

**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, September 27, 2023** at the hour of 7:00 p.m. The meeting will be held in the City Council Chambers of Tooele City Hall, located at 90 North Main Street, Tooele, Utah.

*We encourage anyone interested to join the Planning Commission meeting electronically through Tooele City's YouTube channel by logging onto [www.youtube.com/@tooelecity](http://www.youtube.com/@tooelecity) or searching for our YouTube handle **@tooelecity**. If you would like to submit a comment for any public hearing item you may email [pcpubliccomment@tooelecity.org](mailto:pcpubliccomment@tooelecity.org) anytime after the advertisement of this agenda and before the close of the hearing for that item during the meeting. Emails will only be read for public hearing items at the designated points in the meeting.*

**AGENDA**

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Hearing and Decision** on a Conditional Use Permit request by Kay Thomas Reese to authorize the use of "Healthcare Provider" for .24 acres of property located at 215 S 200 E in the MU-G Mixed Use General zoning district.
4. **City Council Reports**
5. **Review and Approval** of Planning Commission Minutes for the meeting held on September 13, 2023.
6. **Adjourn**

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Andrew Aagard, Tooele City Planner and Zoning Administrator prior to the meeting at (435) 843-2132.

**STAFF REPORT**

September 21, 2023

**To:** Tooele City Planning Commission  
Business Date: September 27, 2023

**From:** Planning Division  
Community Development Department

**Prepared By:** Andrew Aagard City Planner / Zoning Administrator

**Re: Pebble Creek Counseling – Conditional Use Permit Request**

Application No.: P23-1063  
Applicant: Kay Thomas Reese  
Project Location: 215 South 200 East  
Zoning: MU-G Mixed Use General Zone  
Acreage: .24 Acres (Approximately 10,454 ft<sup>2</sup>)  
Request: Request for approval of a Conditional Use Permit in the MU-G Mixed Use General zone to authorize the use “healthcare provider” to occur on the property.

**BACKGROUND**

This application is a request for approval of a Conditional Use Permit for approximately .24 acres located at 215 South 200 East. The property is currently zoned MU-G Mixed Use General. The applicant is requesting that a Conditional Use Permit be approved to allow the use of “health care provider” to occur within the existing office structure on the site.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Mixed Use land use designation for the subject property. The property has been assigned the MU-G Mixed Use General zoning classification, supporting approximately sixteen dwelling units per acre. Properties to the north, east and south are all zoned R1-7 Residential and are utilized as single-family homes and a church building. Property to the west is zoned as MU-G Mixed Use General and is currently utilized as the Tooele Community Center / Marketplace. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant is requesting the conditional use permit to authorize Pebble Creek Counseling to occupy and operate their counseling business inside the existing commercial structure on the site. The structure has historically been utilized as a dental office so the question may be raised why the counseling center requires a conditional use permit as a dental office is also considered a health care provider. The answer is that the building has not been used as a health care provider for a period longer than one year.

The zoning was changed by the City Council at the September 20, 2023 Business Meeting to the MU-G zoning district so the structure is now considered legally conforming as to the ordinance and all uses permitted in the MU-G zoning district are now permitted to occur in the structure. Health care providers require a Conditional Use Permit.

*Site Plan Layout.* This is an existing site. As such there is no site plan to review. Please refer to the aerial map to determine the existing conditions on the site.

*Parking.* There 9 parking stalls available for employees and clients. Sufficient parking for a building of this size.

Criteria For Approval. The criteria for review and potential approval of a Conditional Use Permit request is found in Sections 7-5-3(3) and (4) of the Tooele City Code. This section depicts the standard of review for such requests as:

- (3) Procedure. At the public hearing, testimony may be given by the applicant and all other persons either in support of or in opposition to the application. The Planning Commission may take the application under advisement, but shall render its determination within 30 days of the date of the hearing.
- (4) Approval. The Planning Commission shall approve the conditional use application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Findings of Fact. As a part of the approval or denial of a Conditional Use Permit a finding of fact according to Sections 7-5-4 of the Tooele City Code is required. This section depicts the standard for findings of fact:

Prior to approving or denying a Conditional Use Permit application, the Planning Commission shall make, in the business meeting at which the public hearing is conducted or the permit is approved or denied, a finding of the following facts:

- (1) the reasonably anticipated detrimental effects of the proposed use upon adjacent and nearby persons and properties;
- (2) the evidence identified regarding the identified reasonably anticipated detrimental effects of the proposed use;
- (3) the reasonable conditions imposed, as part of the Conditional Use Permit approval, intended to mitigate the reasonably anticipated detrimental effects of the proposed use;
- (4) the reasons why the imposed conditions are anticipated or hoped to mitigate the reasonably anticipated detrimental effects of the proposed use;
- (5) the evidence, if any, identified regarding the ability of the imposed conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.

