

TOOELE CITY PLANNING COMMISSION MINUTES
June 24, 2009

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

Commission Members Present:

Ken Spence, Chair
John Curwen
Gary Searle
Shawn Milne
Fran Garcia
Bob Gowans
Phil Montano
Jerald Sagers
Steve Dale

City Employees Present:

Rachelle Custer, City Planner
Doug Bayly, Assistant City Attorney

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 a conditional use permit for a home occupation daycare to be located at 601 Blueridge Drive by Debbie Reid.

Presented by Rachelle Custer

Ms. Custer explained that Ms. Reid is requesting a conditional use permit for an in-home day care to be located in her home. Day care is allowed as a home occupation with a conditional use permit. 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.

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

Byron Jensen, 602 Blueridge Drive addressed the Commission. Mr. Jensen stated that he does not really understand what this conditional use permit does, and if the neighbors comments have any effect on the decision of the Commission.

Ms. Custer indicated that what the feedback from the neighbors does is lets the Planning Commission know any adverse impact that this business may have on the neighbors. The Commission can then impose conditions to help mitigate their concerns.

Chairman Spence mentioned that this is an allowed use. The Commission listens to the public and the staff recommendations and then they base the conditions on the comments and recommendations.

Mr. Jensen said that he understands that the applicant is following the procedures for this business. He is not sure he wants to live next to a business. He lives in a small subdivision and is concerned about traffic and noise.

Ralph Worthy, 578 Blueridge Drive addressed the Commission. He reiterated the fact that the subdivision is very small and the streets are narrow and snow removal is a problem. He also has a daycare in back of him and across the street. He is concerned about the increased amount of cars and has safety concerns. He would rather not see this business in his neighborhood.

Aleena Worthy, 578 Blueridge Drive addressed the Commission. Ms. Worthy asked if the eight children Ms. Reid is allowed to have includes her own children.

Ms. Custer said no. Ms. Custer said she is allowed to have up to eight children in addition to her own children.

Kathy Witt, 126 N 7th Street addressed the Commission. Ms. Witt is a child care provider in town. Ms. Witt stated that it is not very often that children are dropped off and picked up at the exact same time. People work different hours and the applicant is willing to allow parents to park in her driveway to help alleviate parking concerns.

Chairman Spence also stated that typically cars are not there very long.

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

Commissioner Garcia stated that this is an allowed use. The Planning Commission is here to listen to concerns and put forth conditions that would ease the minds of the neighbors.

Chairman Milne stated that they have dealt with applicants in the past where they have made a condition as part of the conditional use permit that they are only allowed the requested number of children. He also indicated that anyone could have neighbors with this many children. He stated that because the applicant has only asked to have four children that the Commission only allow four children with the conditional use permit. Commissioner Milne said that the Commission is sensitive to the hours of operation in a neighborhood. He also encouraged the applicant to stagger the drop off and pick up times of the children. He also asked her to be sensitive to the neighbors concerns regarding parking cars when parents are parking dropping off and picking up their children. He also reiterated that this is a permitted use.

Chairman Spence asked if the number of children allowed has always been eight.

Ms. Custer indicated that there was an ordinance change to increase the number to eight to match the State. The State allows up to eight children.

Chairman Spence asked if Ms. Ried moves do the conditions remain the same on the conditional use permit?

Ms. Custer stated that was correct.

Commissioner Gowans questioned in the past how they have handled handicap children does the applicant have to indicate whether they can handle handicap children or a letter stating that they can not?

Ms. Custer said they have had some providers submit letters. They handle that with the Business License. The letter states that they are not capable for caring for handicap children or they are capable and they will make accommodations to help the child in and out of the home. It is up to the child care provider.

Commissioner Gowans asked if Ms. Reid is able to care for handicap children.

Ms. Custer said she does not believe so; she has stairs going into her home. She indicated that they will make sure they get the letter concerning handicap children with the Business License.

Commissioner Milne moved to approve a conditional use permit for a home occupation daycare to be located at 601 Blueridge Drive with the following conditions:

- 1. No more than 4 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.**

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

3. **Public Hearing and Motion on a conditional use permit to construct a 21 ft tall pole barn to be located at 621 Caldwell Drive by Richard Droubay.**

Presented by Rachelle Custer

Ms. Custer explained that the property owner is requesting a conditional use permit to allow for the construction of a 21 ft tall pole barn. The lot is 1.87 acres. The structure will be 1,080 sq ft. Due to the building exceeding 15 ft in height a conditional use permit is required. The barn will sit directly behind the home. Staff recommends approval of the conditional use permit.

Chairman Spence noted that he drove by the property and did not see any issues with this.

Chairman Montano asked for clarification if the height of the pole barn is 21' to the eave or the peak? He noted that the barn dimensions are 36' x 30'.

Ms. Custer stated that the tallest part on the barn is 20' 3 1/2". She indicated that she had to pull the building permit to get the elevations they were not submitted with the conditional use permit. The barn is 1,080 sq ft which is under the lot coverage allotment.

Chairman Spence stated that this is a public hearing if anyone would like to come forward and address this issue. No one came forward.

Chairman Spence noted that Councilman Wardle could not attend this meeting, he lives directly to the east of the applicant and he is in favor of the barn.

Commissioner Searle asked if there was going to be lighting on the barn.

Ms. Custer stated that she did not address lighting with the applicant and she then asked the applicant if he was going to put lighting on the barn.

Mr. Droubay stated that he was not going to put lighting on the barn he is only going to put lighting inside the barn.

Commissioner Gowans moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted “Aye”. The public hearing closed at 7:19 p.m.

Commissioner Milne moved to approve a conditional use permit to construct a 21 ft tall pole barn to be located at 621 Caldwell Drive. Commissioner Garcia seconded the motion. **Commissioner Searle made an amendment to the motion to include as a condition that all lighting on the outside of the barn be pointed down onto his property.** Commissioner Milne moved to approve the amendment. Commissioner Garcia seconded the amendment. All members present voted “Aye”.

4. Review and Approval of meeting minutes for Planning Commission meeting held May 27, 2009.

Commissioner Milne moved to approve the minutes as presented. Commissioner Montano seconded the motion. All members present voted “Aye”.

5. Adjourn

Commissioner Milne moved to adjourn the meeting. Commissioner Searle seconded the motion. All members present voted “Aye”. The meeting adjourned at 7:21. p.m.

Approved this 8th day of July 2009

Chairman Spence