

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Thursday, January 13, 2021

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

Commission Members Present:

Tyson Hamilton
Shauna Bevan
Matt Robinson
Nathan Thomas
Dave McCall
Melanie Hammer
Chris Sloan
Paul Smith

Commission Members Excused:

Bucky Whitehouse

City Employees Present:

Andrew Aagard, City Planner
Paul Hansen, City Engineer
Roger Baker, City Attorney
Jim Bolser, Community and Development Director

Council Members Present:

Council Member Ed Hansen
Council Member Justin Brady
Council Member Maresa Manzione

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 7:00 pm.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner McCall.

2. Roll Call

Tyson Hamilton, Present
Shauna Bevan, Present
Matt Robinson, Present
Nathan Thomas, Present
Dave McCall, Present
Melanie Hammer, Present
Chris Sloan, Present

3. **Public Hearing and Decision on a Conditional Use Permit to allow for additional height on a new accessory garage structure and to allow the structure to exceed the 8% lot coverage restrictions, the structure to be located at 408 North 1360 East in the R1-7 Residential Zoning District on approximately .54 acres.**

Presented by Andrew Aagard

Mr. Aagard stated this application is for property just north of the City golf course in the new Golf Course Estates subdivision. Most of the lots within the subdivision are undeveloped or are in the process of having homes constructed. The property is currently zoned R1-7 Residential, as are the properties to the north and west, as is the golf course. To the east, properties are located within unincorporated Tooele County. The R1-7 Residential zoning district limits the size of accessory structures to 8% of total lot coverage and limits the height of the structures to 15 feet measured at the midpoint of peak and eaves of the roof. The ordinance also presents an exception to the lot coverage and building height requirement with a Conditional Use Permit. The proposed structure will be 2,379 square feet and will cover approximately 10% of the lot. The proposed structure will be about 16.5 feet tall at the midpoint of the roof pitch. This item is a public hearing and notices were sent to neighboring properties with no comments or concerns received by staff. Staff is recommending approval of the Conditional Use Permit with the basic conditions listed in the Staff Report.

Chairman Hamilton asked the Commission if there were any comments or questions, there were none.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Bevan motioned to approve the Conditional Use Permit by William Gochis for the purpose of authorizing a detached accessory structure taller than 15 feet and exceeds the 8% lot coverage restriction on property located at 408 North 1360 East, application number P20-1304, based on the findings and subject to the conditions listed in the Staff Report dated January 4, 2021. Commissioner Sloan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Thomas, "Aye." Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Chairman Hamilton, "Aye." The motion passes.

4. **Public Hearing and Decision on a Conditional Use Permit to allow for additional height on a new accessory garage structure to be located 151 West 400 South in the R1-7 Residential zoning district on approximately 1.49 acres.**

Presented by Andrew Aagard

Mr. Aagard stated this application is similar to the previous application. The property is an interior flag lot, located south of 400 South and west of 100 West Street. The property is zoned R1-7 Residential, as are all of the surrounding properties. The applicant wishes to construct an accessory detached building that exceeds the 15 foot height requirement measured at the midpoint of pitch between the peak and eave of the roof. The ordinance permits buildings to exceed this height

limitation with the Conditional Use Permit. The height of the building at the midpoint of pitch would be approximately 21 feet. This item is a public hearing and notices were mailed to the property owners within 200 feet of the subject property. No comments or concerns were registered by staff. Staff is recommending approval of the Conditional Use Permit with the basic housekeeping items in the Staff Report.

Chairman Hamilton.

Chairman Hamilton asked the Commission if there were any comments or questions, there were none.

Chairman Hamilton opened the public hearing.

Mr. Jerry Houghton stated that the garage will be in the southeast corner of the property, as he is the applicant.

Chairman Hamilton closed the public hearing.

