

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, August 12, 2020** at the hour of **6:00 p.m.** The meeting will be held in the City Council Chambers of Tooele City Hall, located at 90 North Main Street, Tooele, Utah.

**** NOTICE ****

*Tooele City has implemented Governor Herbert's low risk (yellow) phase guidelines regarding public gatherings. We strongly encourage anyone interested to join the Planning Commission meeting electronically by logging on to the Tooele City Facebook page, at <https://www.facebook.com/tooelecity>. If you would like to submit a comment for a public hearing item you may email 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 at the designated points in the meeting. If you choose to attend this meeting in person we ask that you maintain social distancing and wear a face covering. **In compliance with public health guidelines Tooele City can accommodate limited capacity at City Hall. Due to limited space and social distancing requirements, we ask that you limit the number of people that attend with you.***

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Hearing and Recommendation** on a Zoning Map Amendment from the MR-16 Multi-Family Residential zoning district to the R1-7 Residential zoning district by Ian Brady for 1.08 acres located at 133 East 700 North.
4. **Public Hearing and Recommendation** on a Zoning Map Amendment from the LI Light Industrial zoning district to the RR-1 Residential zoning district by Samuel Clegg for approximately 1 acre of property located at 77 North 1100 West.
5. **Public Hearing and Decision** on a Conditional Use Permit to allow a Child Daycare Involving 8 to 16 Children for Beddall's Childcare located at 904 North 1300 East in the R1-7 Residential zoning district on approximately 0.2 Acres.
6. **Public Hearing and Decision** on a Conditional Use Permit to allow a Child Daycare Involving 8 to 16 Children for Little Blessings Daycare located at 805 South 780 West in the R1-7 Residential zoning district on approximately 0.16 Acres.
7. **Public Hearing and Decision** on a Conditional Use Permit to allow an "Accessory Drive Through Facility" for Oquirrh Brews proposed to be located at 311 South Main Street in the MU-G Mixed Use General zoning district on approximately 1.04 Acres.
8. **Public Hearing and Decision** on a Conditional Use Permit to allow an Auto Impound Yard and Vehicle Storage Yard located at 318 South 1200 West in the I Industrial zoning district on approximately 3.18 Acres.

9. **Recommendation** on a Subdivision Plat Amendment request amending the Lexington at Overlake 5 Lot Minor Subdivision Plat by Zenith Tootle LLC for 32.24 acres of property located at approximately 400 West 1000 North in the MR-16 Multi-Family Residential zoning district.
10. **Review and Approval** of Planning Commission minutes for meeting held on July 22, 2020.
11. **Adjourn to Joint Meeting**

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission & the Tooele City Council will meet in a joint work session meeting scheduled for **Wednesday, August 12, 2020** at approximately 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.

AGENDA

1. **Roll Call**
2. **Joint Discussion** on the General Plan Draft
3. **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 or TDD (435) 843-2108.

STAFF REPORT

8/5/2020

To: Tooele City Planning Commission
Business Date: 8/12/2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Brady Rezone – Zoning Map Amendment Request

Application No.: P20-572
Applicant: Ian Brady
Project Location: 133 East 700 North
Zoning: MR-16 Multi-Family Residential Zone
Acreage: 1.08 Acres (Approximately 47,044 ft²)
Request: Request for approval of a Zoning Map Amendment in the MR-16 Multi-Family Residential zone regarding reassignment of the subject property to the R1-7 Residential Zoning District.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 1.08 acres located at 133 East 700 North. The property is currently zoned MR-16 Multi-Family Residential. The applicant is requesting that a Zoning Map Amendment to the R1-7 Residential Zoning District be approved in order to bring an existing non-conforming single-family residential structure into legal conforming status to enable increasing the size of the structure and other modifications.

Prior to 2019 the property was zoned GC General Commercial and had the legal non-conforming status attached to it given it was a residential use in a commercial zone. In December of 2018 the Tooele City Council voted to reassign the zoning of the property to the HDR High Density Residential zoning district to facilitate a town house development on excess property owned by the applicant to the north. At the time the property was rezoned to HDR High Density Residential, single-family homes were permitted in that zone.

A few months later in early 2019 Tooele City conducted a significant overhaul of the MDR Medium Density and HDR High Density zoning districts. Those zoning districts were reassigned new designations of MR-8 Multi-Family Residential and MR-16 Multi-Family Residential. All HDR zoning districts were automatically reassigned to the MR-16 zoning district, including this property. This overhaul of the HDR zoning district also changed some of the residential uses permitted in the zone. Previous to that zoning change single-family homes were permitted in the HDR zone. After the zoning map amendment to the MR-16 zone single-family homes were prohibited and the MR-16 zoning district was to be only multi-family residential. When this ordinance was approved by the City Council the single-family residential structure on the property immediately became a legal non-conforming use. This means the structure is legal and may remain in its current configuration in perpetuity even though it does not conform to the zoning requirements. It also means the structure may be maintained and repaired but it cannot be enlarged or relocated on the site as legal non-conformities cannot be enlarged or relocated. Therefore the applicant is requesting the property be rezoned to R1-7, to bring the existing structure into compliance with the zoning, remove the non-conforming status and enable the property owner to enjoy more freedom to enlarge, construct and renovate the buildings on the site.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Multi-Family Residential land use designation for the subject property. The property has been assigned the MR-16 Multi-Family Residential zoning classification, supporting approximately 16 dwelling units per acre. The purpose of the MR-16 zone is to “provide an environment and opportunities for high density residential uses, including multi-family attached residential units, apartments, condominiums and townhouses.”

The purpose of the R1-7 Residential zone is to “provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City’s residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings, two-family dwellings and multi-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.”

The property is surrounded by various zoning districts. The north property is zoned MR-16 Multi-Family Residential and will eventually be developed as town houses. Properties to the west of the subject property are zoned GC General Commercial, including a .25 acre parcel that is currently a legal non-conforming residential structure in a commercial zone. There are also two properties to the east of the subject property that bear the same status with a GC General Commercial zoning designation. Properties to the south of the subject property are zoned R1-7 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Zoning Districts There are significant districts between the zoning districts. The MR-16 zoning district is a high density zoning district and specific to multi-family residential type dwelling units such as apartments, townhouses, condominiums and two family duplexes. Single-family residential uses are prohibited, hence the reason behind the zoning map amendment request. This property being zoned MR-16 could yield up to 16 residential units. The R1-7 Residential zone is Tooele City’s most common residential zone and permits only single-family residential and two family duplexes. Multi-family residential uses are prohibited in this zoning district. The R1-7 Residential zone could yield up to 5 single-family residential lots if this property were to develop.

Criteria For Approval. The criteria for review and potential approval of a Zoning Map Amendment request is found in Section 7-1A-7 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
 - (a) The effect of the proposed amendment on the character of the surrounding area.
 - (b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.
 - (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.

- (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
- (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
- (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Zoning Map Amendment submission and has issued the following findings:

- 1. The single-family home currently on the property is legally non-conforming as it does not conform to the MR-16 zoning district and therefore cannot expand.
- 2. The home was legally non-conforming before the zoning was changed to HDR in late 2018.
- 3. There are both single-family and multi-family residential zones and land uses adjacent to the subject property.
- 4. Although both zones are residential, each zone is oriented to entirely different types of residential.
- 5. Rezoning to the R1-7 Residential zone will bring the existing single-family residential home on the property into conformance with the zoning code and eliminate a long time non-conformity.

Noticing. The applicant has expressed their desire to rezone 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 the Planning Commission carefully weigh this request for a Zoning Map Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

- 1. The effect of the proposed application on the character of the surrounding area.
- 2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
- 3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
- 4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
- 5. The suitability of the properties for the uses proposed.
- 6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
- 7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
- 8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.

9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development.
11. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Brady Rezone Zoning Map Amendment Request by Ian Brady to reassign the zoning of the subject property located at 133 East 700 North to the R1-7 Residential zoning district, application number P20-572, based on the findings and subject to the conditions listed in the Staff Report dated 8/5/2020:”

1. List any findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Brady Rezone Zoning Map Amendment Request by Ian Brady to reassign the zoning of the subject property located at 133 East 700 North to the R1-7 Residential zoning district, application number P20-572, based on the following findings:”

1. List findings...

EXHIBIT A

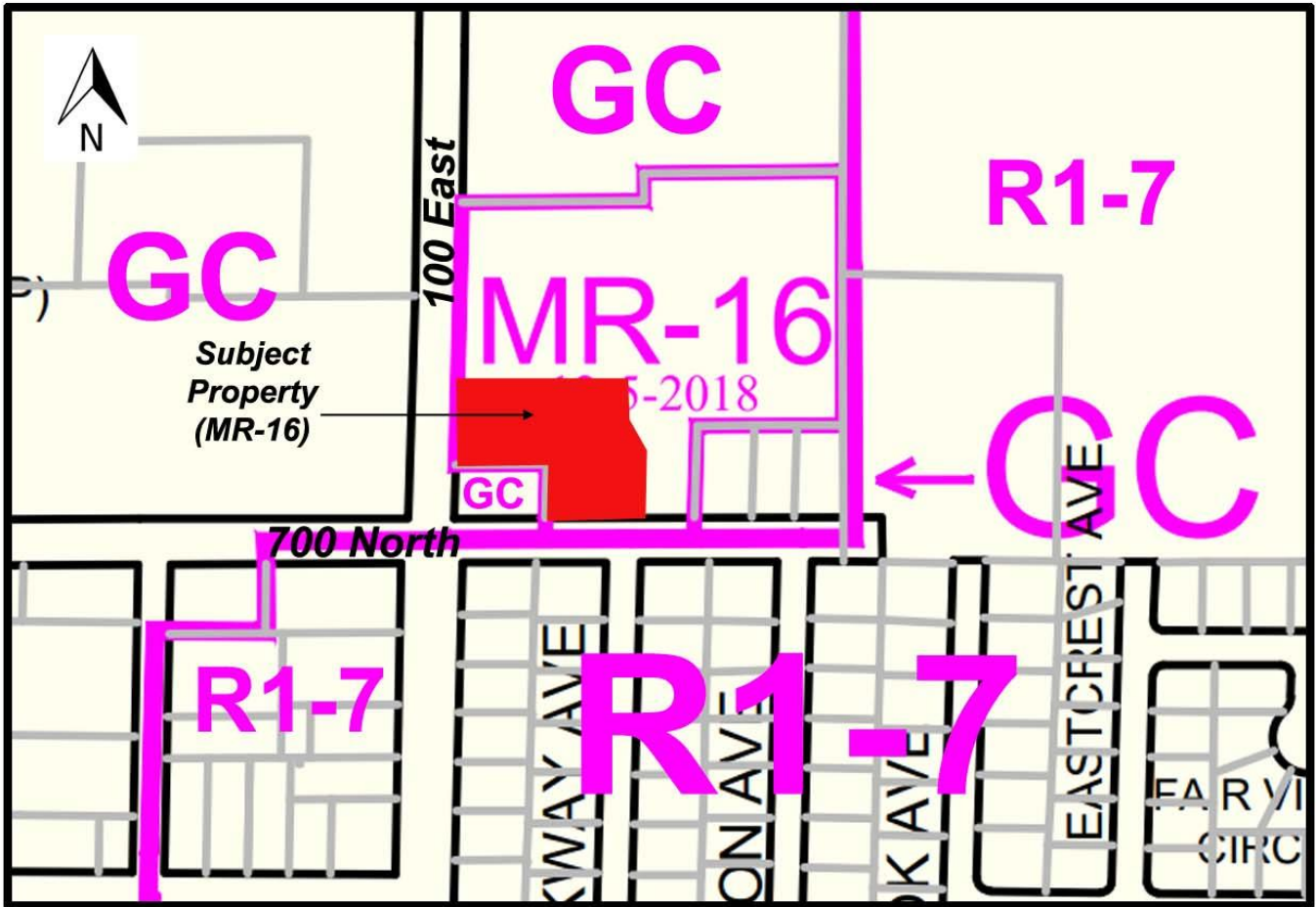
MAPPING PERTINENT TO THE BRADY REZONE ZONING MAP AMENDMENT

Brady Rezone Zoning Map Amendment



Aerial View

Brady Rezone Zoning Map Amendment



Current Zoning

EXHIBIT B
APPLICANT SUBMITTED INFORMATION

Zoning, General Plan, & Master Plan Map Amendment Application

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



Notice: The applicant must submit copies of the map amendment proposal to be reviewed by the City in accordance with the terms of the Tooele City Code. Once plans for a map amendment proposal are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted map amendment proposals shall be reviewed in accordance with the Tooele City Code. Submission of a map amendment proposal in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all applications be submitted well in advance of any anticipated deadlines.

