

TOOELE CITY PLANNING COMMISSION MINUTES
November 12, 2014

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

Commission Members Present:

Matt Robinson, Chair
Chris Sloan
Melanie Hammer
Phil Montano
Shauna Bevan
Ray Smart

Commission Member Excused:

Tom Poyner
Steve Dale
Russell Spendlove

City Employees Present:

Rachelle Custer, City Planner
Jim Bolser, Public Works and Community Development Director
Roger Baker, City Attorney
Paul Hansen, City Engineer

Council Members Present:

Councilman Pruden
Councilwoman Winn

Minutes prepared by Elisa Jenkins

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

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Robinson.

2. **Roll Call**

Matt Robinson, Present
Phil Montano, Present
Chris Sloan, Present
Steve Dale, Excused
Melanie Hammer, Present
Tom Poyner, Excused
Shauna Bevan, Present

Ray Smart, Present
Russell Spendlove, Excused

3. **Public Hearing and Motion on conditional use permit for an indoor shooting range to be located at 952 North Main Street.**

Presented by Rachelle Custer

Ms. Custer explained that the applicant is requesting a conditional use permit for an indoor shooting range in conjunction with a retail gun and ammunition store. The retail sales if permitted in this zone however the indoor shooting range is conditional. The location is 952 North Main Street. They will change the signage on the building and will close in the doors on the old tire building. Adverse impacts that an indoor shooting range would have on the neighboring properties are sound, ventilation and safety. Staff recommends approval of the conditional use permit with the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele Fire Department are satisfied throughout the development of the site and the construction of all buildings on site.
4. That all State and Federal requirements for shooting range be satisfied throughout the construction and operation of the shooting range.
5. All State and Federal licensing and permitting be obtained prior to opening
6. Sound proofing is provided to keep decibels compliant with all codes. Design and maintain the firing range structure to limit the transmission of harmful noise levels to adjacent areas.
7. Bullet proofing of the building is completed.
8. Install and maintain a well-designed supply air and exhaust ventilation system.
9. Lead clean up policy be consistent with State and Federal requirements and be submitted to the City.
10. Cased and unloaded firearms only entering and exiting the building.
11. Minors must be accompanied by a parent or guardian who is at least 21 years of age.

Commissioner Montano asked what the required decibels are for an indoor shooting range and how is it determined.

Ms. Custer said that the decibels are determined by state and local regulations. City Code says that decibels in this zone can go up to 84 decibels at certain distances. If it is longer than a 10 minute duration than the decibels are limited to 60 decibels at the perimeter of the site. The applicant says they are about 68 decibels outside of the building which is like two people conversing which would be under the 60 decibels of the perimeter. Decibels are determined by a decibel reader by the police department.

Commissioner Montano asked about condition number eleven, which says that minors must be accompanied by a parent or guardian who is at least 21 years of age. He asked if the City is allowed to restrict the age.

Ms. Custer said that is a standard guideline for indoor shooting ranges in Utah. The Commission may decide to remove that condition or at the request of the applicant.

Stuart Wallin, owner of “Get Some” Guns & Ammo addressed the Commission. Mr. Wallin said that federal regulations state that you have to be 18 to purchase a long gun and 21 to purchase a handgun. If a person is 21 or older there are no questions or problems. He said in their shooting range if a person is 18 and they bring in their own guns they are allowed to shoot. They do not allow gun rentals to anyone under the age of 21. The law allows it but they have decided as a business not to rent guns to anyone under the age of 21. He said sometimes they have younger people come and look around the store but they are not allowed to handle anything. They also have locations in Murray, Layton, and Orem.

Commissioner Sloan asked if the way the condition is written if it is too restrictive because it says that a minor 21.

Ms. Custer said that the conditions only apply to the indoor shooting range.

Mr. Wallin asked what the age of a minor is.

Commissioner Sloan said that way that the condition is written says you have to be 21 to enter the building.

Mr. Baker said that to purchase alcohol a minor is considered anyone under the age of 21 but on everything else a minor is under the age of 18. He asked that the Commission clarify the age in the condition when they make their motion.

Ms. Custer said she is not opposed to changing the condition.

Mr. Wallin would like the age changed to 18 years old.

Commissioner Montano said the he also feels that the age should be changed to 18. He said that condition eleven is too restrictive and should be left to the discretion of the owner.

Commissioner Sloan asked the owner if they changed the age to 18 if it is restrictive enough or too restrictive. He asked how it is handled in his other stores.

Mr. Wallin said that this is the first time this has been brought up to them in 12 years of business. He said that they need to be responsible business owners. He said if a 16 year old came into the store and looked around he is ok with that, they have to check ID's and a 16 year old could not buy a gun or ammunition.

Commissioner Hammer asked if the way this is written if they would be restricting anyone under the age of 18 from coming into the store.

Ms. Custer said that the conditions are only for the shooting range.

Mr. Wallin said they would not let them shoot unless they were 18.

Mr. Baker suggested that the Commission give more detail in their motion about the condition.

