

TOOELE CITY PLANNING COMMISSION MINUTES
February 22, 2012

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

Commission Members Present:

John Curwen, Chair
Melanie Hammer
Matt Robinson
Chris Sloan
Phil Montano
Steve Dale
Doug Redmond
Tom Poyner (alternate)

Commission Members Excused:

Fran Garcia

City Employees Present:

Rachelle Custer, City Planner
Roger Baker, City Attorney
Councilman Brad Pratt
Councilman Shawn Milne

Chairman Curwen called the meeting to order at 7:00 p.m. Ms. Custer introduced Stephanie Brown, she in an intern planner at the City. She also welcomed Mr. Baker's son who was working on a scouting merit badge.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Curwen.

2. **Public Hearing and Motion on conditional use permit for a 2,520 sq. ft., 20 ft. tall agricultural building to be located at 68 N 1100 W by Matthew and Alison McCoy.**

Presented by Rachelle Custer

Ms. Custer stated that Matthew and Alison McCoy have requested a conditional use permit (CUP) to construct an agricultural building for farm equipment storage. They currently have a piece of property located at 68 N 1100 W. The applicant's want to clean up this lot, they have an old run down storage building that they want to take down and replace. Eventually they would like to build a house on this property. This is an RR-1 zone which allows for agricultural uses. An accessory structure is allowed as an accessory to the primary use; the primary use is agricultural. Conditional use is allowed

for certain uses in the City's land use code. The purpose of the conditional use is to mitigate any adverse impacts on the neighboring properties that this use may have. All the neighbors within a 200' radius have been notified. The building covers 11% of the lot and a conditional use permit is required for anything over 8% lot coverage. The building will be 20 ft. in height and a conditional use permit is required for anything over 15 ft. The lot coverage and height is being addressed in this conditional use permit. Staff recommends the conditional use permit with two conditions. Currently there is no curb, gutter and sidewalk on this property and ordinance requires public improvements to be installed if the valuation of the permit exceeds \$20,000. Staff is recommending that curb gutter and sidewalk be in place or a deferral agreement be approved by the City Council. The applicant has indicated to Ms. Custer that he would like to request a deferral agreement from the City Council. If the City Council approves the deferral agreement, they will address this issue again when the house permit is submitted. The second condition that the staff recommends is that this building is to be used for personal agricultural use only, no business to be conducted from this building.

Chairman Curwen indicated that Mr. McCoy serves in the fire department with him and is a personal friend.

Commissioner Redmond noted that if the lot coverage is greater than 8% there needs to be a CUP. This CUP will be for 11%. He asked if they build a house on this lot will it impact the lot coverage.

Ms. Custer said "no". The total lot coverage in this zone is 25%. Any single accessory structure that exceeds 8% lot coverage requires a conditional use permit for that increase in lot coverage.

Commissioner Redmond verified that it is just the accessory structure that exceeds 8% lot coverage and that is why a conditional use is being considered.

Ms. Custer "yes".

Commissioner Dale noted that this could limit the size of the future house.

Ms. Custer said "yes", they will be held to a 25% total lot coverage in this zone. If they cover 11% of the lot with the single accessory structure, they can cover up to 14% more. They could potentially be limiting the size of their home.

Commissioner Montano verified that the lot is 84 ft. wide 275 ft. long. He asked if the lot goes from one street to another.

Ms. Custer said this lot is .53 acres and it goes to another adjoining lot.

Commissioner Dale asked if this structure will be toward the rear of this property.

Ms. Custer said "yes".

Commissioner Montano asked if the structure will be on the west side of the lot?

Commissioner Dale said it will be on the east side.

Commissioner Montano asked where exactly the accessory structure is going; he was having a hard time verifying it on the map in the packet.

Ms. Custer clarified the property for Commissioner Montano on the map. It is on the east side of the property.

Commissioner Montano asked if the lot runs all the way through to the other street.

Ms. Custer said “no”.

Commissioner Montano asked if there is curb gutter and sidewalk on the other side of the road?

Ms. Custer said “yes”. Grand Storage is on the other side of the road.

Commissioner Montano verified that that applicant does not have to do anything with the other side of the road.

Ms. Custer said the other side is already complete. She said she is not sure if the full road has been dedicated. They will look at the road dedication when the applicant requests a deferral agreement from the City Council.

Commissioner Montano said wherever his property line is; the applicant will be required to install curb gutter and sidewalk. He asked if the applicant is aware of this?

Ms. Custer said that is correct, that is part of the public improvements. The applicant is aware of the public improvement requirement and he is planning to request a deferral agreement from the City Council.

Commissioner Dale asked if road dedication is required, would that happen when this is approved?

Ms. Custer said that they would address the road dedication when the curb, gutter, and sidewalk come into play. The curb, gutter, and sidewalk would be a condition or a deferral agreement.

Commissioner Sloan asked Ms. McCoy if they were alright with the percentage of buildable space left after this accessory structure is complete. It would leave them about 3,200 sq. ft.

Ms. McCoy said that it will be more than sufficient.

Chairman Curwen stated that this is a public hearing if anyone would like to come forward and address this issue.

Commissioner Poyner said that he is a neighbor of the applicant. He feels that the applicant has plenty of room. He said that adjoining lot to the north has a similar structure as well. He is in favor of this conditional use permit.

Commissioner Sloan asked if the structure to the east on the Google map is a house?

Mr. McCoy said that it is a barn.

Commissioner Dale asked where their rear property line runs.

Mr. McCoy explained to the Commission on the overhead screen where their lot lines run.

Chairman Curwen moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted "Aye". The public hearing closed at 7:15 p.m.

Commissioner Redmond noted that this lot is zoned RR-1; which are a one acre lots.

Ms. Custer stated that this lot is a non-conforming lot size not a non-conforming use.

Commissioner Redmond asked if they can build a house on this lot.

Ms. Custer said they cannot subdivide anything less than one acre today. This lot was already this size when this area was zoned. They can build a house on this property.

Commissioner Dale moved to approve a conditional use permit for a 2,520 sq. ft. 20 ft. tall agricultural building to be located at 68 N 1100 W with the following conditions: 1) Either the construction of curb, gutter, and sidewalk and dedication of right of way or a deferral agreement from the Tooele City Council. 2) The structure is to be used for personal use not for business. Commissioner Robinson seconded the motion. All members present voted "Aye".

3. **Review and Approval of Planning Commission minutes for meeting held February 8, 2012.**

Ms. Custer requested that the minutes be tabled because the wrong minutes were put in the Commissioners' packets.

Commissioner Robinson moved to table the minutes to the next Planning Commission meeting. Commissioner Sloan seconded the motion. All members present voted "Aye".

4. **Adjourn**

Commissioner Redmond moved to adjourn the meeting. Commissioner Robinson seconded the motion. All members present voted “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 14th day of March 2012

Chairman John Curwen