P20-572

Project Information					
Date of Submission: 7/7/2020		Current Map Designation: MR-16		Proposed Map Designation: R1-7	
Project Name: Brady Home Addition "Rumpus Room"				Parcel #(s): 133E 700 N TOOELE, UT 84074	
Project Address: 133 E 700 N TOOELE, UT 84074				Acres: 1.08	
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input checked="" type="checkbox"/> Master Plan: _____					
Brief Project Summary: On the existing structure of my parents home, we are adding on to the rear (north) of the property approx. 41' to the North x 36' wide finished basement, main and loft around 2 nd story.					
Property Owner(s): Arthur L. Brady			Applicant(s): Ian Brady		
Address: 133 E 700 N			Address: 5139 S. 1150 W		
City: TOOELE	State: UT	Zip: 84074	City: Riverdale	State: UT	Zip: 84405
Phone: 801-319-2934			Phone: 385-289-4105		
Contact Person: Ian Brady			Address: 5139 S. 1150 W		
Phone: 385-289-4105			City: Riverdale	State: UT	Zip: 84405
Cellular: 801-699-9415	Fax: —		Email: allfacetsconstruction@gmail.com		

*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.

Note to Applicant:

Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

2200569

For Office Use Only			
Received By: CJA	Date Received: 7/7/20	Fees: 1,100.00	App #: Rec #: G0380029

Zoning, General Plan, & Master Plan Map Amendment Application Checklist

Zoning Map Set

- 1- What is the present zoning of the property?
 - a. The present zoning of the property is MR-16.
- 2- Explain how the proposed zoning is consistent with the current land use designation.
 - a. This proposed zoning is consistent with the current land use designation as it will make the Single home located at 133 E. 700 N. in Tooele City (Property) similar to every other similar home on the south side of 700 N. As its intent is to stay a Single home, we wish to be able to build an addition onto the structure.
- 3- Explain how the proposed zoning is similar or compatible with the current zoning in the surrounding area.
 - a. The proposed zoning is similar or compatible with the current zoning in the surrounding area as the intended purpose, and foreseeable future purpose of the property is to stay a Single-Family Residence. The homes located South and East (except the 3 lots immediately east of the property) are all zoned in as R1-7.
- 4- Explain how the proposed zoning is suitable for the existing uses of the subject property.
 - a. The proposed zoning is suitable for the existing uses of the subject property as it is remaining a Single-Family Residence. A Single-Family Residence fits best the description of a R1-7 designation.
- 5- Explain how the proposed zoning promotes the goals and objectives of Tooele City.
 - a. The proposed zoning promotes the goals and objectives of Tooele City by allowing the structure on the Property to be altered and added to, whereas it currently is restricted. By amending the zoning for the proposed parcel, the Property will undergo nearly a quarter million dollars in improvements and renovation which would increase the value of said property, as well as the surrounding properties. In the Community Development portion of the tooelecity.org website, the description reads as follows.

The Community Development Department strives to improve the quality of life in Tooele by improving the development process, boosting neighborhood livability and appearance, emphasizing quality housing and commercial design, construction and choice, and supporting building safety. In addition, Community Development works to strengthen community economic vitality through facilitating redevelopment, business attraction, and business retention. The Community Development Department is committed to providing excellent customer service to the public. The Community Development Department helps the City achieve both long- and short-term goals and objectives for management of growth and development. The Community Development Department strives to improve the quality of life in Tooele by improving the development process, boosting neighborhood livability and appearance, emphasizing quality housing and commercial design, construction and choice, and supporting building safety. In

addition, Community Development works to strengthen community economic vitality through facilitating redevelopment, business attraction, and business retention. The Community Development Department is committed to providing excellent customer service to the public. The Community Development Department helps the City achieve both long- and short-term goals and objectives for management of growth and development.

<https://tooelecity.org/city-departments/community-development/>

Amending the zoning of the proposed Property falls in line with the stated, and implied, goals and objectives of Tooele City.

STAFF REPORT

August 5, 2020

To: Tooele City Planning Commission
Business Date: August 12, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Grand Storage Rezone – Zoning Map Amendment Request

Application No.: P20-570
Applicant: Samuel Clegg
Project Location: Approximately 77 North 1100 West
Zoning: LI Light Industrial Zone
Acreage: Approximately 1 Acres (43,560 ft²)
Request: Request for approval of a Zoning Map Amendment in the LI Light Industrial zone regarding of the subject property to the RR-1 Residential Zone.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 1 acre located at approximately 77 North 1100 West adjacent to the existing Grand Storage complex. The property is currently zoned LI Light Industrial. The applicant is requesting that a Zoning Map Amendment be approved to return the approximately 1 acre parcel back to residential to facilitate a minor subdivision of the property and the eventual construction of a single-family dwelling that will facilitate living arrangements associated with the storage unit business.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Industrial land use designation for the subject property. The property has been assigned the LI Light Industrial zoning classification. The purpose of the Light Industrial (LI) District is to provide locations for light industrial assembly and manufacturing uses that produce no appreciable negative impact to adjacent properties. This District encourages clean, light industrial and manufacturing uses which provide employment opportunities for city residents, strengthen the city's tax base and diversify the local economy. The purpose of the RR-1 zone is to "provide for single family residential areas and single family dwelling units on larger individual lots. Additionally these districts are intended to allow and make available Rural Residential opportunities and agricultural uses protected from the encroachment of incompatible uses." The LI Light Industrial zoning designation is identified by the General Plan as a preferred zoning classification for the Industrial land use designation. Property to the north, west and south are all zoned LI Light Industrial and are utilized as storage unit facilities. Property to the east is zoned RR-1 and is largely utilized as single-family rural residential with agriculture. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

According to the application and in speaking with the applicant in past meetings it has been communicated that the purpose behind the requested zoning map amendment is to enable the creation of a 1 acre lot upon which will be constructed a single-family dwelling. This corner of the property was

intentionally left out of the storage unit project for the purpose of having a home eventually placed upon it. It would be assumed that the home would be reserved for the care taker or owner of the storage unit facility but that has not been confirmed, nor does City ordinance require that storage unit facilities have an associated home, apartment or care taker unit. The applicant did provide a legal description and survey done in 2016 of the property. The property is approximately 44,500 square feet which is 1.02 acres and is of sufficient size for a lot in the RR-1 Residential zoning district. The property is also 158 feet wide at the edge of the frontage landscaping and far exceeds minimum lot width requirements of 100 feet.

Zoning Districts There are stark and significant differences between the LI Light Industrial zone and the RR-1 Residential zone. The LI zone is reserved for commercial and light manufacturing activities with some minimal residential uses such as caretaker apartments for businesses such as storage units. Otherwise residential uses such as single-family homes, duplexes, apartments and so forth are not permitted in the zoning district.

The RR-1 Residential zone is a rural residential zoning district that permits single-family residential uses on large lots of one acre or more. These properties are permitted to have large animals such as horses, cows, goats and chickens as well as related agricultural structures. There are many properties in this area that are zoned RR-1 on the adjacent side of 1100 West. All of these properties are zoned RR-1 so rezoning this property to similar zone would not create a spot of RR-1 zoning and land use that is unique to other properties in the area.

Criteria For Approval. The criteria for review and potential approval of a Zoning Map Amendment request is found in Sections 7-1A-7 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
 - (a) The effect of the proposed amendment on the character of the surrounding area.
 - (b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.
 - (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
 - (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
 - (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
 - (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Zoning Map Amendment submission and has issued the following findings:

1. The proposed area to be rezoned is of sufficient size to satisfy minimum lot size and of sufficient width to satisfy minimum lot width requirements of the RR-1 Zone.
2. There is RR-1 zoning and associated land uses on the adjacent side of 1100 West.
3. The RR-1 zoning district permits agricultural activities such as the keeping of large farm

animals such as horses, cows, llamas, and so forth.

Noticing. The applicant has expressed their desire to rezone 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 the Planning Commission carefully weigh this request for a Zoning Map Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development.
11. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Grand Storage Rezone Zoning Map Amendment Request by Samuel Clegg, to reassign approximately 1 acre of property located at 77 North 1100 West to the RR-1 Residential zoning district, application number P20-570, based on the findings listed in the Staff Report dated August 5, 2020:”

1. List any findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Grand Storage Rezone Zoning Map Amendment Request by Samuel Clegg, to reassign approximately 1 acre of property located at 77 North 1100 West to the RR-1 Residential zoning district application number P20-570, based on the following findings:”

1. List findings...

EXHIBIT A

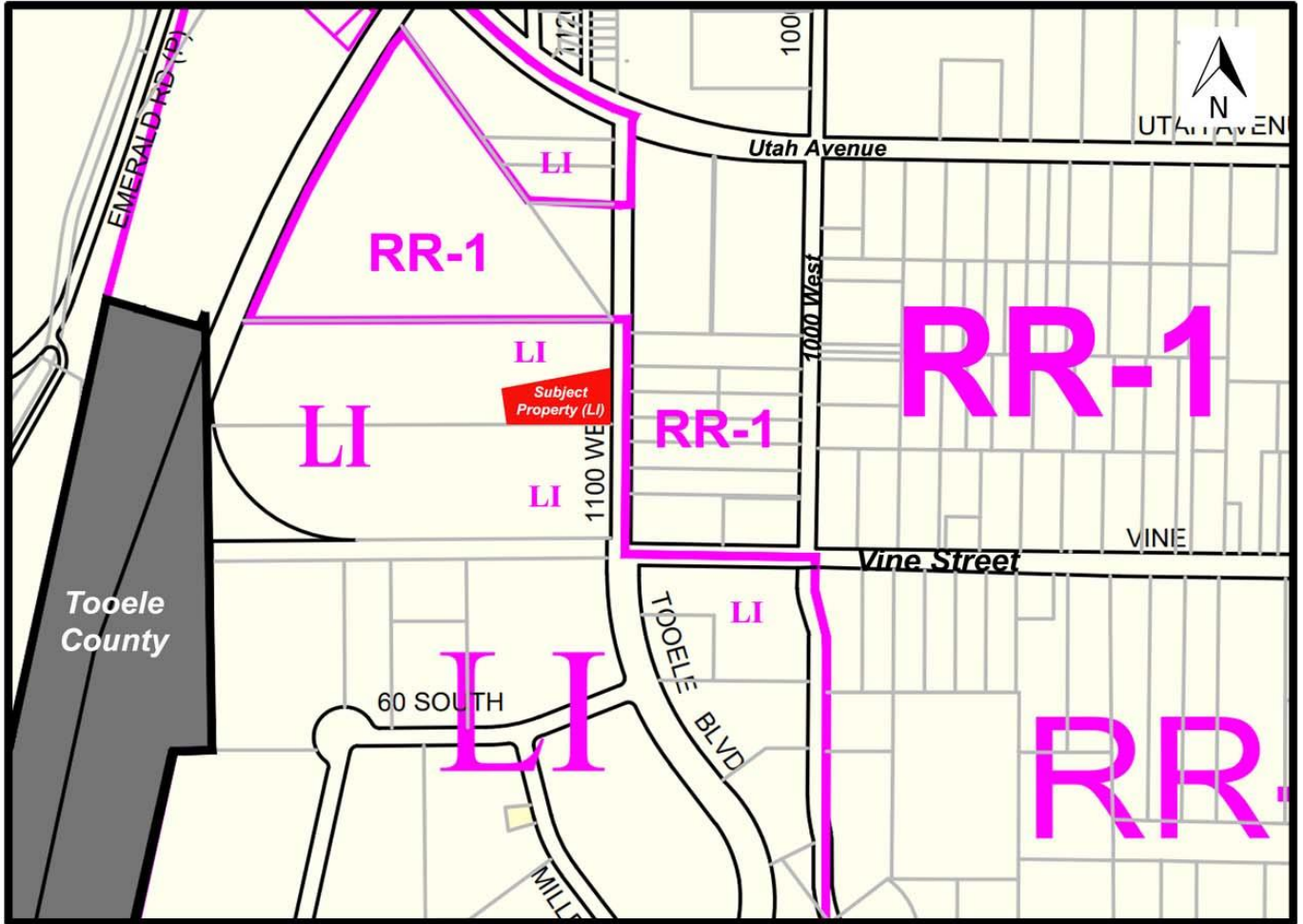
MAPPING PERTINENT TO THE GRAND STORAGE REZONE ZONING MAP AMENDMENT

Grand Storage Rezone Zoning Map Amendment



Aerial View

Grand Storage Rezone Zoning Map Amendment



Current Zoning

EXHIBIT B

**PROPOSED DEVELOPMENT PLANS
APPLICANT SUBMITTED INFORMATION**

Zoning, General Plan, & Master Plan Map Amendment Application

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



Notice: The applicant must submit copies of the map amendment proposal to be reviewed by the City in accordance with the terms of the Tooele City Code. Once plans for a map amendment proposal are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted map amendment proposals shall be reviewed in accordance with the Tooele City Code. Submission of a map amendment proposal in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all applications be submitted well in advance of any anticipated deadlines.

