

TOOELE CITY PLANNING COMMISSION MINUTES
October 27, 2010

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

Commission Members Present:

Ken Spence, Chair
Fran Garcia
Steve Dale
Phil Montano
John Curwen
Melanie Hammer
Matt Robinson

Commission Members Excused:

Gary Searle
Bob Gowans

City Employees Present:

Rachelle Custer, City Planner
Roger Baker, City Attorney
Paul Hansen, City Engineer
Cary Campbell, Public Works Director
Councilman Shawn Milne

Others Present:

Debbie Winn, Chamber of Commerce
Tim Gillie, Tooele Transcript
County Commissioner Colleen Johnson
Sheriff Frank Park

Minutes prepared by Elisa Jenkins

Chairman Spence called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Curwen.

2. PUBLIC HEARING and MOTION on conditional use permit for Tooele County jail to be located at 1900 South Hwy 36.

Presented by Rachelle Custer

Ms. Custer explained that Tooele County is proposing to build a new jail at approximately 1900 south Hwy 36. This property is just south of Commander Boulevard on the south east of the depot admin area along Hwy 36. Because this is public facility a conditional use permit is required. The property is 10.5 acres and is zoned RR-1. The development will require a subdivision of the current property. The subdivision will be presented when the shape of the lot is determined. The property is currently owned by Cyrus Land Development (Mathew Arbshay). Current financing mechanism requires that zoning and conditional use is in place prior to funding. The conditional use permit is before the Planning Commission there is no building or site request at this time. The zoning is in place and public facilities can be located in any zone with a conditional use permit. The proposal also includes a vehicle impound yard which is an accessory use to the jail and this is also a conditional use item as well.

Staff recommends approval with the following conditions:

1. Property be properly subdivided prior to issuance of building permits.
2. Impound yard be surrounded by a screened fence.
3. Any access to SR 36 have UDOT approval.
4. Water rights be provided as required by Tooele City Code.
5. Any lighting be directed down onto site.
6. All Tooele City and State codes be satisfied.

Commissioner Montano asked how many square feet the impound yard is?

Ms. Custer indicated that she does not have those dimensions but the applicant is here if the Commission would like to ask any questions of him.

Chairman Spence asked if this property falls in the south Gateway zone?

Ms. Custer said “yes”. They will have a 15% landscape requirement as opposed to 10% with an increased setback.

Chairman Spence asked if the orientation of the site plan meets the intent of the ordinance relative to the main elevation.

Ms. Custer said “yes”. The majority of what is along the highway will be landscaped.

Chairman Spence asked about the orientation of the building as it relates to Hwy 36.

Ms. Custer stated that the Gateway ordinance states that any parking will be oriented to the side or behind the building as practical.

Chairman Spence noted that the main elevation does not face Hwy 36.

Ms. Custer indicated that the ordinance does not say that they are required to face Hwy 36. The City has requested when there is parking in the rear of the building that they

have a false façade. Today the entrance is off of Commander Blvd. They propose that they will enter off Hwy 36 at sometime in the future.

Chairman Spence noted that the side of the building and the warehouse will face Hwy 36. The south gateway requirements states that the better view of the building should face Main Street.

Ms. Custer indicated that is what it states.

Mr. Baker stated that the City does not have design guidelines or standards in the City Code that addresses public facilities. They also currently do not have design standards for commercial zoning areas or non-residential structures. They do not have a building orientation to street requirement or design standards for this type of facility.

Chairman Spence noted on the zoning map it says the better building view is to face Main Street.

Mr. Baker indicated that he is not challenging Chairman Spence's interpretation of the zoning map.

Chairman Spence asked if the zoning map is accurate relative to the ordinance.

Mr. Baker asked what document Chairman Spence was referring to?

Chairman Spence stated that he is looking at the zoning map where it delineates the areas in the south Gateway. By definition it says what is supposed to be there, such as less parking in the front, better landscaping, and better view of the building to Main Street. He doesn't feel that the layout of this building meets that requirement.

Ms. Custer indicated if you were heading northbound on Main Street you would get the better view and if you heading southbound you would not.

Commissioner Dale asked Chairman Spence if the jail was where the expansion area is and the warehouse were west of the jail then Main Street would have a better view.

Chairman Spence said "yes" that would put the better view of the building towards Main Street.