Commissioner Robinson motioned to approve the Conditional Use Permit request by Jerry & Susan Houghton for the purpose of allowing additional building height for a detached accessory structure at 151 West 400 South, application number P20-1242, based on the findings ad subject to the conditions listed in the Staff Report dated January 4, 2021. Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Thomas, “Aye.” Commissioner Hammer, “Aye,” Commissioner Sloan, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

5. Public Hearing and Decision on a Conditional Use Permit request by American West Investments to authorize the use of “Dwelling, Multi-Family” on 1.34 acres located at 145 Broadway in the MU-B Mixed Use Broadway Zoning District.

Presented by Andrew Aagard

Mr. Aagard stated this application involves properties south of intersection of Date Street and Broadway. The properties are located on each side of Broadway Street. The properties are zoned MU-B Mixed Use Broadway, as are properties to the north, east, and south. Properties to the west are zoned R1-7 Residential. The applicant wishes to construct multi-family dwellings on the property. A concept plan was presented, but it is for reference purposes only. This application is not to discuss the particulars of the site plan, but the allowability of the multi-family unit dwellings only. The site plan will come for review in a future meeting. The MU-B Mixed Use Broadway zone defers to the MR-16 Multi-Family Residential zoning district for the standards when multi-family residential is being constructed. In this case the property are 1.53 acres and when using the standards of the MR-16 Multi-Family Residential zoning district, that would yield 21 residential units. The site plan shows 32. A condition has been included in the Staff Report to comply with the MR-16 Multi Family Residential which limits the number of units. This item is a public hearing and notices were sent to all property owners within 200 feet of the subject property. No comments or concerns were registered by staff. Staff is recommending approval of the Conditional Use Permit with the six conditions listed in the Staff Report.

Chairman Hamilton asked if there were any questions from the Commission, there were none.

Chairman Hamilton opened the public hearing.

Mr. Philip Montano stated that he is concerned with the units and the amount of traffic that these units will produce on the neighboring streets and the parking. He asked the Commission to be careful in considering the units and parking. He encourages the project and the development that comes in needs to be considered with respect to the neighbors in New Town.

Chairman Hamilton closed the public hearing.

Commissioner Sloan asked if the parking could be addressed. Mr. Aagard stated in developing a multi-family residential development, the standards are in City Code 7-11a, Multi-Family Design Standards, as well as the automobile parking requirements. In that situation multi-family developments are required to have 2 parking spaces per unit, plus one parking space per every four units for guest parking. From preliminary review of the site plan, there is sufficient parking for the 32 units and the reduction to 21 units will provide more than sufficient parking.

Mr. Bolser stated that there is an additional provision in the code that for redevelopment like this, there has to be a parking study provided and brought to the Planning Commission for approval. That will be reviewed as part of the design review.

Commissioner Sloan stated that in the middle of a housing crisis and housing affordability crisis, this use of the property is needed.

Chairman Sloan motioned to approve the Conditional Use Permit Request by American West Investments to authorize the use of “Dwelling, Multi-Family” for the properties located at the southwest and southeast corners of the intersection of Broadway and Date Street, application number P20-1294, based on the following findings; subject to the conditions listed in the Staff Report dated January 4, 2021 with emphasis on the change in density allowed. Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Thomas, “Aye.” Commissioner Hammer, “Aye,” Commissioner Sloan, “Aye,” Chairman Hamilton, “Aye.” The motion does not pass.

6. Public Hearing and Decision on a Conditional Use permit by Belterra Toole, LLC, to allow the use of “Retail Store” to be located at 2347 North 400 East in the GC General Commercial zoning district on approximately 0.71 acres.

Presented by Andrew Aagard

Mr. Aagard stated this application is proposed for the vacant property just south of Popeyes Chicken Restaurant. The parcel is located between SR 36 and 400 East, south of 2400 North. The property is zoned GC General Commercial as are the properties to the north, south, and west. Properties to the east are zoned IS Industrial Service. The property is also located within the North Tooele Gateway Overlay. This overlay is not involved in determining uses within the zone, but pertains to site development, architecture, and parking. The applicant is requesting a Conditional Use Permit to

construct a retail store, namely a Sherwin Williams Paint Supply retail. The site plan was included in the packet, but is not being reviewed for approval. The site plan has been submitted for review and is currently being reviewed by staff for a future Planning Commission meeting. This item is a public hearing, and no comments were brought to staff. Staff is recommending approval with the basic housekeeping conditions in the Staff Report.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Thomas motioned to approve the Conditional Use Permit Request by Scott Smith, representing Belterra Tooele, LLC, to authorize the use of “Retail Store” at 2347 North 400 East, application number P20-1249, based on the findings and subject to the conditions listed in the Staff Report dated January 5, 2021. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Thomas, “Aye.” Commissioner Sloan, “Aye,” Commissioner Hammer, “Aye,” Commissioner Sloan, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