P20-570

Project Information					
Date of Submission: 8/11/19 July 7, 2020		Current Map Designation: Light Industrial		Proposed Map Designation: RR-1	
Project Name: Grand Storage rezone/subdivision				Parcel #(s): 02-009-0-0064	
Project Address: 77 N 1100 W Tooele UT 84074				Acres: 9.92 (1 acre)	
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____					
Brief Project Summary: 1 acre parcel (leagal description attached) to be zoned from Light Industrial to RR1 in preparation to subdivide property for a single family dweling					
Property Owner(s): Grand Storage LLC			Applicant(s): Samuel T Clegg		
Address: 1492 N 1615 W			Address: 444 Pioneer Ave		
City: Clinton	State: UT	Zip: 84015	City: Tooele	State: UT	Zip: 84074
Phone: 801-725-3131			Phone: 435-496-9096		
Contact Person: Sam Clegg			Address: 444 Pioneer Ave		
Phone: 435-496-9096			City: Tooele	State: UT	Zip: 84074
Cellular:		Fax:		Email: Sam@CleggContracting.com	

*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.

Note to Applicant:

Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

2200567

For Office Use Only			
Received By: 	Date Received: 7-7-20	Fees: \$1,100 ⁰⁰	App#: Rec#: 00280016 00280016

Zoning Chang application

1. Light Industrial
2. For now the property is appropriately zoned for its current use, which is storage units. Part of the property frontage was left vacant for a future home. We would like to change just this portion of this lot to RR-1 in preparation to subdivide the vacant section.
3. There are properties both North and South of the property that are zoned fully or partially RR-1
4. Our end goal is to build a home on the property, this is the first step

STAFF REPORT

August 3, 2020

To: Tooele City Planning Commission
Business Date: August 12, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Beddall's Childcare – Conditional Use Permit Request

Application No.: P20-609
Applicant: Alicia & Nathan Beddall
Project Location: 904 North 1300 East
Zoning: R1-7 Residential Zone
Acreage: .2 Acres (Approximately 8,712 ft²)
Request: Request for approval of a Conditional Use Permit in the R1-7 Residential zone regarding authorization of a child care home occupation involving 8 to 16 children.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately .2 acres located at 904 North 1300 East. The property is currently zoned R1-7 Residential. The applicant is requesting that a Conditional Use Permit be approved to allow the applicant to increase the maximum number of children for an existing home occupation childcare business up to 16 children.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. The subject property is surrounded on all sides by single-family residential properties zoned R1-7 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Site Plan Layout and Business Plan. The applicant currently operates a home occupation childcare business and currently cares for 7 children in the home. Tooele City ordinances authorize home occupations involving the care of children to increase their operations, or the number of children related to that business, involving 8 to 16 children with a Planning Commission approved Conditional Use Permit. The applicant is requesting the Conditional Use Permit to authorize the expansion of the childcare business from 7 children to 16 children. The applicant has stated that the entire home is used for the childcare business and that children will be permitted to enter the rear yard that is currently enclosed within a solid vinyl fence.

The applicant has provided a traffic plan and proposes to utilize the property frontage along 1300 East as a loading and unloading zone for children. Sixteen children seems like a large number of drop-offs and pick-ups during the day and if this were a pre-school with individual sessions then there could be a potential vehicle stacking issue that would coincide with the beginning of each session. However, childcare businesses tend to not operate in sessions as child drop-off and pick-up are wholly dependent upon the parents work schedule, not upon scheduled sessions. Therefore drop-off and pick-up times are staggered thus spreading out the number of vehicles lining up along the approximately 80 foot property frontage throughout various times in the morning and afternoon.

The applicant has indicated that they will be hiring additional help once the licensure for the care of 16 children has been obtained. Staff should emphasize that the ordinance permits only one non-residential employee at the home.

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.

1. Any business involving the care of children should be managed by properly trained and licensed individuals to ensure the children are properly and safely cared for and that the business is operated in a safe location and manner. Therefore the applicant should maintain current licensing with the State of Utah, Tooele County and any other child care regulatory agency that addresses child care businesses in the home.
2. There is a potential in case of a fire or other calamity that the children may not be able to evacuate the structure in sufficient time or in a safe manner. The Tooele City Building Department inspects home based businesses to ensure proper building and safety codes are satisfied. The Tooele City Fire Department also inspects these businesses to ensure proper fire safety protocols.

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

proposed conditions:

1. The applicant shall keep current with any and all State of Utah and Tooele County licenses and regulations regarding home based childcare.
2. The applicant shall adhere to all safety requirements and protocols of the Tooele City Building and Fire Departments.

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 Alicia & Nathan Beddall, application number P20-609, subject to the following conditions:

1. The applicant shall keep current with any and all State of Utah and Tooele County licenses and regulations regarding home based childcare.
2. The applicant shall adhere to all safety requirements and protocols of the Tooele City Building and Fire Departments.

This recommendation is based on the following findings:

1. The proposed home occupation childcare business meets the requirements and provisions of the Tooele City Code.
2. The proposed home occupation childcare business not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
3. The proposed home occupation childcare business conforms to the general aesthetic and physical development of the area.
4. 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 Alicia & Nathan Beddall, authorizing a child care home occupation involving 8 to 16 children at 904 North 1300 East, application number P20-609, based on the findings and subject to the conditions listed in the Staff Report dated August 3, 2020:”

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

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Alicia & Nathan Beddall, authorizing a child care home occupation involving 8 to 16 children at 904 North 1300 East, application number P20-609, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

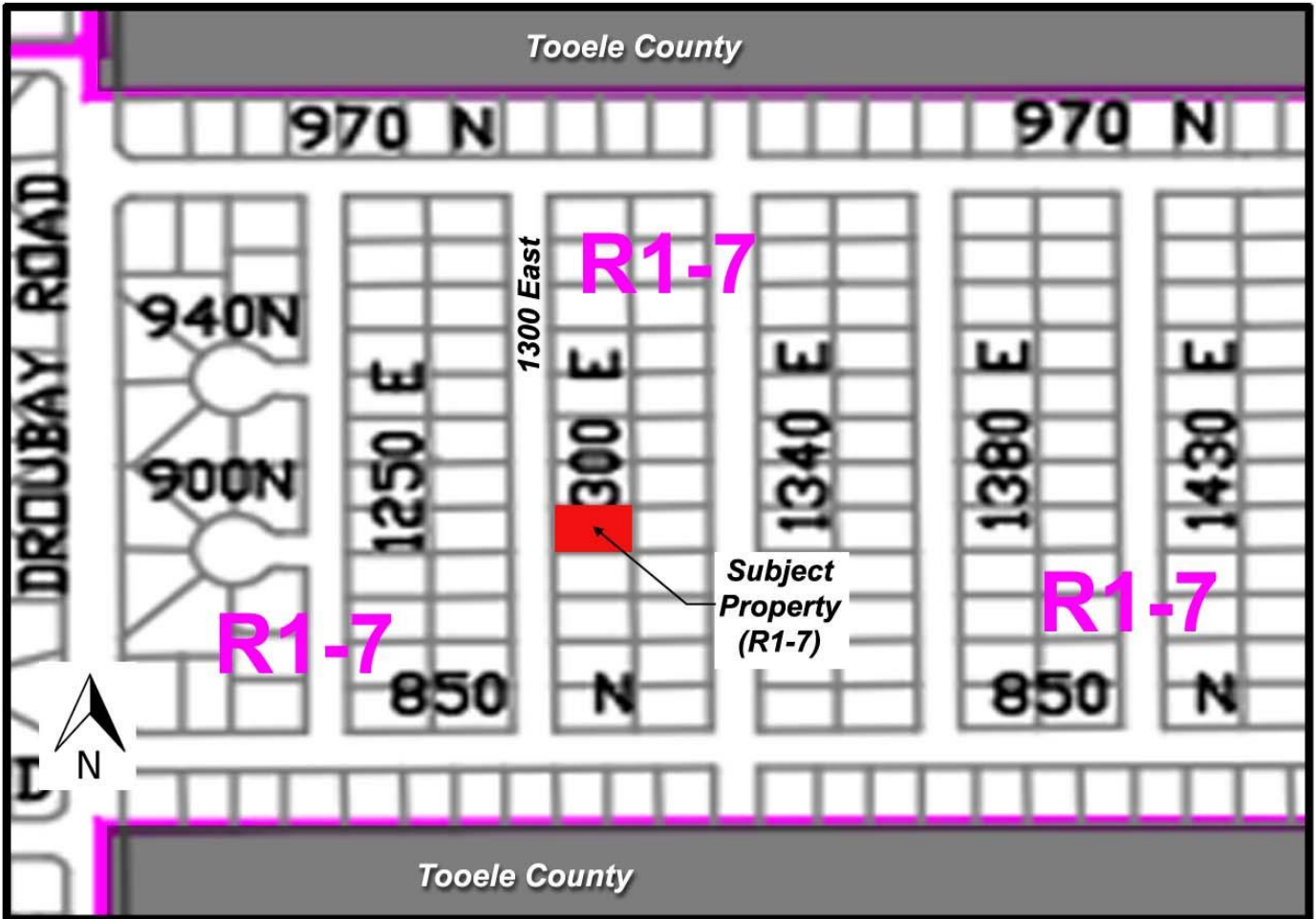
**MAPPING PERTINENT TO THE
BEDDALL'S CHILDCARE CONDITIONAL USE PERMIT**

Beddall's Childcare Conditional Use



Aerial View

Beddall's Childcare Conditional Use



Current Zoning

EXHIBIT B
APPLICANT SUBMITTED INFORMATION

P20-609

Conditional Use Permit Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139
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					
Date of Submission: 7/16/2020		Current Zoning:		Parcel #(s): 12-081-0-0418	
Project Name: Beddall's Childcare				Acres: 0.2	
Project Address: 904 N. 1300 E. Tooele UT 84074				Units:	
Project Description: Conditional use permit to increase number size for childcare					
Current Use of Property: Home of residence and childcare place of business					
Property Owner(s): Nathan & Alicia Beddall			Applicant(s): Alicia + Nathan Beddall		
Address: 904 North 1300 E			Address: " "		
City: Tooele	State: UT	Zip: 84074	City: Tooele	State: UT	Zip: 84074
Phone: (435)-840-1807			Phone: 435 435-840-1807		
Contact Person: Alicia Beddall			Address: 904 N 1300 E		
Phone: 435 840 -1807			City: Tooele	State: UT	Zip: 84074
Cellular: NA	Fax: /		Email: alicia beddall @outlook.com		
Signature of Applicant: A Beddall					
Date 7-15-2020					

*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.

2200608

For Office Use Only			
Fee: 150.00 (213)	Received By: CVA	Date Received: 7/16/20	Receipt #: 00380684

Loading & unloading

side walk

Drive way



904 1300 East

0E

OFF street parking
1300 E



904 1300 East

Property
lines

Back
yard
use
only.



904 1300 East



Property line

neighbors

neighbors

1300 E

1300 E

1300 E

neighbors



STAFF REPORT

8/4/2020

To: Tooele City Planning Commission
Business Date: 8/12/2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Little Blessings Daycare – Conditional Use Permit Request

Application No.: P20-594
Applicant: Molly Webb
Project Location: 805 South 780 West
Zoning: R1-7 Residential Zone
Acreage: .16 Acres (Approximately 6,969 ft²)
Request: Request for approval of a Conditional Use Permit in the R1-7 Residential zone regarding authorization of a child care home occupation involving 8 to 16 children.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately .16 acres located at 805 South 780 West. The property is currently zoned R1-7 Residential. The applicant is requesting that a Conditional Use Permit be approved to allow for a home occupation child daycare business involving 8 to 16 children at the home.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. The subject property is surrounded on all sides by single-family residential properties zoned R1-7 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Site Plan Layout and Business Plan. The applicant is proposing to operate a home based child daycare business and is requesting to have between 8 and 16 children and possibly one non-residential employee. The applicant will operate the business Monday through Friday from 6:00 a.m. to 6:00 p.m.. The applicant will be using rooms in both levels of the house for the daycare business. The rear yard of the property is enclosed with a solid wood fence.

The property has approximately 70 feet of frontage along 780 West where clients will be able to drop-off and pick-up their children. Unlike a preschool where there are defined sessions, daycares have staggered drop-off and pick-up times dependent upon the work schedules of the parents. The applicant has indicated that specific times for each parent will be per the contract with each parent and will minimize vehicle queuing and congestion.

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.

1. Any business involving the care of children should be managed by properly trained and licensed individuals to ensure the children are properly and safely cared for and that the business is operated in a safe location. Therefore the applicant should maintain current licensing with the State of Utah, Tooele County and any other regulatory agency that addresses child care businesses.
2. There is a potential in case of a fire or other calamity that the children may not be able to evacuate the structure in sufficient time or in a safe manner. The Tooele City Building Department inspects home based businesses to ensure proper building and safety codes are satisfied. The Tooele City Fire Department also inspects these businesses to ensure proper fire safety protocols.

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 proposed conditions:

1. The applicant shall keep current with any and all State of Utah and Tooele County licenses and regulations regarding home based childcare.
2. The applicant shall adhere to all safety requirements and protocols of the Tooele City Building and Fire Departments.