In response to the City Code requirement for findings of fact, the following are the staff identified detrimental effects this application, should it be approved, may impose upon adjacent and nearby persons and property :

Staff has not been able to determine or identify any detrimental effects this application may impose on adjacent properties or persons. Quite the opposite actually. Having this building occupied by a valuable commercial business is a net benefit to the City.

## **REVIEWS**

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following comments:

1. This is a good use for an existing structure that historically was used as a dental office.
2. The parking lot itself is legally non-conforming and may continue on it is current configuration in perpetuity. Any changes to the parking lot will be required to meet current City standards and codes for parking areas.
3. Staff cannot readily identify any detrimental impacts the proposed counseling office will cause on adjacent properties or persons.

Engineering & Public Works Division Review. The Tooele City Engineering and Public Works Division have completed their review of the Conditional Use Permit submission and have not issued any comments concerning the request.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Conditional Use Permit submission and has not issued any comments concerning the request.

Noticing. The applicant has expressed their desire to obtain the Conditional Use Permit for the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

### **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Conditional Use Permit by Kay Thomas Reese, application number P23-1063.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.
6. No detrimental impacts that may be caused by the counseling center to neighboring properties and persons could be readily identified.
7. The findings of fact for this proposed Conditional Use Permit request have been identified and the conditions proposed are intended to mitigate the reasonably anticipated detrimental impacts, as required by Tooele City Code Section 7-5-4.

### **MODEL MOTIONS**

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Kay Thomas Reese, to authorize the use of “health care provider” at the existing structure located at 215 South 200 East, application number P23-1063, based on the findings listed in the Staff Report dated September 21, 2023:”

1. List any findings of fact and conditions...

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Kay Thomas Reese, to authorize the use of “health care provider” at the existing structure located at 215 South 200 East, application number P23-1063, based on the following findings:”