7. Decision on a Conditional Use Permit request by Fiore Belmonte to authorize the use of “Automobile Sales and Rental” for property located at 30 West 100 South in the GC General Commercial Zoning District.

Presented by Jim Bolser

Mr. Bolser stated this item was originally presented on November 12, 2020. At that time, there was discussion about the intended use as well as the associated use to it. The public hearing was held and all the requirements have been met to consider the application during that meeting. The decision of the Planning Commission at that time was to continue or table the discussion until a condition certain which was compliance with an outstanding violation of a Conditional Use Permit on an associated site. In the packet there was a notice of compliance, that is dated January 4, 2021. That notice of compliance as with all notices from the City are identification of a snap shot of time. Within the last 36 hours there has been another issue brought to staff from the State of Utah. One of the ways that the applicant has been approaching compliance is to have vehicles outside of the fenced area which were for sale. That is part of the allowable use. The state of Utah notified Tooele City, that there is no licensure or bonding on file for the applicant to sell vehicles at that location or any other locations besides an existing location of 100 South and Main Street. That means that vehicles that are outside the fence for sale are illegal in terms of use. That leaves the Commission with one of two things, there is still a violation of the Conditional Use Permit on file regarding sales, which would need to be rectified. Mr. Bolser stated that he visited the business just prior to the meeting and there are a number of vehicles outside the fence which appear to be for sale and some appear to be in various states of repair. If there is not the issue of sales, then there seems to be some semblance of repair happening outside the fence, which would go back to the Conditional Use Permit violation. Whichever the case maybe there is a situation with a compliance issue with a Conditional Use Permit and based on that staffs recommendation, is continue the discussion to allow for compliance to occur.

Commissioner Sloan asked if anyone has reached out to the applicant. Mr. Bolser stated that when the information was received from the state late yesterday, he was notified of the information this morning.

Chairman Hamilton asked if there were any more questions from the Commission.

Chairman Hamilton asked Mr. Belmonte to address the Commission.

Mr. Belmonte stated that he was contacted this afternoon at about 4:00pm and told of the situation which was addressed by Mr. Bolser. He stated that he cannot get a state license until there is City approval for the zoning. Until the Conditional Use Permit was issued, which was a week and half ago, he could not apply to the state for the license. He stated that he spoke with the City Compliance officer today, and this morning the State did call him. He stated that the state was called because someone from the City called them and stated there is a car lot selling cars. He stated that he is not selling cars and has cars sitting outside of the fence that say they are for sale, but there are no car sales going on. The form that he is required to do by the City is not required by any other car dealer in the City. It is not required by the State, but he still complied. He made a piece of paper that states this car is for sale, so if it was sitting outside of the fence it was fine. The City Compliance Officer has told him what cars he can sell and what cars he cannot sell. He stated there was a discussion about if the car is disabled, he can't sell it. He stated that he sells disabled cars every day and other dealers sell cars like that every single day. To tell the him that the car isn't for sale, because the wheel is broken is not true because cars are sold like that every day. Today, he did talk to the State and they stated he has no problem and he is good. He has to put the application in for the state license. He has been waiting for the City to issue the permit and he showed the Commission the application. It will be going in tomorrow morning and there is no issue with it. He has called another person at the State and he was told there was no issue and he isn't doing anything wrong.