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 Molly Webb, application number P20-594, subject to the following conditions:

1. The applicant shall keep current with any and all State of Utah and Tooele County licenses and regulations regarding home based childcare.
2. The applicant shall adhere to all safety requirements and protocols of the Tooele City Building and Fire Departments.

This recommendation is based on the following findings:

1. The proposed home occupation childcare business meets the requirements and provisions of the Tooele City Code.
2. The proposed home occupation childcare business not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
3. The proposed home occupation childcare business conforms to the general aesthetic and physical development of the area.
4. 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 Molly Webb, authorizing a child care home occupation involving 8 to 16 children at 805 South 780 West, application number P20-594, based on the findings and subject to the conditions listed in the Staff Report dated 8/4/2020:”

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

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Molly Webb, authorizing a child care home occupation involving 8 to 16 children at 805 South 780 West, application number P20-594, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

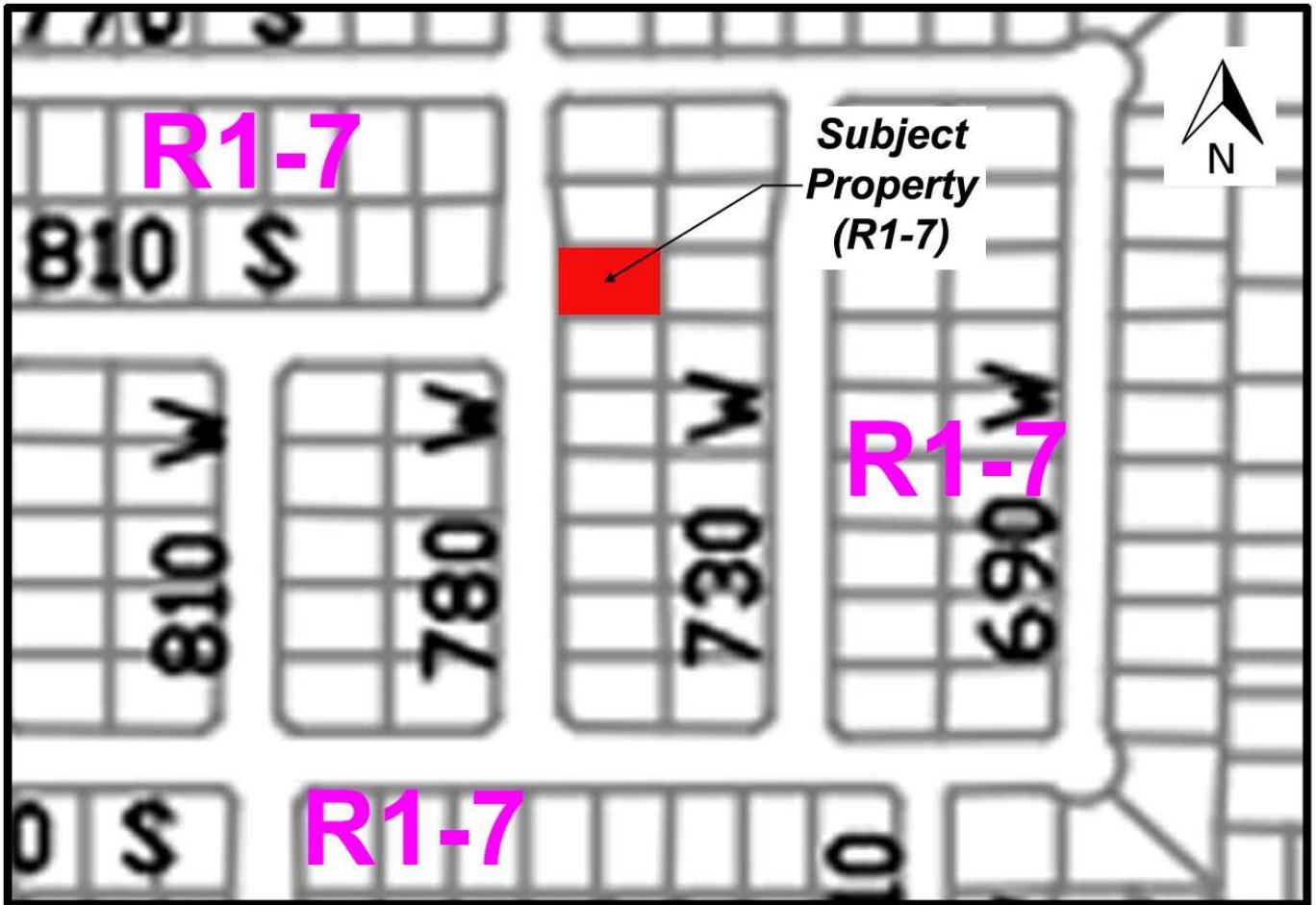
**MAPPING PERTINENT TO THE
LITTLE BLESSINGS DAYCARE CONDITIONAL USE PERMIT**

Little Blessings Daycare Conditional Use



Aerial View

Little Blessings Daycare Conditional Use



Current Zoning

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

720-594

Home Occupation Permit Application

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



Notice: The applicant must submit copies of the plans and documentation to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Home Occupation 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					
Date of Submission:		Current Zoning: R1-7 single family		Parcel #(s): 1201200542	
Project Name: Little Blessings Daycare				Acres: .16	
Project Address: 805 South 780 W, Tooele, UT				Units: one	
Project Description: provide daycare services Mon-Fri, 0600-1800					
Current Use of Property: Residential					
Property Owner(s): Molly Webb			Applicant(s): same		
Address: 805 S. 780 W.			Address:		
City: Tooele	State: UT	Zip: 84074	City:	State:	Zip:
Phone: 435-840-8769			Phone:		
Contact Person: Molly Webb			Address: 805 S. 780 W		
Phone:			City: Tooele	State: UT	Zip: 84074
Cellular: 435-840-8769	Fax:		Email: mauley@outlook.com		
Signature of Applicant: Molly Webb					
Date: 7/1/2020					

*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.

2200592

For Office Use Only			
Fee: \$150.00 (213)	Received By: CVT	Date Received: 7/13/20	Receipt #: 00380406

Little Blessings Daycare



Staggered drop-off/pick-up will be required per the parent contract to limit congestion.

STAFF REPORT

August 4, 2020

To: Tooele City Planning Commission
Business Date: August 12, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Oquirrh Brews – Conditional Use Permit Request

Application No.: P20-589
Applicant: Michelle Jensen
Project Location: 311 South Main Street
Zoning: MU-G Mixed Use General Zone
Acreage: 1.04 Acres (Approximately 45,302 ft²)
Request: Request for approval of an Conditional Use Permit in the MU-G Mixed Use General zone authorizing the use of “Accessory Drive Through Facility” with a proposed renovation of an existing structure on the property.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately 1.04 acres located at approximately 311 South Main Street. The property is currently zoned MU-G Mixed Use General. The applicant is requesting that a Conditional Use Permit be approved to allow for an “Accessory Drive Through Facility” for a new coffee shop to be located in an existing building 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. All surrounding properties are assigned the MU-G Mixed Use General Zoning designation and a utilized as both commercial and residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Site Plan Layout. This application is a continuation of the Pear Place, an application that previously requested to renovate the existing structure on the site for commercial uses. The applicant is still working on the Pear Place project and is now wishing to expand the renovation of existing structures on the site to an existing detached structure located east of the main building. The existing structure will be renovated or reconstructed to include the new Oquirrh Brews Coffee drive through. Vehicles will enter from Main Street and exit onto Garden Street (50 East). There is approximately 160 feet from the Oquirrh Brews structure to the edge of Main Street and could support approximately seven vehicles in a queueing lane. Given the success and current vehicle queueing witnessed at other small drive through coffee shops in Tooele City staff does anticipate that there will be vehicle queueing here but not enough that will impact SR-36.

It should be noted that the vehicle queueing lane will be through the access and parking lot for the Pear Place and could impact vehicle flow into and out of the site. However, this is all private property so any parking or circulation issues this creates between the Pear Place and the Oquirrh Brews would not be an issue the City would need to resolve.

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 :

1. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's engineering plan review, permitted, and inspection processes.
2. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely, particularly for connection into the City's public infrastructure, for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Public Works Department plan review, permitted, and inspection processes.
3. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's building plan review, permitted, and inspection processes.
4. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is

imperative that all construction and development activities comply with property regulations which can be assured through the City's Fire Department plan review, permitted, and inspection processes.

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.

Noticing. The applicant has expressed their desire to obtain a 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 Michelle Jensen, application number P20-589, subject to the following conditions:

1. That all requirements of the Tooele City Engineering Division shall be 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 Public Works Development shall be 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 Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.

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. 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 Michelle Jensen, authorizing an “Accessory Drive Through Facility” for 311 South Main Street, application number P20-589, based on the findings and subject to the conditions listed in the Staff Report dated August 4, 2020:”

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

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Michelle Jensen, authorizing an “Accessory Drive Through Facility” for 311 South Main Street, application number P20-589, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

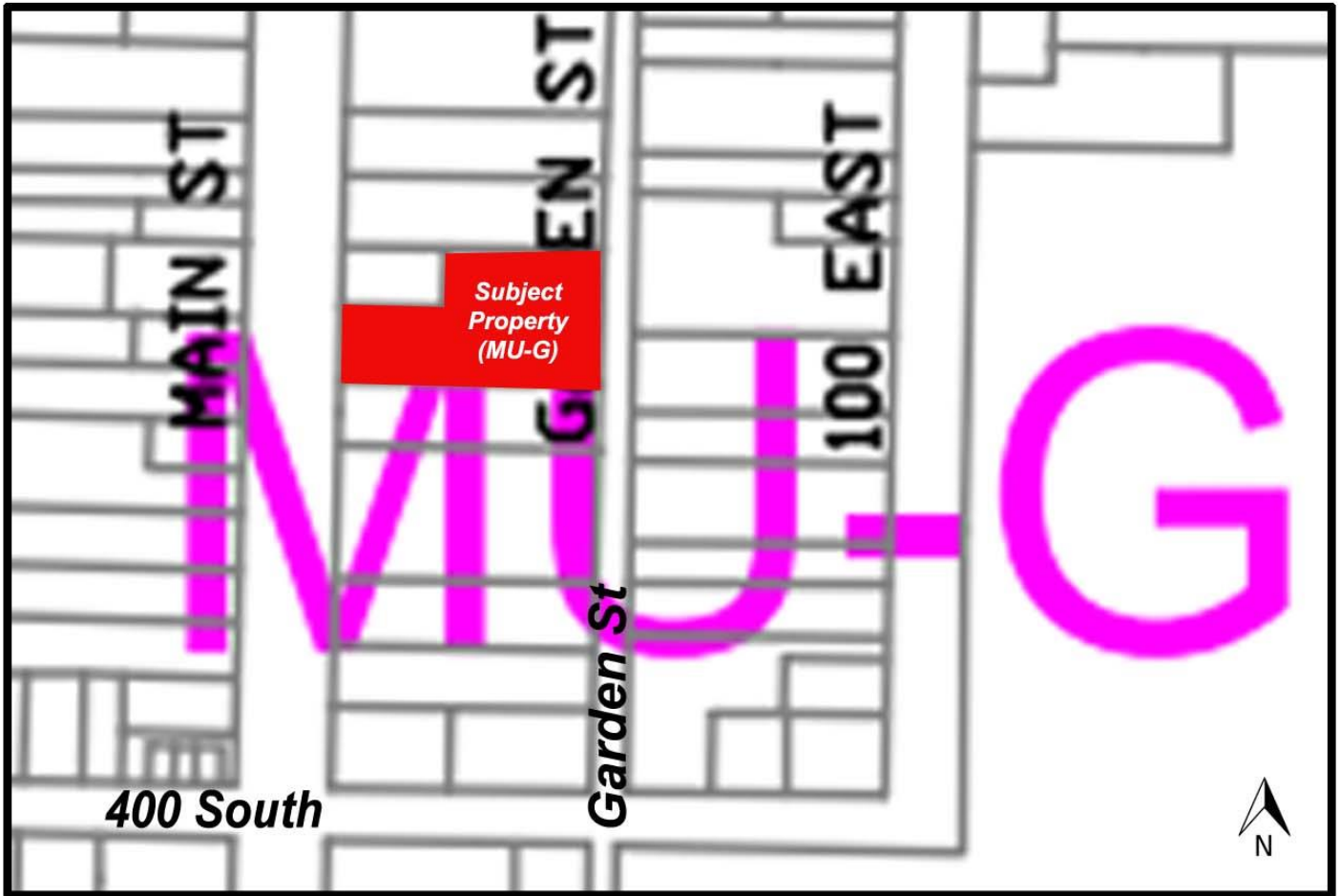
**MAPPING PERTINENT TO THE
OQUIRRH BREWS CONDITIONAL USE PERMIT**

Oquirrh Brews Conditional Use



Aerial View

Oquirrh Brews Conditional Use



Current Zoning

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

STAFF REPORT

August 4, 2020

To: Tooele City Planning Commission
Business Date: August 12, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Oquirrh Brews – Conditional Use Permit Request

Application No.: P20-589
Applicant: Michelle Jensen
Project Location: 311 South Main Street
Zoning: MU-G Mixed Use General Zone
Acreage: 1.04 Acres (Approximately 45,302 ft²)
Request: Request for approval of an Conditional Use Permit in the MU-G Mixed Use General zone authorizing the use of “Accessory Drive Through Facility” with a proposed renovation of an existing structure on the property.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately 1.04 acres located at approximately 311 South Main Street. The property is currently zoned MU-G Mixed Use General. The applicant is requesting that a Conditional Use Permit be approved to allow for an “Accessory Drive Through Facility” for a new coffee shop to be located in an existing building 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. All surrounding properties are assigned the MU-G Mixed Use General Zoning designation and a utilized as both commercial and residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Site Plan Layout. This application is a continuation of the Pear Place, an application that previously requested to renovate the existing structure on the site for commercial uses. The applicant is still working on the Pear Place project and is now wishing to expand the renovation of existing structures on the site to an existing detached structure located east of the main building. The existing structure will be renovated or reconstructed to include the new Oquirrh Brews Coffee drive through. Vehicles will enter from Main Street and exit onto Garden Street (50 East). There is approximately 160 feet from the Oquirrh Brews structure to the edge of Main Street and could support approximately seven vehicles in a queueing lane. Given the success and current vehicle queueing witnessed at other small drive through coffee shops in Tooele City staff does anticipate that there will be vehicle queueing here but not enough that will impact SR-36.