Chairman Robinson stated that this is a public hearing if anyone would like to come forward and address the Commission.

Councilman Pruden asked what caliber of guns they can use in the range.

Mr. Wallin said that the range is designed to handle up to 50 BMG.

Councilman Pruden said that this is a great usage of this building.

Chairman Robinson closed the public hearing at 7:13 p.m.

Commissioner Sloan moved to approve the Conditional Use Permit request by David Anderson, representing the Investment Decision Corporation for the indoor shooting range to be located at 952 North Main Street, application number 2140545, based on the findings listed in the staff report dated November 12, 2014 and subject to the following conditions:

- 1. That all requirements of the Tooele City Engineering and Public Works Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.**
- 2. That all requirements of the Tooele City Building Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.**
- 3. That all requirements of the Tooele Fire Department are satisfied throughout the development of the site and the construction of all buildings on site.**
- 4. That all State and Federal requirements for shooting range be satisfied throughout the construction and operation of the shooting range.**
- 5. All State and Federal licensing and permitting be obtained prior to opening**
- 6. Sound proofing is provided to keep decibels compliant with all codes. Design and maintain the firing range structure to limit the transmission of harmful noise levels to adjacent areas.**
- 7. Bullet proofing of the building is completed.**
- 8. Install and maintain a well-designed supply air and exhaust ventilation system.**
- 9. Lead clean up policy be consistent with State and Federal requirements and be submitted to the City.**
- 10. Cased and unloaded firearms only entering and exiting the building.**
- 11. Minors must be accompanied by a parent or guardian who is at least 18 years of age in the shooting range.**

Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Sloan, “Aye”, Commissioner Hammer, “Aye”, Commissioner Montano, “Aye”, Commissioner Bevan, “Aye”, Commissioner Smart, “Aye” and Chairman Robinson, “Aye”.

Councilman Pruden asked the applicant when they anticipate opening.

Mr. Wallin said hopefully by the first of March.

4. **Recommendation on Peterson Industrial Depot, Plat 1A. Amending and Re-subdividing lot 1B of the Utah Industrial Depot Master Subdivision to create lots 101 and 102.**

Presented by Rachelle Custer

Ms. Custer said that Peterson Industrial Depot is requesting a subdivision plat for approximately 44.88 acres to make two lots with one large lot and one small lot. The intent is to sell lot 102. Staff recommends approval.

Commissioner Hammer moved to forward a positive recommendation to the City Council for the Peterson Industrial Depot, plat 1A Final Plat approval request by Ninigret Depot, for the purpose of creating two lots at approximately 200 North Lodestone Way, application number 2140211, based on the findings listed in the Staff Report dated November 12, 2014 and subject to the following conditions:

1. **That all requirements of the Tooele City Engineering and Public Works Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.**
2. **That all requirements of the Tooele City Building Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.**
3. **That all requirements of the Tooele City Fire Department are satisfied throughout the development of the site and the construction of all buildings on the site.**

Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Sloan, “Aye”, Commissioner Hammer, “Aye”, Commissioner Montano, “Aye”, Commissioner Bevan, “Aye”, Commissioner Smart, “Aye” and Chairman Robinson, “Aye”.

5. **Recommendation on Peterson Industrial Depot, Plat 2A. Amending and Re-subdividing lot 2, of Utah Industrial Depot master subdivision to create lots 201 and 102.**

Presented by Rachelle Custer

Ms. Custer said that this request will take approximately 45.8 acres and subdivide it into two lots. Lot 201 is a 3.28 acre lot and Lot 202 is a 42.52 acre lot. Their intent is to sell lot 201.

Chairman Robinson moved to forward a positive recommendation to the City Council for the Peterson Industrial Depot, Plat 2A Final plat request by Ninigret Depot for the purpose of creating two lots at approximately 40 North Lodestone Way, application number 2140212, based on the findings listed in the Staff Report dated November 12, 2014 and subject to the following conditions:

- 1. That all requirements of the Tooele City Engineering and Public Works Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.**
- 2. That all requirements of the Tooele City Building Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.**
- 3. That all requirements of the Tooele City Fire Department are satisfied throughout the development of the site and the construction of all buildings on the site**

Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Sloan, “Aye”, Commissioner Hammer, “Aye”, Commissioner Montano, “Aye”, Commissioner Bevan, “Aye”, Commissioner Smart, “Aye” and Chairman Robinson, “Aye”.

- 6. Review and Approval of Planning Commission minutes for meeting held October 22, 2014.**

Commissioner Smart moved to approve the minutes for the Planning Commission meeting held October 22, 2014 as presented. Commissioner Montano seconded the motion. The vote was as follows: Commissioner Sloan, “Aye”, Commissioner Hammer, “Aye”, Commissioner Montano, “Aye”, Commissioner Bevan, “Aye”, Commissioner Smart, “Aye” and Chairman Robinson, “Aye”.

- 7. Adjourn**

Chairman Robinson moved to adjourn the meeting. The meeting adjourned at 7:19 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 10th day of December 2014

Chairman Matt Robinson