Mr. Belmonte, stated that he has been in the car business for 40 plus years and have never had anything like, what is going on here now. He stated he is at a loss for words as to why this is happening. No one is trying to do anything wrong or break laws, or skirt the law. He is doing everything he is asked. He has put in sewers and has done everything he has had to do and spent thousand on thousands of dollars to get this thing working. The Conditional Use Permit has been issued for this property and he spoke to the City Compliance Officer. He stated that the City Compliance Officer was asked if the City has any issue with anything he is doing and she stated no, there is no issue and no compliance issue. He stated he got off the phone with her at 4 o'clock. He is not sure as to why this is such a hard thing.

Chairman Hamilton asked the Commission if there are any questions for Mr. Belmonte

Commissioner Sloan stated he heard several things that concerned him in the two presentations, such as statements by the City Compliance Officer, statements by the State of Utah, and requirements for forms. He is hesitant to go ahead with a decision and would like some guidance from staff on how to proceed.

Mr. Belmonte stated that some of the other things, he is required to have his cars behind a fence and no other car dealer in the City is required to do that. Tooele Motor Company has cars that they are fixing and they don't have a fence. The place across from Tooele Motor has cars out there and he doesn't know what is going on. He stated they're the least obtrusive place because of their location. The State always gives time once the permit is received from the City to get the license. He has done this several times and the State always asks for compliance from the City prior to discussions of the license. They had to wait for the compliance from the City prior to talking with the State. That happened 10 or 12 days ago.

Commissioner Thomas stated that he is trying to understand, at the last meeting there was the violations and they are on another property. Mr. Belmonte stated this property in the application is a totally different thing and Mr. Bolser wants to tie this property to the other property because Mr. Belmonte is the applicant in the same issue. He states that this application, the building is perfect and there is nothing wrong with it. The staff wants to tie him to the other property with the issues. The issues from before was there wasn't a city sewer and there were cars outside of the fence. He asked the City Compliance Officer if she had ever read the Conditional Use Permit that the Planning Commission issued and she stated she has not read it. Yet she issued him a compliance problem based on something she hasn't read. He stated that the City Compliance Officer is a very nice person, but she told him she has never read it. He read it to her and showed her that it states he can have cars outside the fence. Parking is approved outside the fence and they were not all in the same spot. The first compliance issue was not valid, as they had permission to be outside the fence. The fence was put up so that the resident across the street, across 100 didn't see the cars. The fence was immediately put up and a barrier was immediately put up. The traffic was stopped and the drug use was stopped. That was what they were supposed to do and we did it

Commissioner Thomas stated that there were violations and they were inspected and approved. That has been addressed and now he is hearing that there is another violation, business license and the cars inside or outside the gate. He is trying to simplify the information.

Mr. Belmonte stated that he believes that this Conditional Use Permit is not attached to the other business then there is no discussion, even if it is attached to the other business in the fact, he is the same applicant, which is the only way it gets attached. It is a separate LLC, separate company. Commissioner Robinson stated that because you are the same applicant, that is where it is attached. Mr. Belmonte stated that he understands that and rectified all the things that were asked. Commissioner Sloan stated that it comes down to he said, he said. Commissioner Thomas stated that the information in the packet showed that the Staff Report approved and stated this was good. Commissioner Robinson stated at that time of the memo. Mr. Belmonte stated that someone from the City, the Compliance Officer would not tell him who, called the state this morning or maybe yesterday and stated there is a guy selling cars without a license. Mr. Belmonte stated that is 100% untrue. He is not selling cars and they know they cannot sell cars until they have a state license. They know that. There are no cars that are going to be physically sold at that spot because the license is not in effect or risk their license with the State. When the State called him this morning, there is no problem.

Commissioner Sloan stated it is being stated that there are no cars being sold, are there cars that are marked as available for sale on the property. Mr. Belmonte stated yes, but they are not being sold.

Commissioner Sloan stated that they are advertised for sale. Mr. Belmonte stated they are not advertised. Commissioner Sloan asked if it says for sale on the vehicle? Mr. Belmonte stated that because of the piece of paper that the City Compliance Officer made up and that no other car dealership has. He has the state paper in there that states there is no warranty, but because of the other piece of paper that he was made to put in the cars, it states this car is for sale. He stated that he is not selling the cars, but he was made to put the paper in there. Commissioner Sloan asked that he was made to put a paper stating the car was for sale. Mr. Belmonte stated yes.