It should be noted that the vehicle queueing lane will be through the access and parking lot for the Pear Place and could impact vehicle flow into and out of the site. However, this is all private property so any parking or circulation issues this creates between the Pear Place and the Oquirrh Brews would not be an issue the City would need to resolve.

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 :

1. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's engineering plan review, permitted, and inspection processes.
2. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely, particularly for connection into the City's public infrastructure, for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Public Works Department plan review, permitted, and inspection processes.
3. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's building plan review, permitted, and inspection processes.
4. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is

imperative that all construction and development activities comply with property regulations which can be assured through the City's Fire Department plan review, permitted, and inspection processes.

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.

Noticing. The applicant has expressed their desire to obtain a 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 Michelle Jensen, application number P20-589, subject to the following conditions:

1. That all requirements of the Tooele City Engineering Division shall be 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 Public Works Development shall be 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 Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.

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. 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 Michelle Jensen, authorizing an “Accessory Drive Through Facility” for 311 South Main Street, application number P20-589, based on the findings and subject to the conditions listed in the Staff Report dated August 4, 2020:”

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

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Michelle Jensen, authorizing an “Accessory Drive Through Facility” for 311 South Main Street, application number P20-589, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

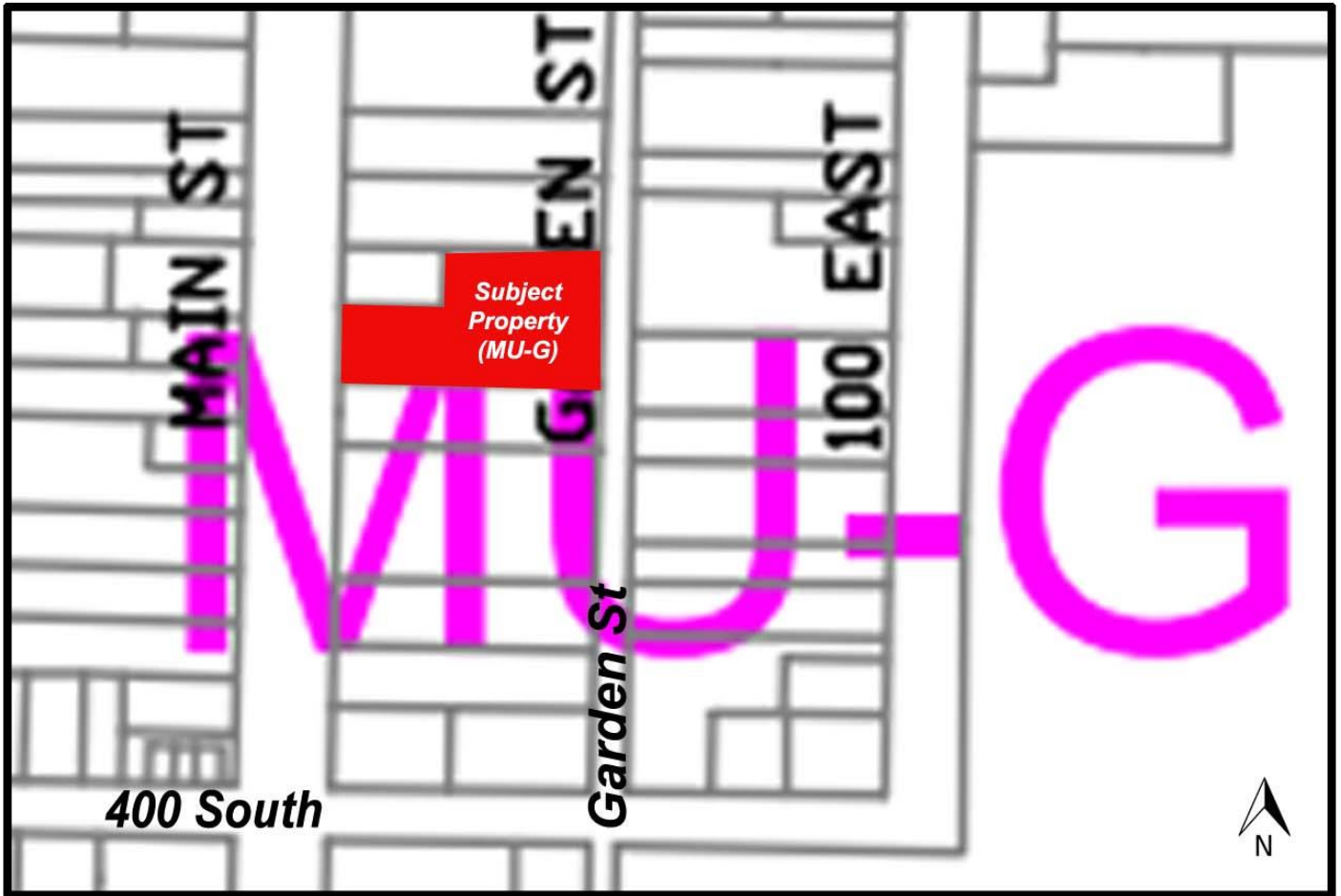
**MAPPING PERTINENT TO THE
OQUIRRH BREWS CONDITIONAL USE PERMIT**

Oquirrh Brews Conditional Use



Aerial View

Oquirrh Brews Conditional Use



Current Zoning

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



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						
Date of Submission:	7/10/20	Current Zoning:	Multi	Parcel #(s):	P20-589 02-058-0-0007	
Project Name:	Oquirrh Brews			Acre(s):	1.04	
Project Address:	311 S Main Street Tooele, UT 84074			Units:		
Project Description:	Tennett Renovation: coffee shop drive-thru					
Current Use of Property:	Event Center, Retail					
Property Owner(s):	Weston & Michelle Jensen		Applicant(s):	same		
Address:	895 Npland Drive		Address:			
City:	Tooele	State:	UT	Zip:	84074	
Phone:	435-830-8694		Phone:			
Contact Person:	Michelle Jensen		Address:			
Phone:	435-830-8694		City:		Zip:	
Cellular:		Fax:		Email:	theppearplace@hotmail.com	
Signature of Applicant:					Date	7/10/20

*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.

2200586

For Office Use Only			
Fee:	600 ⁰⁰	Received By:	00380279
	(213)	Date Received:	7-10-20
		Receipt #:	JA

PARKING DATA TABLE	
STANDARD PARKING STALLS PROVIDED	8
STANDARD PARKING STALLS REQUIRED	8
HANDICAP STALLS PROVIDED	1
TOTAL STALLS PROVIDED	7

*BUSINESS USE

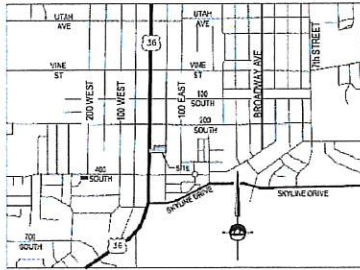
GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. ALL PAVEMENT FINISHES SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
4. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SURBS, 100' FENCES, TALLETS AND STRUCTURES, USE THEN OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
5. NOTIFY ENGINEER OF ANY DISCONTINUES UNDER OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
6. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

SCOPE OF WORK:

PROVIDE, INSTALL, PROVIDE, CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED. THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS.

- 1 ASPHALT PAVEMENT: 3" THICK ASPHALTIC CONCRETE WITH 1" UNPREPARED BASE COURSE AND DETAIL 1, C2.5
- 2 4" THICK CONCRETE SIDEWALK PER APPA STANDARD PLAN NO. 231 AND SPECIFICATIONS
- 3 IRON ENCLASURE WITH 6" THICK CONCRETE APPROX. 4" WITH A REBAR @ 24" O.C. E.V. ON 6" GRAVEL BASE, FOR DETAILS 14 & 17, C3.0
- 4 NOT USED
- 5 NOT USED
- 6 6" TYPE "P" CURB WALL PER APPA STANDARD PLAN NO. 209 AND SPECIFICATIONS
- 7 EXISTING OR NEW DAY APPROACH TO REAR
- 8 HANDICAP ACCESS MAPPER PER APPA STANDARD PLAN NO. 225
- 9 2" WIDE SOLID WHITE PAVEMENT MARKING PER M.U.T.C.D. STANDARD PLANS
- 10 PAINTED ADA SYMBOL AND ASSOCIATED MARKING PER M.U.T.C.D. STANDARD PLANS
- 11 HANDICAP PARKING SIGN PER M.U.T.C.D. 3 MARKED PLANS
- 12 PAINTED LANE USE ARROWS PER M.U.T.C.D. STANDARD PLANS
- 13 72X 60X 1/2" GRATED LID
- 14 24X 24X 6" SQUARE LID ABOVE 6" 1/2" X 1/2" 27" DIAMETER DEEP GRAVEL SWAMP PER DETAIL 18, C3.0
- 15 INSTALL 1/2" CONCRETE ENHSEL STOP (1/2") PER DETAIL 14 TYPE R, C3.0
- 16 INSTALL 1/2" HP STORM STORAGE PIPE, SLOPE 1% MIN. TO SWAMP, PROVIDE MIN. 2" OF COVER
- 17 PROVIDE CONCRETE WATER WAY PER DETAILS 19 & 20, C2.5
- 18 INSTALL 180X 180X 180 SEPARATION PER DETAIL 13, C3.0

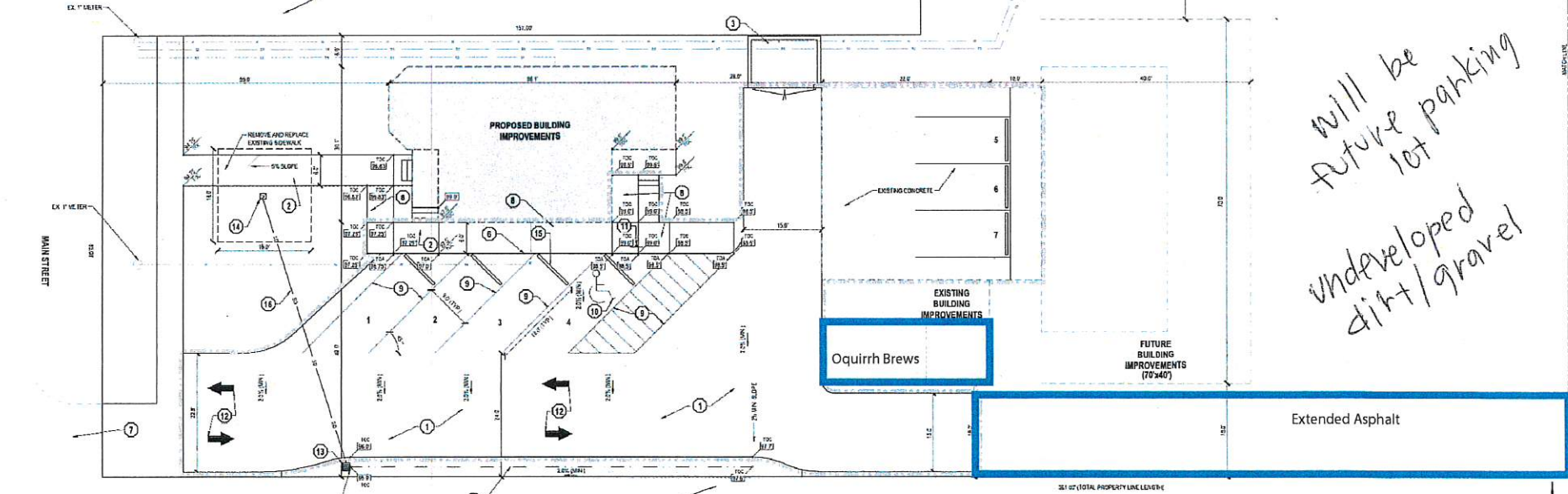


LEGEND

- EXISTING WATER LINE
- PROPERTY LINE
- EXISTING SEWER LINE
- EDGE OF ASPHALT
- EXISTING CONCRETE
- DRAINAGE AREA

384.02 (TOTAL PROPERTY LINE LENGTH)