1. List findings of fact ...

**EXHIBIT A**

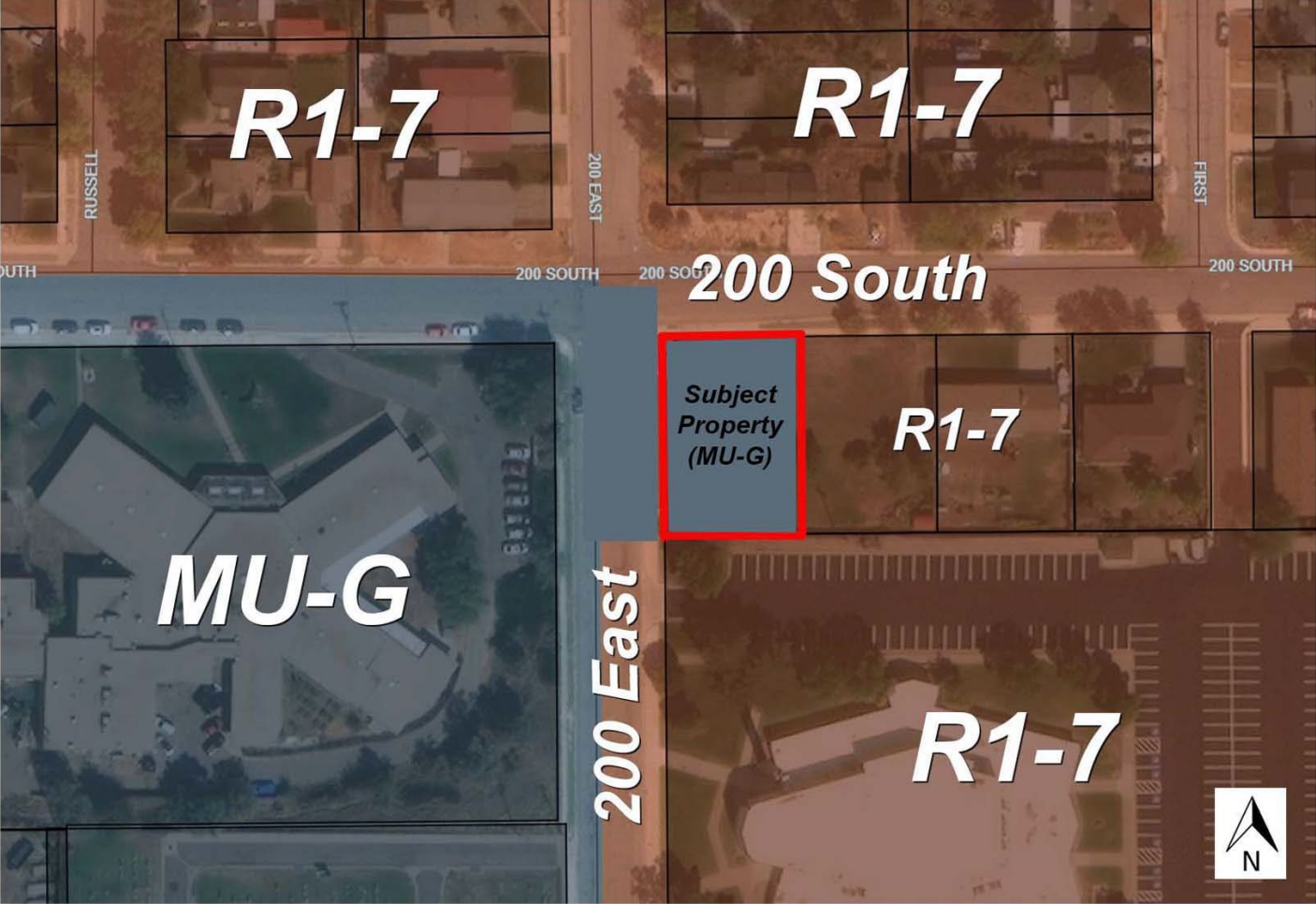
**MAPPING PERTINENT TO THE  
PEBBLE CREEK COUNSELING CONDITIONAL USE PERMIT**

***Pebble Creek Counseling Conditional Use***



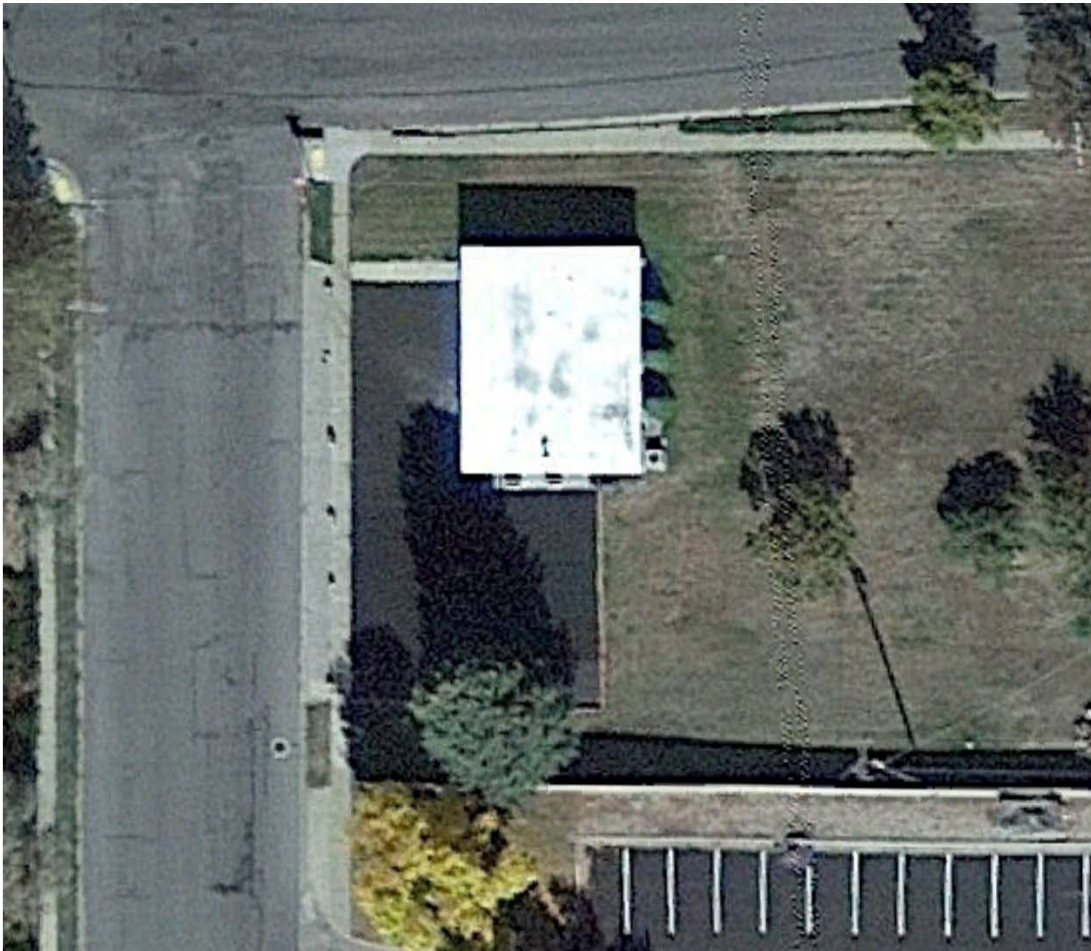
***Aerial View***

**Pebble Creek Counseling Conditional Use**



**Current Zoning**

***Pebble Creek Counseling Conditional Use***



***Aerial View***

***Pebble Creek Counseling Conditional Use***



***Site Image***



**EXHIBIT B**

**APPLICANT SUBMITTED INFORMATION**

# Conditional Use Permit Application

Community Development Department  
 90 North Main Street, Tooele, UT 84074  
 (435) 843-2132 Fax (435) 843-2139  
[www.tooelecity.org](http://www.tooelecity.org)



*Notice:* The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Conditional Use Permit applications shall be reviewed in accordance with all applicable City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

| Project Information                             |                |                 |  | 23-1063                      |               |                   |
|---|----------------|-----------------|--|------------------------------|---------------|-------------------|
| Date of Submission:<br>September 13, 2023       |                | Current Zoning: |  | Parcel #(s):<br>09004 00004  |               |                   |
| Project Name:<br>Dr. K.T. Reese Dental Office   |                |                 |  | Acres:<br>0.24               |               |                   |
| Project Address:<br>215 S 200 E                 |                |                 |  | Units:                       |               |                   |
| Project Description:<br>Pebble Creek Counseling |                |                 |  |                              |               |                   |
| Current Use of Property:                        |                |                 |  |                              |               |                   |