Mr. Bolser stated that he would like to clarify three things. He stated he has no intent in engaging in a he said, he said discussion as it is not appropriate or fruitful in this forum. That being said, the emphasis and the point is that a City Code provision that states that any individual, applicant, company, business, that has an outstanding code enforcement or land use violation is ineligible to receive further land use approvals. That is why this is here tonight. This is a separate property, but is associated. Secondly the November 12 meeting was the discussion of the violation and where the violation came to be and what brought us here this evening. As stated earlier, on January 4, 2021, Mr. Belmonte received a notice of compliance. That is a snapshot of time. The communication that Mr. Bolser received from the State did not come by way of the City Compliance Officer. Any communication from code enforcement and Mr. Belmonte was separate. On the property there are two uses that are allowed and pertinent to the discussion today; repair of vehicles or sales of vehicles. Either of which is permissible. The Conditional Use Permit that the Planning Commission approved a little over a year ago, specified that vehicles under repair had to be behind the fence. In working with City Compliance Officer, the applicant identified that an allowable use to keep vehicles outside the fence would be if they were for sale. However, if there are vehicles under repair, they still had to be inside the fence, whether they were for sale or not. That leaves the Commission with two things, are the vehicles under repair outside the fence or are there vehicles for sale.

Mr. Bolser stated that his communications with the State indicated that sales were not permissible at that site yet. There is no current license. If a license can be provided, the staff would be happy to allow vehicles at that location. The other alternative would be vehicles under repair, by the Conditional Use Permit, would need to be behind the fence. Vehicles not under repair, for sale, can be outside the fence. Mr. Belmonte was correct in his statement that a vehicle with a broken wheel can be sold, however a vehicle with a broken wheel is considered inoperable under the City code, which would make it under repair. Is there a violation on the property, vehicles under repair outside the fence or vehicles for sale anywhere on the property without licensure? If the Planning Commission believes that either of those is the case, a violation of the ordinance is happening and there is a compliance issue. The City is more than happy to allow Mr. Belmonte all the time that he needs to come into compliance and at that time they can recommend approval.

Commissioner Bevan asked about the paper which states the vehicles are for sale. Mr. Bolser stated that he is not aware of that paper and he doesn't know if it changes the situation.

Commissioner Thomas stated that he is trying to get to the go point. It seemed like last time the go point was do this and move forward and that is what he is looking forward now. None of them want to stop any business from happening, and we want to be amenable to push this forward.

Mr. Bolser stated that he believes the go point is the same, if there is compliance under the ordinance, then we have allowance to issue a Conditional Use Permit. If the Commission believes that we have compliance and there is not a violation currently, then the Commission can approve a Conditional Use Permit. If it is believed that there is a compliance issue outstanding, then it would be appropriate for the Planning Commission to continue the hearing further to allow for compliance to be achieved. As stated, it is neither the staff or City's position to withhold business, however as required by all business, it is requested that they are in compliance with the law. Commissioner Thomas asked for the addressing of the license and getting the Conditional Use Permit, but not having the Conditional Use Permit so he couldn't get the license? Mr. Bolser stated that is a mixing of issues. The Conditional Use Permit requirement a year ago, is that vehicles for repair be behind the fence, vehicles for sale could be licensed for a sales lot today. That is an approved use. If that is the desire, then the city is more than happy to allow him to sell vehicles, but that doesn't change the need for vehicles under repair to be behind the fence. Mr. Bolser stated that his specification and the reason for bringing up the point is because he had communication from the State indicating that there was not active licensure or bonding to sell vehicles on that lot. That makes currently until there is bonding and licensure with the State an illegal use if there are sales happening. It has been suggested that sales are not happening and it would be a viable use, but leaves the question of if the vehicles are for repair. If the Commission believes there is no violation, they are welcome to approve.