DRAINAGE CALCULATION FOR THE PEAR PLACE					
LOCATION:	THE PEAR PLACE PROJECT NO. 8344				
BY:	J. C. COO				
DATE:	11-19-2015				
AREA CALCULATIONS					
LANDSCAPE AREA (A _L)	0.25 acres				
PAVED AND ROOF AREA (A _P)	2.13 acres				
GRAVEL AREA (A _G)	0.75 acres				
TOTAL AREA (A _T)	3.13 acres				
AREA COEFFICIENTS					
C _L	0.20				
C _P	0.85				
C _G	0.85				
TOTAL C	0.85				
TOTAL Q = (A _L × C _L + A _P × C _P + A _G × C _G) × I					
CALCULATED RUNOFF					
2.02 cfs					
MINUTES	CA	I (44)	CUMULATIVE RUNOFF	ALLOWABLE RUNOFF	STORAGE (ft³)
15	0.17	4.12	994	4.12	14
24	0.17	2.77	806	6.89	27
30	0.17	1.72	562	8.61	54
36	0.17	0.92	362	9.53	84
72	0.17	0.21	43	1.55	648
144	0.17	0.13	26	1.17	1,296
NOTE: 144 Year 24 hour storm					
STORAGE REQUIRED (ft³)				1,011	
STORAGE PROVIDED (ft³)				1,296	
				Surplus volume	
				Total	
OUTLET CONTROL					
Q = (area as R 3) (peak discharge) (100 cfs/min) (112 cfs)		Surge Area		154.6	
Surge volume = 3 (surge area) (surge depth) (width) (rate)		Peak (min/in)		3.0	
outlet ratio = 0.49		minimum		0.50	
		Q (cfs)		0.50	
Outlet: 18" x 18" x 10' deep gravel sump					
South Sump					



will be future lot parking

undeveloped dirt/gravel

Garden Street

STAFF REPORT

August 4, 2020

To: Tooele City Planning Commission
Business Date: August 12, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Diamond A Properties Impound Lot – Conditional Use Permit Request

Application No.: P20-639
Applicant: Amber Snyder
Project Location: 318 South 1200 West
Zoning: I Industrial Zone
Acreage: 3.18 Acres (Approximately 138,520 ft²)
Request: Request for approval of a Conditional Use Permit in the I Industrial zone regarding establishing the use of the property as an “Auto Impound Yard.”

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately 3.18 acres located at 318 South 1200 West. The property is currently zoned I Industrial. The applicant is requesting that a Conditional Use Permit be approved to permit an “Auto Impound Yard” on the site. The applicant will be using the property for various towing companies as a place to store impounded vehicles. Auto impound yards are permitted in the Industrial zoning district with a Conditional Use Permit approved by the Planning Commission after a public hearing.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Industrial land use designation for the subject property. The property has been assigned the I Industrial zoning classification. Properties to the north, south and east are all zoned LI Light Industrial. Properties to the west are located in unincorporated Tooele County and carry a zoning designation of MD Manufacturing and Distribution. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Site Plan Layout and Vehicle Storage. The front half of the property is developed with an industrial / commercial building and associated parking areas and equipment storage areas. The western half of the property is undeveloped. The applicant wishes to use a 110 foot by 296 foot rectangle totaling about 32,000 square feet, or nearly 2/3 of an acre as a vehicle impound lot.

There will be multiple towing companies such as Bridger Towing, Baur & Baur, Hudson Towing, and Zac’s Towing along with a few others that will use the impound lot. Conditional Use permits are attached with the land and not with any particular business. Therefore the CUP should be sufficient for all towing companies that wish to use the property to impound vehicles.

Fencing. There is an existing chain link fence with barbed wire at the top surrounding the property. The applicant stated that they are willing to add slats to the fence for visual screening if necessary. Given the surrounding land uses already being industrial and involving the storage of vehicles and material staff does not see screening as a necessity.

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 :

1. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's engineering plan review, permitted, and inspection processes.
2. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely, particularly for connection into the City's public infrastructure, for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Public Works Department plan review, permitted, and inspection processes.
3. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's building plan review, permitted, and inspection processes.

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.

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 Amber Snyder, application number P20-639, subject to the following conditions:

1. That all requirements of the Tooele City Engineering Division shall be 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 Public Works Development shall be 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 Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.

This recommendation is based on the following findings:

1. The proposed development plans meet the requirements and provisions of the Tooele City Code.
2. 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.
3. The proposed development conforms to the general aesthetic and physical development of the area.
4. 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 Amber Snyder, to authorize an “Auto Impound Yard” at 318 South 1200 West, application number P20-639, based on the findings and subject to the conditions listed in the Staff Report dated August 4, 2020:”

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

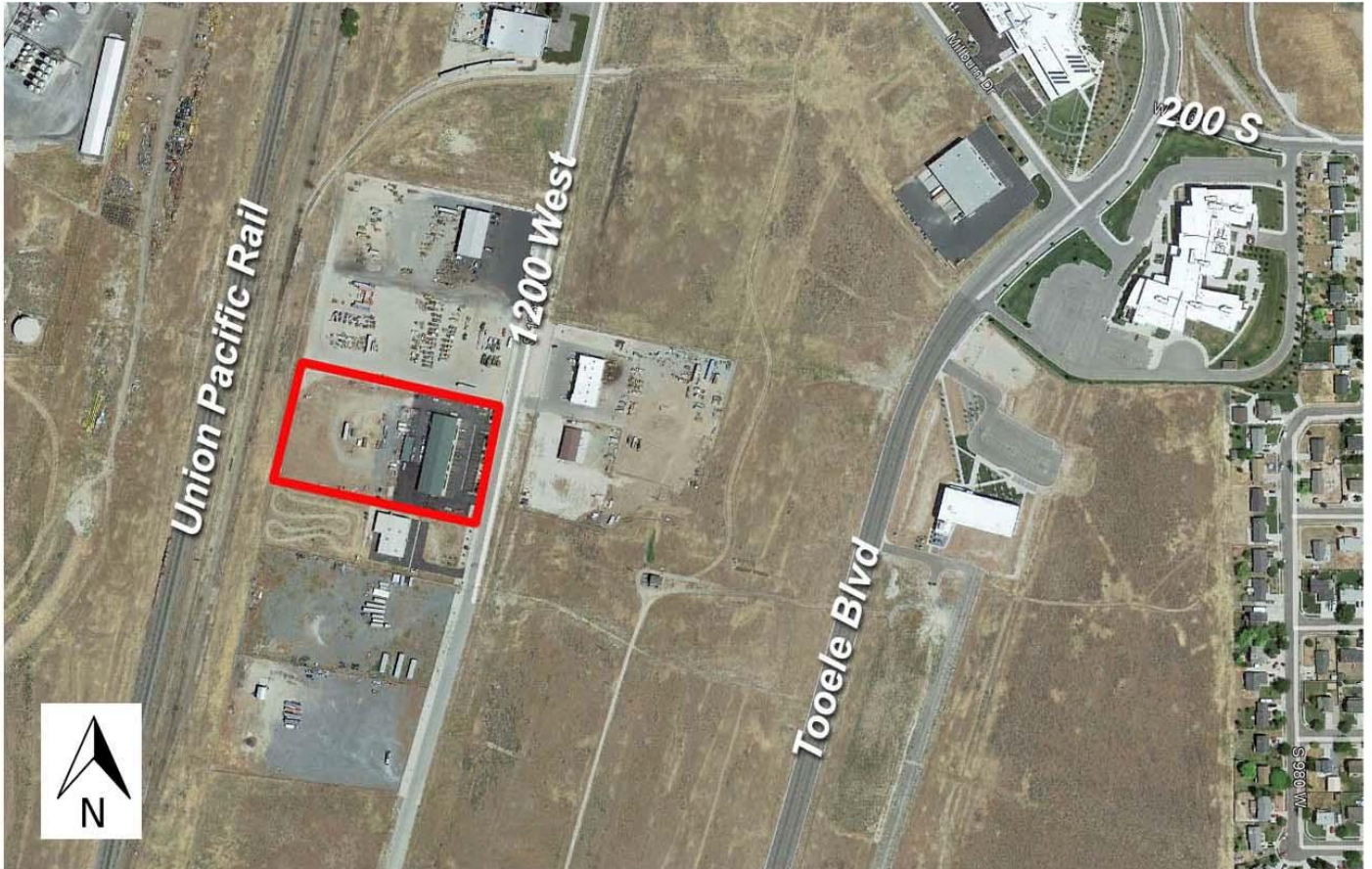
Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Amber Snyder, to authorize an “Auto Impound Yard” at 318 South 1200 West, application number P20-639, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

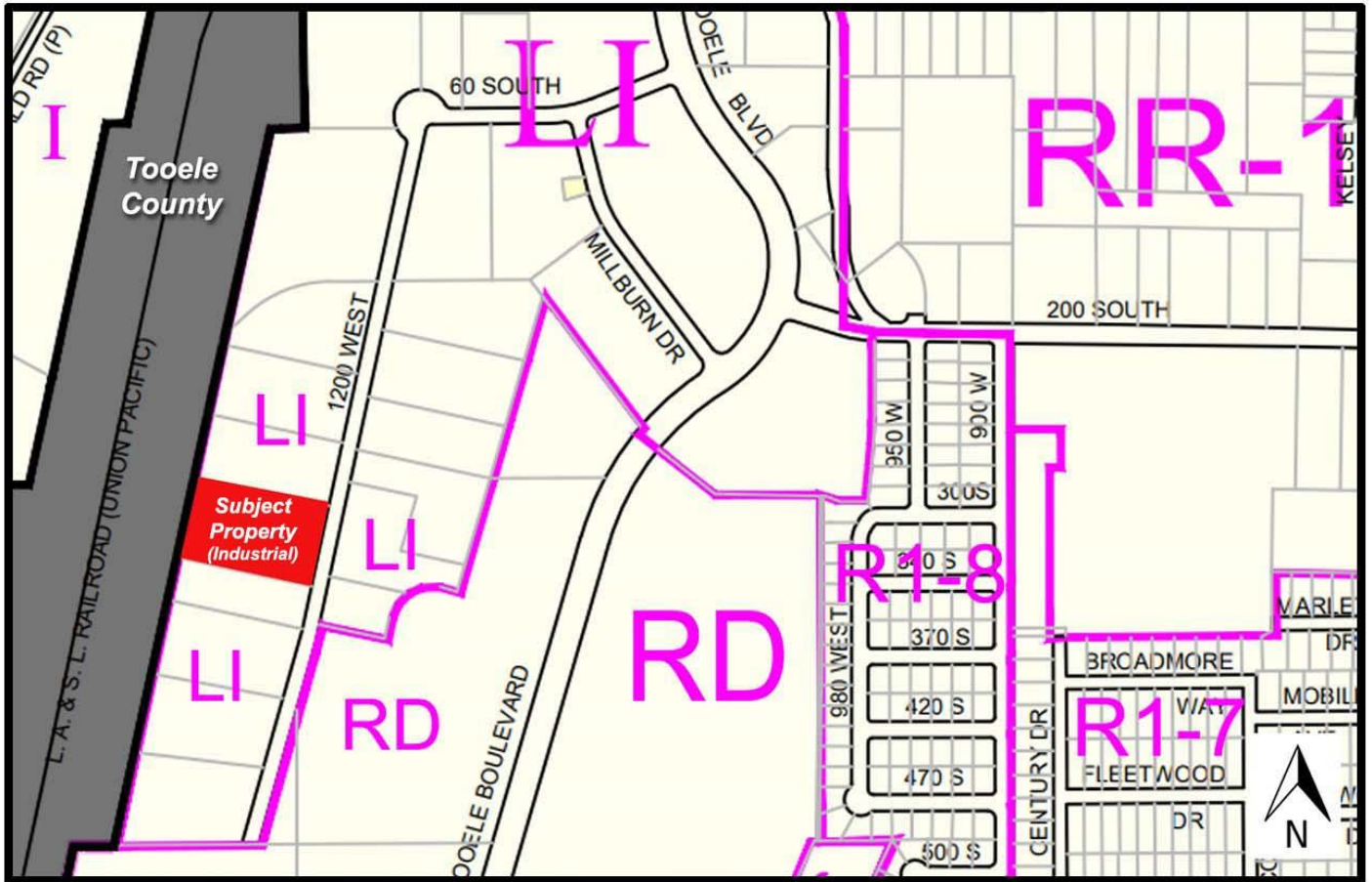
**MAPPING PERTINENT TO THE
DIAMOND A PROPERTIES IMPOUND LOT CONDITIONAL USE PERMIT**

