

TOOELE CITY PLANNING COMMISSION MINUTES
June 8, 2011

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

Commission Members Present:

Steve Dale, Vice Chair
Phil Montano
Ken Spence
Matt Robinson
Chris Sloan
Fran Garcia
Melanie Hammer

Commission Members Excused:

Bob Gowans
John Curwen

City Employees Present:

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

Minutes prepared by Elisa Jenkins

Vice-Chairman Dale called the meeting to order at 7:03 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Boy Scout Skyler Pritzkau.

2. Public Hearing and Motion on Conditional use permit for an in home day care to be located at 932 N 650 E by Shylo Maestas.

Presented by Rachelle Custer

Ms. Custer explained that Ms. Maestas is requesting a conditional use permit for an in-home day care to be located in her home at 932 650 E. (Ms. Maestas will be doing the daycare and her husband has applied for the conditional use permit because he owns the home). She stated that a daycare is allowed as a home occupation with a conditional use permit. Included with the Commissioners packet is a layout of her home and yard. Staff recommends approval of the conditional use permit with the following conditions:

1. No more than 8 children at one time.

2. Hours of operation to be between 6:00 a.m. and 6:30 p.m. Monday thru Friday.
3. Fenced rear yard be provided for the children.
4. State Residential Child Care Certificate is obtained.
5. Tooele County Health Department Inspection approval.
6. Building Inspection approval.
7. Fire Inspection approval.

Vice Chairman Dale stated that this is a public hearing if anyone would like to come forward and address the Commission:

Doug Leavitt, Tooele addressed the Commission. Mr. Leavitt asked what the width of the road is that Ms. Maestas lives on.

Ms. Custer stated that the standard width of a road is 34' of asphalt.

Mr. Leavitt asked if this is on a corner lot.

Ms. Custer stated that Ms. Maestas has an interior lot.

Mr. Leavitt asked about fire safety.

Ms. Custer stated that Tooele City will do a building inspection as well as fire inspection. They will make sure it is safe for the children.

Commissioner Garcia moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted "Aye". The public hearing closed at 7:08 p.m.

Commissioner Hammer noted on the letter from the applicant that she wanted have two licensed providers with 16 kids.

Ms. Custer stated that she has spoken with Ms. Maestas regarding that issue. Tooele City ordinance only allows eight children at one time and it does not allow people outside of the home coming into a home occupation to work.

Commissioner Montano asked if they are supposed to disregard her request.

Ms. Custer said the applicant requested 16 kids with two providers, but the staff recommended the condition to have only eight children at one time. Eight children at one time are all that is allowed by Tooele City Code. Ms. Custer stated that the State would allow more but Tooele City does not.

Commissioner Dale asked if the applicant understands that condition.

Ms. Custer indicated that the applicant does not necessarily agree but she understands what is allowed.

Commissioner Hammer asked if the 8 children are in addition to you own children.

Ms. Custer said that it is in addition to your own children. The State includes your children 4 years of age and younger but Tooele City does not.

Commissioner Garcia moved to approve the conditional use permit for an in-home daycare to be located at 932 N 650 E with the following conditions:

- 1. No more than 8 children at one time.**
- 2. Hours of operation to be between 6:00 am and 6:30 p.m. Monday thru Friday.**
- 3. Fenced rear yard be provided for the children.**
- 4. State Residential Child Care Certificate is obtained.**
- 5. Tooele County Health Department Inspection approval.**
- 6. Building Inspection approval.**
- 7. Fire Inspection approval.**

Commissioner Hammer seconded the motion. All members present voted "Aye"

- 3. Review and Approval of Planning Commission minutes for meeting held May 25, 2011.**

Commissioner Robinson moved to approve the minutes as presented. Commissioner Garcia seconded the motion. All members present voted "Aye".

- 4. Adjourn**

Commissioner Garcia moved to adjourn the meeting. Commissioner Robinson seconded the motion. All members present voted "Aye". The meeting adjourned at 7:11 p.m.

Approved this 22nd day of May 2011

Vice Chairman Steve Dale