Commissioner Montano asked how the south Gateway compared to the north Gateway.

Ms. Custer stated that the Gateway overlays are the same.

Commissioner Montano recalled a conditional use permit that was re-applied for in the last year and they were allowed parking in the front because that was the only way the property could be developed. He disagreed with it.

Mr. Baker reiterated to the Commission that it has not been his experience that the City has made any requirements on building orientation except how the building relates to the parking. In the Gateway that would mean to move the building toward the street and put the parking behind where practical. The City does not have an ordinance that requires the building be oriented in any particular way with respect to street frontage or other structures. He cautioned the Commission not to make conditions that would not be supported by regulations in the code.

Chairman Spence asked if the definition that says better building view towards Main Street would not be a requirement?

Mr. Baker stated that would be the intention of the objective of what they hope to achieve through the overall scheme of the Gateway overlay, but there is no specific building orientation requirement.

Commissioner Montano noted on the drawing of the jail it shows on the west boundaries 75' to the building, but there are no dimensions from the jail to the road on the other side and it looks like it exceeds the 300 foot setback.

Mr. Arbshay stated that it is 500 feet.

Commissioner Montano stated that it looks to be the same as Wal-Mart they have parking in the front because they are set back so far from the road. He thought the requirement was 300 feet.

Commissioner Dale noted that nothing is "cast in stone yet" and perhaps the applicant could consider some re-orientation so the warehouse is not seen from Main Street.

Chairman Spence asked what the warehouse will be made of?

Ms. Custer stated that at this meeting they are looking at a conditional use for the land use of having a jail facility. The applicant has not submitted any building or site plans for approval at this time. It is something that can be looked at.

Commissioner Dale indicated that the Commission is approving the use but they are not tied to this specific site plan yet. He suggested that the applicant could look at a different orientation when the City approves the site plan.

Ms. Custer stated that this is the site plan that they are proposing for the conditional use but they have not submitted a site plan for approval. The Commission could ask the applicant to look at it.

Mr. Baker stated that this meeting is the opportunity for the Planning Commission to identify any adverse impacts to surrounding properties that this proposed use may impose. The Commission may impose reasonable conditions on the use to mitigate any adverse impacts. For example with lighting as an adverse impact, the corresponding

condition is that the lighting be directed down on the site as opposed to shining onto other properties.

Commissioner Dale asked if it would be appropriate given the intent of the ordinance to have the better view of the building oriented to Main Street?

Mr. Campbell stated that this particular item is conditional use to put the jail on this property. The conditions would be placed to help the property owners surrounding this property. The design review will come back to the Planning Commission. The Commission is approving the conditional use not necessarily the layout of the building.

Chairman Spence thought that the conditional use permit was based on the final layout.

Ms. Custer indicated that a lot of times the City brings the design review with the conditional use permit.

Commissar Dale understood it to be that the Planning Commission looks at the building as part of the conditional use and now he is hearing it to be that they are only approving a jail on this site?

Mr. Baker stated that only if the configuration creates impacts that are detrimental to the surrounding property. That is the only input the Planning Commission can put on a conditional use permit regarding building orientation. The Planning Commission needs to ask what might the adverse impacts be and how might they mitigate them?

Chairman Spence asked what the warehouse might be made out of? It could be an adverse impact if it does not match what the jail will be constructed out of.

Commissioner Montano noted if the jail is back 300 feet from the road they do not have to be facing Main Street because they are in the Gateway overlay.

Commissioner Dale stated that the warehouse won't be that far from the road.

Commissioner Montano stated if the main road is Hwy 36, he feels that the jail and the warehouse are far enough back from the road.

Mr. Baker stated that the Gateway ordinance doesn't look at the distance of building from the road it looks at the distance of the lot where the building is constructed to the road. The lot is in the Gateway overlay so it must comply with the Gateway ordinance, no matter where the building sits on the lot, whether it be 100 feet or 500 feet from the road.

Commissioner Dale asked if there are any jail activities that occur outside the jail?

Ms. Custer stated that the inmates will be contained inside. There is no outdoor activities with a County jail. There will be work release inmates that will be coming and going.

Commissioner Garcia noted that the where the current jail is located it is very close to homes and she does not recall any major concerns or incidents where the jail is now. There is very minimal noise and it is very clean. She understands that citizens have concerns with a jail near their homes. She feels that that the jail would be very secure. She would rather have a jail in her back yard opposed to other businesses.