Commissioner Bevan stated that it sounds that the Conditional Use Permit is saying that if there are cars outside the fence, they are for sale. Mr. Bolser stated that the Conditional Use Permit is not making a statement on the use of the cars. Commissioner Bevan stated that if Mr. Belmonte is putting cars outside the fence, then he is thinking they are for sale and that can't be done because he doesn't have a permit to sell them. Mr. Bolser stated that he won't speak to what Mr. Belmonte thinks, but the Conditional Use Permit, states that vehicles for repair have to be behind the fence. If they are not for repair they can be outside the fence. Mr. Bolser stated that the City Code states that if they are not operable, they are under repair.

Commissioner Thomas stated that if the Planning Commission thinks there is a violation, the City will work with the applicant on the sales license, the applicant will work with the state for the State license and then it comes back to the Planning Commission. Mr. Bolser stated that would be a remedy of the sales portion, there would still be the question on the repair portion. That is really the condition on hand from a year ago. Any vehicles under repair need to be behind the fence. Commissioner Robinson stated that all vehicles inoperable either for sale or repair need to be behind the fence based on the under repair in the City code. Mr. Bolser stated that he thinks there are two questions, number one is there a violation at hand or sales on the site. The applicant has offered that there are no sales on the site. Secondly are there vehicles under repair or in need of repair outside the fence. If either one of those is yes, then it is suggested that there is a violation, which would bring back the consideration that City Code specifies they are not eligible for a new land use until compliance is achieved. If both of those issues reaffirm to the Planning Commission that there are no issue, then the Planning Commission is welcome to approve the Conditional Use Permit tonight. Even if there are violations, the Planning Commission can approve the Conditional Use Permit.

Commissioner Sloan moved to table the item until the next Planning Commission meeting. Commissioner Bevan seconded. Commissioner Sloan withdrew his motion for further discussion.

Chairman Hamilton stated if there is way to get these two items in compliance can this be on the next agenda in two weeks. Mr. Bolser stated when an item is tabled it is done with two items, a date certain or a conditional certain. A date certain would specify the meeting it would like to be reviewed further. A condition certain would be this will be reviewed once a condition happens. The next agenda has been stated and compliance would have to occur by next Friday for packet.

Commissioner McCall stated he doesn't see why this cant be resolved by next Friday.

Mr. Belmonte asked to address the Commission again.

Mr. Belmonte stated the person that issues the compliance told him at 4:00pm today that there are no issues. She told him; the City has no issues at this time. He stated there is not a compliance problem. He wasn't emailed, told or written too and in fact the Commission has a piece of paper in the packet stating the issue was resolved. Second any car dealership there will be cars that are for sale and do not run or have something broken on them. They are still on the lots for sale. So, to define a car as it has to be repaired is not a true statement. Today he bought cars at an auction and three of them did not run and were still sold. He believes that the City ordinance is specific for cars on the street that are inoperable. To tell a car dealer that he can't have a car on his lot that is inoperable, that doesn't make sense. That is dictating the business of what they can or cannot sell. The fact that there is no compliance issue put in writing and there is an issue stating everything is good. If we think about that, when that end point in time, the same cars were out there then that are out there now. So how can there be no issue then and there is an issue today. He stated he doesn't get that.

Chairman Hamilton satted that they are not set to discuss other businesses Conditional Use Permits and this is tied to Mr. Belmonte's which is in a residential area. Chairman Hamilton stated they need to move on and set a deadline for next Friday to have the two conditions met. Mr. Belmonte asked what that means? Chairman Hamilton stated it has to be up for a vote before they move forward. Mr. Belmonte stated that the license will be issued tomorrow with the State. Chairman Hamilton stated until that is on file with the City, they can't do anything about it as a Commission and they are not motioning.

Mr. Belmonte states that this property under the application, he has been paying rent for four months and because of something that is not real and he can't do anything about it. Its not fair.

Chairman Hamilton asked for a motion.

Commissioner Sloan motioned to table the Conditional Use Permit for the next meeting with the items for compliance submitted by the deadline of packet publication for the next meeting. Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Thomas, "Aye."

Commissioner Hammer, “Aye,” Commissioner Sloan, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

8. Recommendation on the Hidden Hollow Preliminary Plan Subdivision request by Travis Sutherland located at approximately 600 South Oakridge Drive for 36 lots in the R1-12 Residential zoning district.