| Property Owner(s):<br>Kay Thomas Reese          |                |                 | Applicant(s):<br>Kay Thomas Reese        |                              |               |                   |
| Address:<br>170 E 200 S                         |                |                 | Address:<br>170 E 200 S                  |                              |               |                   |
| City:<br>Tooele                                 | State:<br>Utah | Zip:<br>84074   | City:<br>Tooele                          | State:<br>Utah               | Zip:<br>84074 |                   |
| Phonc:<br>435 882-0685 cell 801 867 5876        |                |                 | Phonc:<br>435 882-0685 cell 801 867 5876 |                              |               |                   |
| Contact Person:<br>Kay Thomas Reese             |                |                 | Address:<br>170 E 200 S                  |                              |               |                   |
| Phonc:<br>435 882-0685                          |                |                 | City:<br>Tooele                          | State:<br>Utah               | Zip:<br>84074 |                   |
| Cellular:<br>801 867 5876                       |                | Fax:            |  | Email:<br>ktreesedds@msn.com |               |                   |
| Signature of Applicant:<br>Kay Thomas Reese     |                |                 |  |                              |               |                   |
|   |                |                 |  |                              |               | Date<br>9-13-2023 |

\*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

\*\* By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

| For Office Use Only |  |                             |  | 2231164                   |  |
|---------------------|--|-----------------------------|--|---------------------------|--|
| Fec:<br>600.00      |  | Received By:<br>[Signature] |  | Date Received:<br>9/13/23 |  |
| (213)               |  |                             |  | Receipt #:<br>00592502    |  |