Diamond A Properties Conditional Use



Aerial View

Diamond A Properties Conditional Use



Current Zoning

EXHIBIT B
APPLICANT SUBMITTED INFORMATION

Combined: Bridger/Baur/Hudson/Zacs

P20-639

Conditional Use Permit Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139
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					
Date of Submission: 07/17/20		Current Zoning: I		Parcel #(s): A-084-0-0307	
Project Name: Bridger towing Impound lot				Acres: 3.18	
Project Address: 318 SOUTH 1200 WEST				Units: outdoor storage	
Project Description: State-approved impound lot					
Current Use of Property: outside storage					
Property Owner(s): Diamond A Properties			Applicant(s): Bridger TOWING		
Address: 318 SOUTH 1200 WEST			Address: 2050 WALL AVE.		
City: TOOELE	State: UT	Zip: 84074	City: OGDEN	State: UT	Zip: 84401
Phone: (435) 843-0185			Phone: (801) 710-2747		
Contact Person: Amber Snyder			Address: 1517 CALVER CT DR.		
Phone: (801) 645-6013			City: OGDEN	State: UT	Zip: 84404
Cellular: (801) 645-6013	Fax: (801) 399-1180		Email: Amber.d.snyder13@gmail.com		
Signature of Applicant: Amber Snyder					
					Date: 07/17/20

*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 of his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

2200636

For Office Use Only			
Fee: 600.00 (213)	Received By:	Date Received: 7/21/2020	Receipt #: 00350852

Existing fence
PDS slatted fence



STAFF REPORT

August 6, 2020

To: Tooele City Planning Commission
Business Date: August 12, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Lexington Greens 5 Lot Minor Subdivision – Subdivision Plat Amendment Request

Application No.: P20-372
Applicant: Charles Akerlow, representing Zenith Tooele, LLC
Project Location: Approximately 400 West 1000 North
Zoning: MR-16 Multi-Family Residential Zone
Acreage: 32.24 Acres (Approximately 1,404,374 ft²)
Request: Request for approval of a Subdivision Plat Amendment in the MR-16 Multi-Family Residential zone amending the Lexington at Overlake 5 Lot Minor Subdivision Plat.

BACKGROUND

This application is a request for approval of a Subdivision Plat Amendment for approximately 32.24 acres located, at approximately 400 West 1000 North. The property is currently zoned MR-16 Multi-Family Residential. The applicant is requesting that a Subdivision Plat Amendment be approved to amend the existing Lexington At Overlake 5 Lot Minor Subdivision Plat.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Multi-Family Residential land use designation for the subject property. The property has been assigned the MR-16 Multi-Family Residential zoning classification, supporting approximately 16 dwelling units per acre. The purpose of the MR-16 zone is to “provide an environment and opportunities for high density residential uses, including single family detached and attached residential units, apartments, condominiums and townhouses.” The MR-16 Multi-Family Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Multi-Family Residential land use designation. Properties to the north, west and east are zoned R1-7 Residential. Properties to the south are zoned NC Neighborhood Commercial. All surrounding properties are currently vacant, undeveloped land. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. The original subdivision plat established property lines for lots ranging in sizes from 5.2 acres up to 7.5 acres for the purposes of ownership and future development. The proposed plat amendment shifts some of the lot lines and reconfigures the subdivision plat. The plat still involves five lots with the biggest difference being lot 102 has increased in size up to 11 acres and lot 3 has been reduced in size to nearly 2 acres.

This subdivision plat amendment also includes dedication of Franks Drive and Berra Boulevard right-of-way as a public street.

Criteria For Approval. The criteria for review and potential approval of a Subdivision Plat Amendment request is found in Sections 7-19-10, 11 and 35 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Minor Subdivision submission and has issued a recommendation for approval for the request with the following proposed conditions:

1. This subdivision plat amendment is solely for the purpose of establishing new property lines for ownership as well as dedication of right-of-way for Franks Drive and Berra Boulevard. This plat does not entitle any development or construction. All entitlements and developability, including infrastructure, easements, and property dedications as needed, must be established through further land use applications and approvals according to the Tooele City Code.

Engineering Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Minor Subdivision submission and have issued a recommendation for approval for the request with the following proposed condition:

1. Prior to recordation of the Final 5 lot minor subdivision plat, the developer will provide all required out of plat public utility, drainage and ingress and egress easements, as shown on the plat.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Subdivision Plat Amendment by Charles Akerlow, representing Zenith Tooele, LLC, application number P20-372, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be 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 shall be 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 shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. The developer of the parcel(s) will be required to provide all road dedications, water rights, utility improvements and all other improvements and dedications required with a standard subdivision or site plan development when each parcel develops.
6. Each parcel will be required to undergo all required subdivision approvals when each parcel develops.
7. This plat does not entitle any development or construction.
8. All entitlements and developability, including infrastructure, easements, and property dedications as needed, must be established through further land use applications and approvals according to the Tooele City Code.
9. Prior to recordation of the Final 5 lot minor subdivision plat, the developer will provide

all required out of plat public utility, drainage and ingress and egress easements, as shown on the plat.

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.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Lexington Greens 5 Lot Minor Subdivision Subdivision Plat Amendment Request by Charles Akerlow, Zenith Tooele, LLC thus amending the Lexington at Overlake 5 Lot Minor Subdivision, application number P20-372, based on the findings and subject to the conditions listed in the Staff Report dated August 6, 2020:”

1. List any additional findings and conditions...

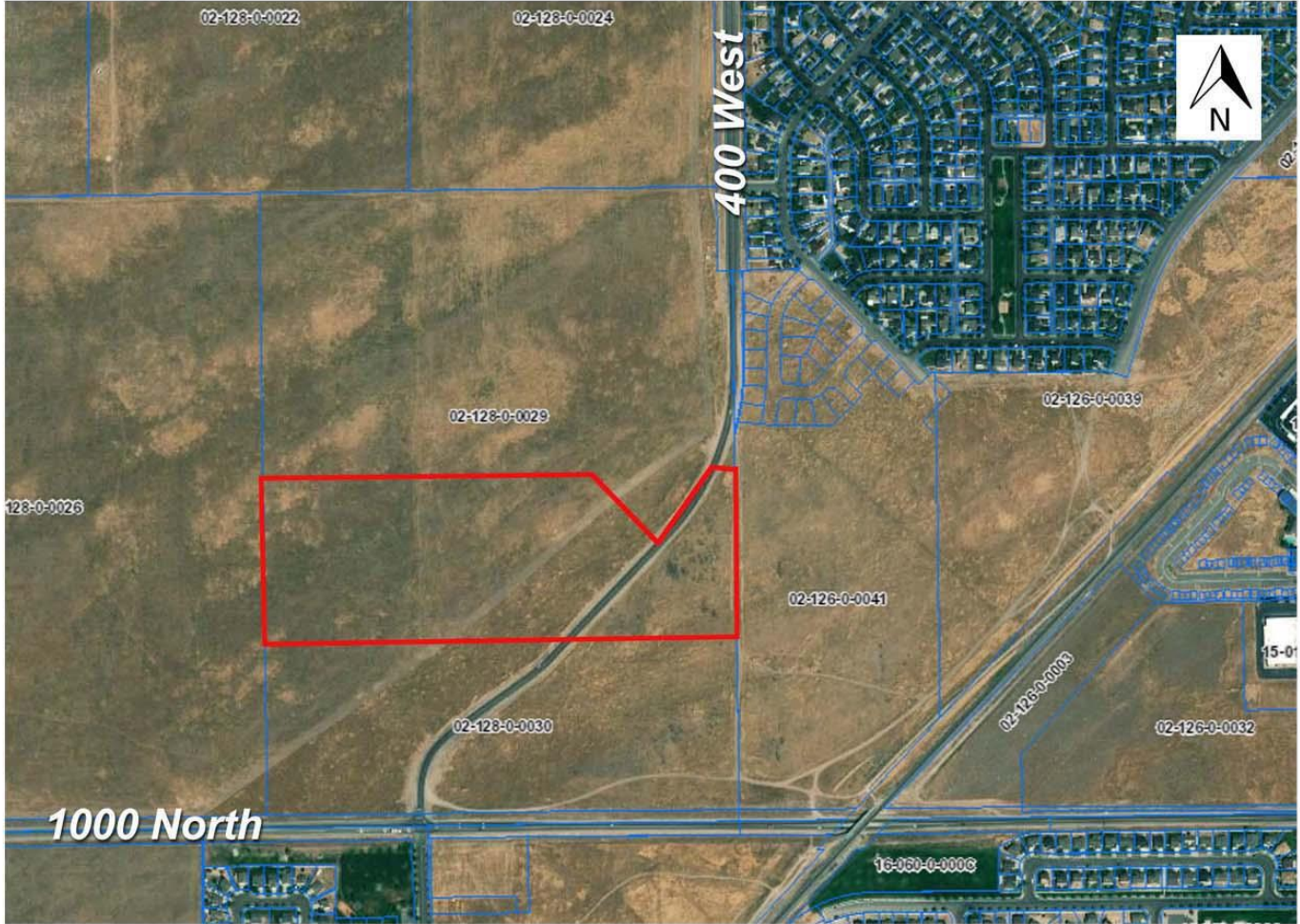
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Lexington Greens 5 Lot Minor Subdivision Subdivision Plat Amendment Request by Charles Akerlow, Zenith Tooele, LLC thus amending the Lexington at Overlake 5 Lot Minor Subdivision, application number P20-372, based on the following findings:”

1. List findings...

EXHIBIT A

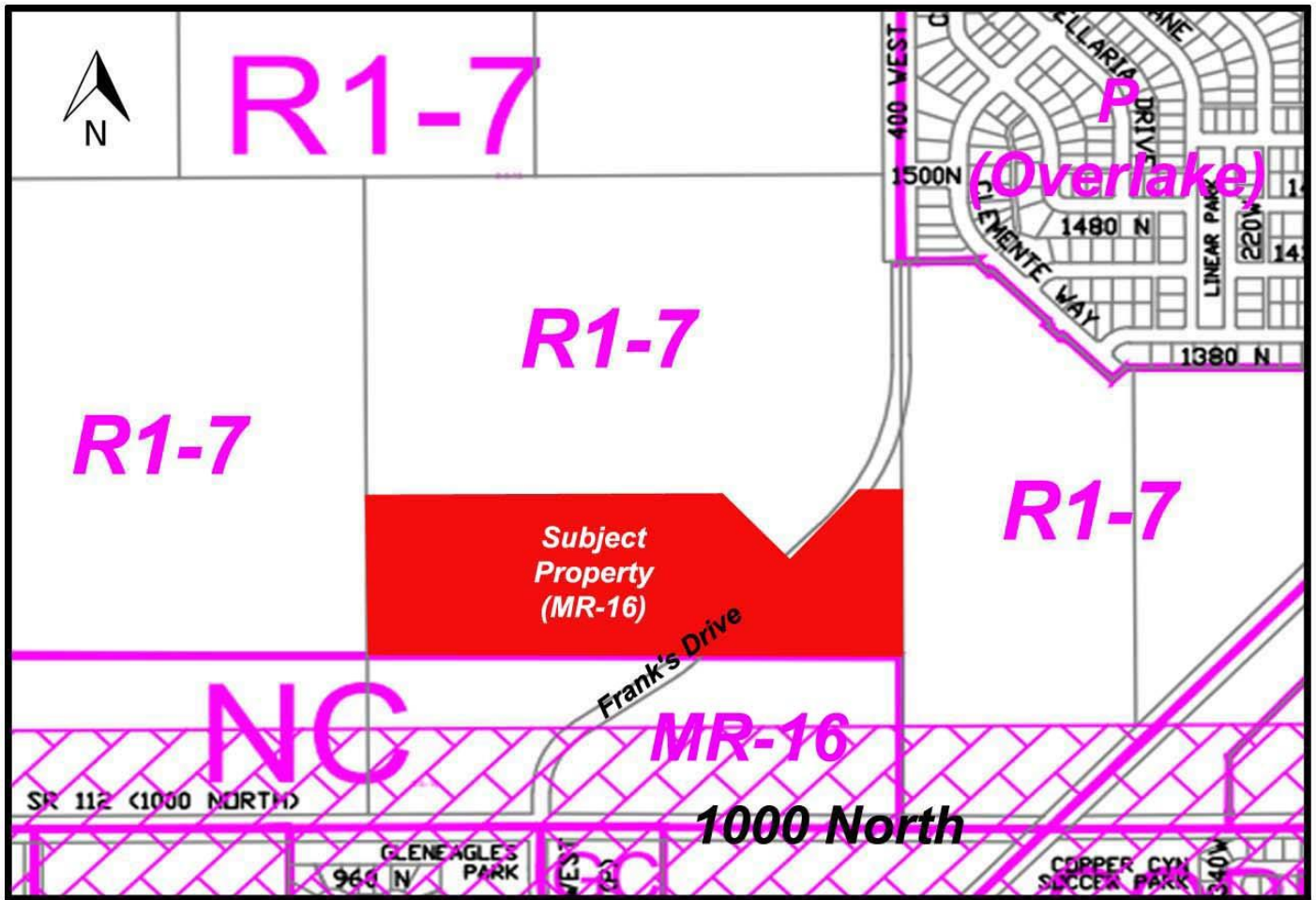
**MAPPING PERTINENT TO THE LEXINGTON GREENS 5 LOT MINOR
SUBDIVISION SUBDIVISION PLAT AMENDMENT**

Lexington Greens 5 Lot Minor Subdivision Plat Amendment



Aerial View

Lexington Greens 5 Lot Minor Subdivision Plat Amendment



Current Zoning

EXHIBIT B

PROPOSED DEVELOPMENT PLANS

Amended

Subdivision - Final Plat Application
 Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecity.org



Notice: The applicant must submit copies of the plat and plans to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a set of final plat and plans are submitted, the plat and plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plat and plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted final plat and plan proposals shall be reviewed in accordance with the Tooele City Code. Submission of final plat and plans in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is strongly advised that all plans be submitted well in advance of any anticipated deadlines.

