy. Motion seconded by Commissioner Horstdaniel and all voted in favor. The meeting ended at 6:15pm.

Julie Watson, Recorder

Date