**Tooele City Planning Commission  
Business Meeting Minutes**

**Date:** Wednesday, September 13, 2023

**Time:** 7:00 p.m.

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

**Commission Members Present:**

Tyson Hamilton  
Melanie Hammer  
Chris Sloan  
Matt Robinson  
Weston Jensen  
Jon Proctor  
Doug Newell  
Melodi Gochis

**Commission Members Excused:**

Alison Dunn

**City Council Members Present:**

Maresa Manzione  
Ed Hansen

**City Employees Present:**

Holly Potter, Deputy City Recorder  
Andrew Aagard, Community Development Director  
Paul Hansen, City Engineer

Minutes prepared by Katherin Yei

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Hamilton.

**2. Roll Call**

Melanie Hammer, Present  
Tyson Hamilton, Present  
Weston Jensen, Present  
Chris Sloan, Present  
Doug Newell, Present  
Jon Proctor, Present  
Melodi Gochis, Present

Matt Robinson, Present  
Alison Dunn, Excused

**3. Public Hearing and Recommendation on a Zoning Map Amendment request by Kay Thomas Reese to re-assign the zoning for approximately .49 acres located at 215 South 200 East from the existing Zoning designation of R1-7 Residential Zone to MU-G Mixed use General Zone.**

Mr. Aagard presented a Zoning Map amendment request for the property located 215 South 200 East. It is currently zoned R1-7. The current building is non-conforming. The Land Use Map was recently changed to Mixed Use. The applicant is requesting the Zoning Map amendment to Mixed-Used General. Notices have been sent to neighboring properties within 200 feet.

The public hearing was opened. No one came forward. The public hearing was closed.

**Commissioner Gochis motioned to forward a positive recommendation on a Zoning Map Amendment request by Kay Thomas Reese to re-assign the zoning for approximately .49 acres located at 215 South 200 East from the existing Zoning designation of R1-7 Residential Zone to MU-G Mixed use General Zone based on the findings and subject to the conditions listed in the staff report.** Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye” Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Gochis, “Aye”, Commissioner Robinson, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

**4. Public Hearing and Decision on a Conditional Use Permit request by Shane Stafford to authorize the use of “Automobile sales and rental” for .18 acres of property located at 351 East Utah Avenue in the MU-B Mixed use Broadway zoning district.**

Mr. Aagard presented a Conditional Use Permit for the property located at Broadway and Utah Avenue for automobile sales and rental. It is zoned MU-B, Mixed-Use Broadway. It is not clear if the applicant is using the facility for both sales and rentals. Staff has concerns on parking. A condition has been included that there is no business off street parking.

The Planning Commission asked the following questions:

Are there any handi-cap parking stalls?

If the off-street parking is in the City Code, why does staff need it in the condition?

How many employees will they have?

How many parking spots are there?

Can the Commission put a condition on how many vehicles for sale the business can have outside in the parking lot?

Does staff review a site plan for this application?

Mr. Aagard addressed the Commission’s questions. By law, the business is required to have disabled parking. Off street parking is addressed in the code, but staff has included it for emphasis. Any Conditional Use Permit approved, the Planning Commission has the right to

revoke it, if the applicant is not following the guidelines. Planning Commission can strike the word customer from the condition; as customers are allowed to park on the street. Staff will not review and approve a site plan for this application, unless the Commission asks for it specifically.

The public hearing was opened. No one came forward. The public hearing was closed.

Mr. Stafford addressed the Commission. They do not wish to have more than three or four cars on the lot. Restorations of vehicles are happening within the shop. Currently, there is only one employee with the hope to hire an additional three employees in the future. The building does have one handi-cap parking spot with an additional nine spots.