Presented by Andrew Aagard

Mr. Aagard stated this subdivision is proposed south of Skyline Street in the foothills below an existing water storage tank at the stub street of Oak Ridge Drive. The property has three ordinances that govern development thereon, R1-12 Residential zoning district, Sensitive Area Overlay, and Bison Ridge PUD approved in 2008. The applicant is proposing to subdivide the 16 acres into 36 single family residential lots, ranging in size from 12,000 square feet up to 32,600 square feet. Each lot has been reviewed against the qualifications of the R1-12 Ordinance, the Sensitive Overlay, and Bison Ridge PUD and each lot meets or exceeds the minimum requirements. Staff is recommending approval of the subdivision request with the four basic conditions listed in the Staff Report.

Chairman Hamilton asked the Commission if there were questions or concerns.

Commissioner Thomas asked about the Sensitive Area Overlay and what went into the plat to address the concerns of the Sensitive Area Overlay. Mr. Aagard stated he included utility and grading plans. The Sensitive Area Overlay places grading restrictions and how close to structures grading can be done. On each lot there have been buildable parcels that maintain a certain slope. The rest of the lots will remain relatively undisturbed. That is the purpose of the Sensitive Area Overlay to minimize the disturbance on the lots. Based on the grading plan, the subdivision has complied. The Sensitive Area Overlay isn't there to prevent development, but to minimize the impact of those areas.

Mr. Baker stated that over a decade ago, Tooele City purchased and traded for this property and a much larger piece south of it, up hill. That was done with the intent of preserving sensitive open space. After that transaction, the slopes were analyzed and it was determined that this portion of it could be developed under the Sensitive Area Overlay.

Commissioner Sloan asked for Mr. Aagard to address the concerns about the two buildable lots and water issues. Mr. Aagard stated he is not able to address that concern by Mr. Steve Evans, Public Works Manager.

Commissioner Sloan asked if there was a way to mitigate the possible water issues through a redesign of those two lots? Mr. Aagard stated if there is an issue that the Planning Commission would like the developer to look at, the Planning Commission has the authority to recommend that.

Chairman Hamilton stated that there are two particular lots according to planning rules that will have a water line on the side of the house, within 10 feet.

There was discussion about the location of the lots and what could be done for mitigation.

Mr. Baker added that he is not familiar with the concern, but for the City to say that a certain lot cannot be built upon because of a public utility concern; the City would basically need to purchase it. Commissioner Sloan stated that the memo stated it was not good standard practice and there could be a considerable cost to the City if that line was to break. Mr. Baker stated that is what happens with development next to a water tank. The engineers for the development and city will be work it out the best they can.

Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Hidden Hollow Preliminary Plan Request by Travis Sutherland, for the purpose of creating 36 single-family residential lots, application number P18-857, based on the findings and subject to the conditions listed in the Staff Report dated January 6, 2021 and that there be discussion with the Public Works Department and staff and developers to mitigate issues with the water line.

Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Thomas, "Aye." Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Chairman Hamilton, "Aye." The motion passes.

9. Recommendation on the Sunset Estates Phase 9 Preliminary Plan Subdivision request by Hallmark Homes located at approximately 250 West 2280 North for 46 lots in the R1-10 Residential zoning district.

Presented by Andrew Aagard

Mr. Aagard stated this subdivision request is proposed to be located south of 2400 North and east of 400 West and northeast of Clark Johnson Junior High School. The property is zoned R1-10 Residential, as are properties to the north, west and, south, with some undeveloped RR-5 Rural Residential to the east. The preliminary plan proposes to subdivide the 15 acre parcel into 46 single family residential lots ranging in size from 10,000 square feet up to 14,00 square feet. Each lot within the subdivision meets or exceeds minimum lot standards for lot width and lot size as required by the R1-10 Residential zone. There are some double fronting lots along 2100 North and these lots will have 6 foot solid vinyl fencing installed along the street frontage. The developer will install landscaping along the park strip. This frontage landscaping will be maintained by the North Tooele Special Service District, which the subdivision is part of. Staff is recommending approval with the basic housekeeping conditions within the Staff Report.