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

Chairman Spence noted that a letter was received from Tom Eleopolus and Cathy Atkins addressing some concerns. The letter was distributed to the Commission prior to the meeting. This letter will be attached to the minutes as Exhibit A.

Tom Eleopolus, addressed the Commission. Mr. Eleopolus lives across from the proposed jail site. He asked what a jail would do to his property value? He also asked if it will look like a prison with large fences all the way around. He asked what it would look like. The power company told him a few months ago that they would rather have a power pole in their back yard.

Commissioner Garcia said that all of us walk around with people everyday that are probably worse than the people that are incarcerated.

Mr. Eleopolus agreed. He was also worried about what happens to the inmates when they are released. Do they just leave the jail or are they transported somewhere else? His main concerns are what the jail will look like and will he and his family be safe.

Sheriff Frank Park, Tooele County Sheriff addressed the Commission. Sheriff Park stated that they will not turn the inmates loose when they are released. Any inmate that they contract with will be turned over to the person that they are contracted with. People that are not from the area are put on a bus. People that are released from the current jail just walk out. They realize that they cannot release people out the back door at the new facility they would have to have to transport them.

Commissioner Curwen asked Sheriff Park about the fencing that would be around the jail.

Sheriff Park said that a fence would be property fencing. There would not be any barbed wire fence around a county facility. The jail would be very clean looking.

Mr. Eleopolus said that he would be fine with that and thanked the Commission for the information.

Chairman Spence asked what the capacity of the new jail would be?

Sheriff Park stated that the current jail has 104 beds, and they have had an average population of 120. The new jail would have 266 beds and they would have room to expand. When the jail expands it would be close to 500.

Commissioner Dale asked what happens to the existing jail facility?

Sheriff Park said that they would have to close the facility.

Commissioner Dale asked if the new facility would hold state prisoners as well?

Sheriff Park said that they would look to contract prisoners. They would prefer to contract with federal prisoners because the pay is better.

Commissioner Garcia asked if they hold federal prisoners at the current facility?

Sheriff Park said that they have in the past. They haven't been able to since they are over capacity.

Commissioner Robinson moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted "Aye". The public hearing closed at 7:32 p.m.

Ms. Custer asked the applicant what the warehouse will be made of. She asked if it will match the jail facility?

Clay McCarthy, the applicant stated that it has not been determined yet. He said that the landscaping will far exceed the requirements of the City. It will look very nice and not be an eyesore.

Ms. Custer stated that usually when they do a conditional use they have the design review and the color board ready but with this project they do not have that.

Mr. Baker asked the Commission when a motion is made that they note that the process is being split up into two parts. When the applicant has a completed site plan it will come back to the Commission for approval. Normally the two are brought in tandem, but because of the urgency on the part of the applicant to obtain conditional use permit approval, this part of the process was brought first. A detailed site plan has not yet been submitted. The record needs to reflect the requirement for the site plan to come back for Planning Commission approval at a later time.

Commissioner Dale noted that the County usually does a good job with their facilities.

Commissioner Dale moved to approve a conditional use permit for the Tooele County jail to be located at 1900 South Hwy 36 with the following conditions:

- 1. Property be properly subdivided prior to issuance of building permits.**

2. **Impound yard be surrounded by a screened fence.**
3. **Any access to SR 36 have UDOT approval.**
4. **Water rights be provided as required by Tooele City Code.**
5. **Any lighting be directed down onto site.**
6. **All Tooele City and State codes be satisfied.**
7. **The completed site plan will come back to the Planning Commission for approval. The Commission would like to see the warehouse re-oriented away from Main Street if possible.**

Commissioner Garcia seconded the motion. All members present voted “Aye”.

3. **Review and Approval of Planning Commission minutes for meeting held October 13, 2010.**

Commissioner Robinson moved to approve the Planning Commission minutes for October 13, 2010 as presented. Commissioner Montano seconded the motion. All members present voted “Aye”.

4. **Adjourn**

Chairman Spence moved to adjourn the meeting. Commissioner Dale seconded the motion. All members present voted “Aye”. The meeting adjourned at 7:36 p.m.

Approved this 8th day of December

Chairman Ken Spence