**Commissioner Proctor motioned to approve the Conditional Use Permit request by Shane Stafford to authorize the use of “Automobile sales and rental” for .18 acres of property located at 351 Ease Utah Avenue in the MU-B Mixed use Broadway zoning district based on the findings and subject to the conditions listed in the staff report including striking the word “customers” from the condition.** Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye” Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Gochis, “Aye”, Commissioner Robinson, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

**5. Public Hearing and Decision on a Conditional Use Permit request by Travis and Kelly Dunaj to authorize a detached accessory structure that exceeds 8% total lot coverage and exceeds the 15-foot height limit for .18 acres of property located at 857 South 730 West in the R1-7 Residential zoning district.**

Mr. Aagard presented a Conditional Use Permit for the property located at 857 South 730 West. The property is zoned R1-7. The applicant is requesting to exceed the 8% total lot coverage for detached accessory structures. The ordinance does allow Planning Commission to grant a variance to the 8% if there are no impacts to surrounding properties. The applicant is proposing a new drive way. The building height would be an estimated 17 ½ feet to the midpoint. Staff is recommending approval with the conditions listed in the staff report.

The Planning Commission asked the following questions:  
Is this a garage or pole building?

Mr. Aagard addressed the Commission. Pole building is referencing the construction.

The public hearing was opened. No one came forward. The public hearing was closed.

**Commissioner Robinson motioned to approve Conditional Use Permit request by Travis and Kelly Dunaj to authorize a detached accessory structure that exceeds 8% total lot coverage and exceeds the 15-foot height limit for .18 acres of property located at 857 South 730 West in the R1-7 Residential zoning district based on the findings and subject to the conditions listed in the staff report.** Commissioner Hammer seconded the motion. The vote

was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye” Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Gochis, “Aye”, Commissioner Robinson, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

**6. Decision on a Conditional Use Permit request by IRVA Development to authorize the use of “Accessory drive through facility” for 2.283 acres of property located at 245 N Main Street in the GC General Commercial zoning district (tabled from July 26th Planning Commission meeting).**

Mr. Aagard presented a Conditional Use Permit for a drive-through accessory facility located at 245 North Main Street. The Planning Commission tabled this item during a previous meeting to make sure this was viable for the area. The applicant did get a traffic study done. As well as submit an updated site plan. The biggest concern of this application is that vehicle stacking does not go onto public streets. For the North building, the applicant moved the building closer to SR-36. The traffic study did provide and resolve many concerns staff had. They will keep vehicle storage interior and away from the public streets. Staff shared concerns about parking. The traffic study does show the applicant does have sufficient parking.

The Planning Commission asked the following:

How does parking effect existing businesses?

Does the Planning Commission need to include the newest date of the staff report in the approval?

Is there a requirement of signage within the parking lot?

Does the taco cart go away?

Is there customer seating in these businesses.

The Planning Commission shared thoughts about considering other businesses and the parking situation when approving a site plan.

Mr. Aagard addressed the Commission’s questions. The study does count for the existing parking and businesses. The code does provide natural adjustment range. As well as requiring excessive parking than what may be needed. There are not any requirements by code for signs. They just have to meet sign ordinance.

Mr. Able addressed the Commission. They will address the signage with the business owners. They are providing excessive parking for the newest businesses. The uses of business will have different peak hours. There are 5-10 seats inside each new place. The taco truck is looking for a physical location. They are trying to keep all businesses in mind.

**Commissioner Jensen motioned to approve Conditional Use Permit request by IRVA Development to authorize the use of “Accessory drive through facility” for 2.283 acres of property located at 245 N Main Street in the GC General Commercial zoning district based on the findings and subject to the conditions listed in the staff report dated September 13, 2023.** Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye” Chairman Hamilton, “Aye”, Commissioner

Jensen, “Aye”, Commissioner Gochis, “Aye”, Commissioner Robinson, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

### **7. City Council Reports**

Council Member Manzione shared information and key themes from the conference the City Council attended.

### **8. Review and Approval of Planning Commission Minutes for the meeting held on August 23, 2023.**

There are no changes to the minutes.

**Commissioner Proctor motioned to approve the minutes.** Chairman Hamilton seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye” Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Gochis, “Aye”, Commissioner Robinson, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

### **9. Planning Commission Training on Tooele City’s ordinances applicable to the Planning Commission’s responsibilities.**

Mr. Aagard presented training on Tooele City’s ordinances applicable to the Planning Commission’s responsibilities.

### **10. Adjourn**

**Chairman Hamilton adjourned the meeting at 8:28 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 \_\_\_\_ day of September, 2023

\_\_\_\_\_  
Tyson Hamilton, Tooele City Planning Commission Chair