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Sunsets Estates Phase Preliminary Plan Subdivision Request by Russ Tolbert, representing Hallmark Homes for the purpose of creating 46 single-family residential lots, application number P20-535, based on the findings and subject to the conditions listed in the Staff Report dated January 5, 2021. Commissioner Sloan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Thomas, "Aye." Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Chairman Hamilton, "Aye." The motion passes

10. Public Hearing and Recommendation on a Request by Tooele City for a Text Amendment to Sections 4-8-2, 7-11-8, 7-11a-13, and 7-19-9 of the Tooele City Code Regarding Standards for Private Street.

Presented by Mr. Bolser

Mr. Bolser stated that the sections which were read with the exception of 4-8-2, the other sections are cleaning up a reference to tie to this section. The intent of the ordinance is to provide better clarity in the City Code and an additional avenue for developers in their projects which there is the intent to provide private streets. Currently in the City code there is a specification, that streets intended to be private must meet cross sections, design, and vertical structure of a public road. In section 7-11a-13, there is a statement that supports this, but states private roads must emulate a public road. The definition of emulate means to meet or exceed. Often times with usually multi-family developments, sometimes single family developments and business developments, there is a desire to have private streets. This proposal removes emulate from the code and specifies that there are two options for private streets. Number one, meet the standard of a public road. The amendment proposed does not change the vertical requirements, but allows options on the horizontal cross section. The second option would allow developers to go below 34 feet to a minimum of 30 feet and there are conditions which must be met, one of which is to create a method for parking enforcement that would not involve the City police department and some mechanism by which that is enforced. The width would allow for adequate response by emergency personnel. The mechanism of parking enforcement would be provided to the land use authority making the approvals for that type of application. There would need to be a review and recommendation by the Fire Chief, Community Development Department, Public Works, City Engineer, and City Attorney on the methodology of enforcement.

Mr. Bolser stated that the reason for choosing 30 feet as the minimum as it complies with minimum width for fire apparatus as dictated by the local code. This complies with the parking requirements of 30 feet on emergency aisles. The park strip and sidewalk can be altered in its arrangement as long as there is adequate access and ADA compliance.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Hammer motioned to forward a positive recommendation to the City Council for the Private Street Standards City Code Text Amendment Request by Tooele City regarding standards for private street, application number P20-1305, based on the following findings 1-10 listed in the Staff Report. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Thomas, "Aye." Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Chairman Hamilton, "Aye." The motion passes.

11. City Council Reports.

Presented by Council Member Justin Brady

Council Member Brady stated on December 16, there was a public comment about the driving school and the Conditional Use Permit which was declined by the Planning Commission.

Commissioner Thomas stated that the driving school is operating. Mr. Bolser stated that an appeal was filed this afternoon. Council Member Brady stated there were two other items on the agenda, the rezone off of 1000 North with the negative recommendation, which the City Council affirmed and the Western Acres rezone which was approved.

Commissioner Sloan asked on the denied application on 1000 North and 400 East, has the applicant expressed interest in changing the application? Mr. Bolser stated there has been an interest expressed of trying again with a different proposal.

12. Review and Approval of the Planning Commission Minutes for Meeting Held on December 9, 2020.

Commissioner Sloan motioned to approve the minutes. Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Thomas, “Aye,” Commissioner Hammer, “Aye,” Commissioner Sloan, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

Commissioner Thomas asked if the Commission should be aware of an applicant that comes in for a Conditional Use Permit and already operating? There was a discussion on the truck driving school and they were already operating in the last meeting. Mr. Bolser stated it was mentioned they were in operation and this was a corrective measure. Commissioner Sloan asked if they are allowed to continue operating while they appeal. Mr. Bolser stated technically no, but the city is attempting to address that.

13. Adjourn

Chairman Hamilton declared the meeting adjourned at 8:30 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 27th day of January, 2021

Tyson Hamilton, Chairman, Tooele City Planning Commission