P20-372

Project Information											
Date of Submission:	4/24/20	Submittal #:	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	Zone:	MR-16	Acres:	32.24	Parcel #(s):			
Project Name:	Lexington Greens 5 lot minor subdivision										
Project Address:	400 W. 1000 N. West of Franks Drive, South of 1300 North										
Project Description:	5 lot minor subdivision			Phases:		Lots:	5				
Property Owner(s):	Zenith Tooele, LLC			Applicant(s):	Zenith Tooele, LLC						
Address:	2040 Murray Holladay Rd #204			Address:	2040 Murray Holladay Rd #204						
City:	Salt Lake City	State:	UT	Zip:	84117	City:	SLC	State:	UT	Zip:	84117
Phone:		Email:	Charles@ZenithPartners.org								
Contact Person:	Charles Akerlow			Address:	2040 Murray Holladay Rd #204						
Phone:	801-913-5959			City:	SLC	State:	UT	Zip:	84117		
Cellular:		Fax:		Email:	Charles@ZenithPartners.org						
Engineer & Company:	Ensign Engineering			Surveyor & Company:	Ensign Engineering						
Address:	169 N Main St			Address:	"						
City:	Tooele	State:	UT	Zip:	84074	City:	"	State:	"	Zip:	"
Phone:	435-843-3590			Email:	DKinsman@ensignutah.com			Phone:	"	Email:	"

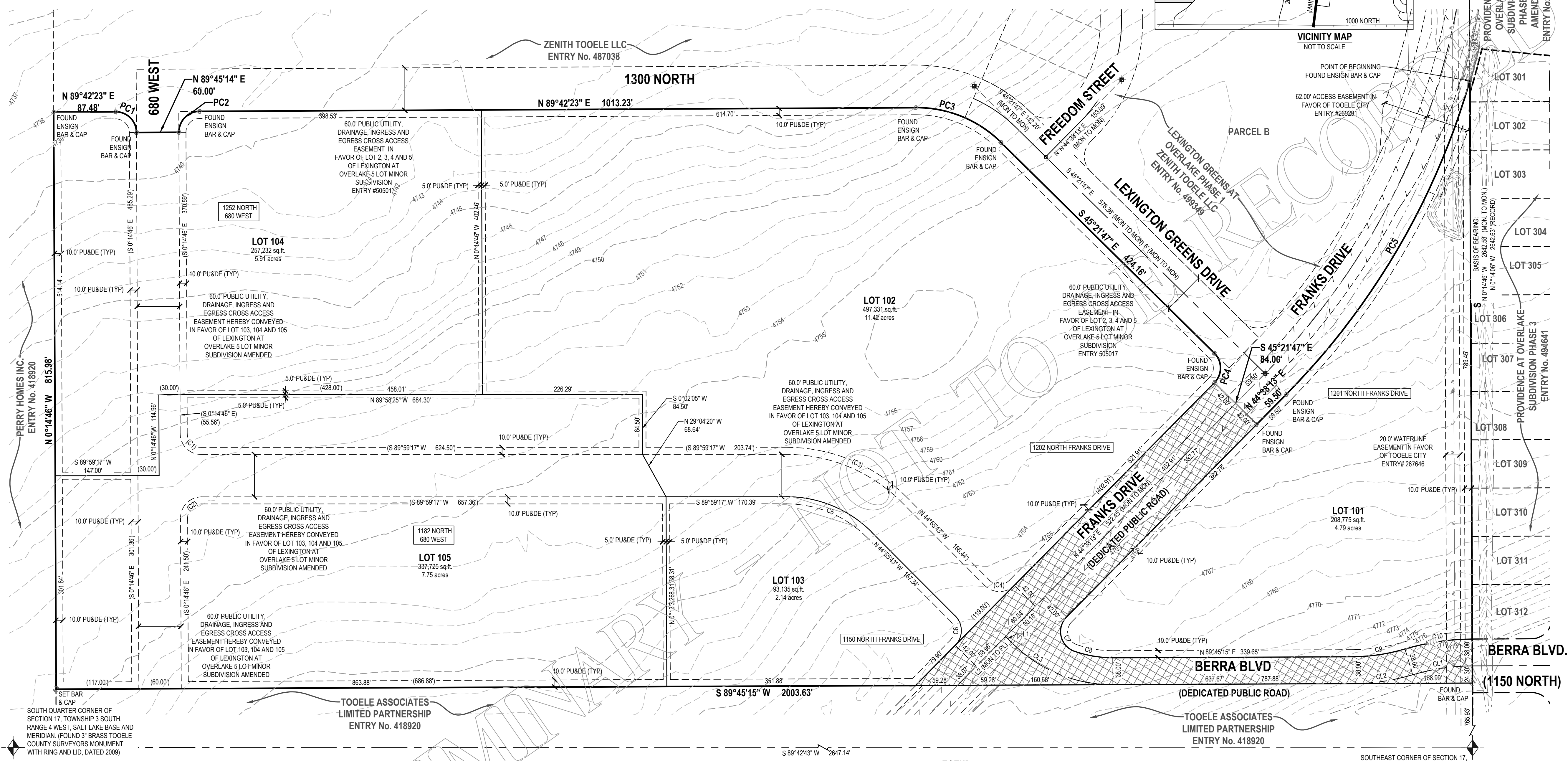
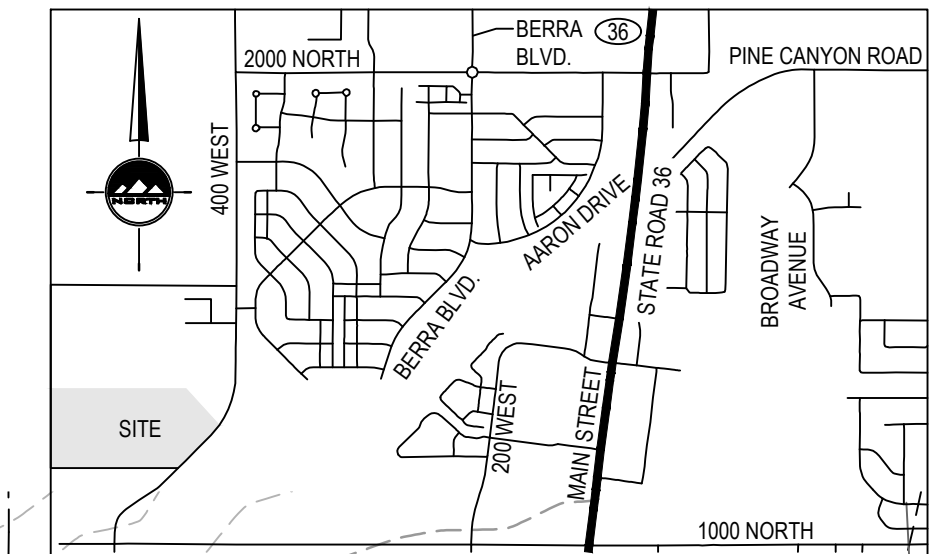
*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This 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.

For Office Use Only					
Land Use Review:	Date:	Water Superintendent Review:	Date:	City Engineer Review:	Date:
Planning Review:	Date:	Reclamation Superintendent Review:	Date:	Director Review:	Date:
Fire Flow Test					
Location:		Residual Pressure:		Flow (gpm):	Min. Required Flow (gpm):
Performed By:		Date Performed:		Corrections Needed:	Comments Returned: Date:
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

LINE TABLE			CENTER LINE CURVE TABLE					
LINE	BEARING	LENGTH	CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
L1	N44°55'43"W	13.20'	CL1	300.00'	85.64'	16°21'24"	S81°34'18"W	85.35'
L2	N44°38'13"E	97.03'	CL2	300.00'	85.67'	16°21'39"	N81°34'25"E	85.37'
			CL3	200.00'	158.19'	45°19'02"	S67°35'14"E	154.10'

LEXINGTON AT OVERLAKE 5 LOT SUBDIVISION PRELIMINARY PLAT

LOCATED IN THE
SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH,
RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAH

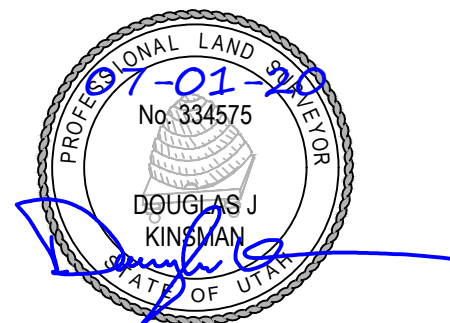


SURVEYOR'S CERTIFICATE
I, Douglas J. Kinsman, do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 334575, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as LEXINGTON AT OVERLAKE 5 LOT MINOR SUBDIVISION, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

A parcel of land, situate in the Southeast Quarter of Section 17, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and in Tooele County, Utah, more particularly described as follows:
Beginning at a point on the West line of "Providence at Overlake Subdivision Phase 2 Amended" recorded in the Tooele County Recorder's Office as entry number 482225, book 20, page 56, also located on the Section line, which is located South 0°14'46" East 1024.50 feet along the Section line from the East Quarter Corner of Section 17, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:
thence South 0°14'46" East 851.74 feet along the Westerly boundary of said Providence at Overlake Subdivision Phase 2 Amended, to and along "Providence at Overlake Subdivision Phase 3" recorded in the Tooele County Recorder's Office as entry number 494641, book 20, page 90, also along the Section line;
thence South 89°45'15" West 2003.63 feet;
thence North 0°14'46" West 815.98 feet;
thence North 89°42'23" East 87.48 feet;
thence Southeastly 46.26 feet along the arc of a 29.50-foot radius tangent curve to the right (center bears South 0°17'37" West, and the long chord bears South 45°21'58" East 41.67 feet, through a central angle of 89°51'18");
thence North 89°45'15" East 60.00 feet;
thence Northeastly 46.31 feet along the arc of a 29.50-foot radius non-tangent curve to the right (center bears North 89°45'14" East, and the long chord bears North 44°34'48" East 41.70 feet, through a central angle of 89°57'08");
thence North 89°42'23" East 1013.23 feet;
thence Southeastly 133.31 feet along the arc of a 170.00-foot radius tangent curve to the right (center bears South 0°17'37" East, and the long chord bears South 67°49'42" East 129.92 feet, through a central angle of 44°55'51");
thence South 45°21'47" East 424.16 feet;
thence Southeastly 46.34 feet along the arc of a 29.50-foot radius tangent curve to the right (center bears South 44°38'13" West, and the long chord bears South 0°17'47" East 41.72 feet, through a central angle of 90°00'00") to the Northwesternly line of Franks Drive;
thence South 45°21'47" East 84.00 feet to the Southeastly line of Franks Drive;
thence North 44°38'13" East 59.50 feet along said Southeastly line;
thence Northeastly 519.40 feet along the arc of a 1042.00-foot radius tangent curve to the left (center bears North 45°21'47" West, and the long chord bears North 30°21'25" East 514.04 feet, through a central angle of 28°33'36"), along the Easterly line of Franks Drive, to the Point of Beginning

Parcel contains 1,469,817 square feet, or 33.74 acres.
Date: July 01, 2020
Douglas J. Kinsman
License No. 334575



PROPERTY LINE CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
PC1	29.50'	46.26'	89°51'18"	S45°21'58"E	41.67'
PC2	29.50'	46.31'	89°57'08"	N44°43'48"E	41.70'
PC3	170.00'	133.31'	44°55'51"	S67°49'42"E	129.92'
PC4	29.50'	46.34'	90°00'00"	S0°21'47"E	41.72'
PC5	1042.00'	519.40'	28°33'36"	N30°21'25"E	514.04'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
(C1)	29.50'	46.22'	89°45'57"	S45°07'44"E	41.63'
(C2)	29.50'	46.46'	90°14'03"	S44°52'16"W	41.80'
(C3)	230.00'	180.98'	45°04'59"	N67°28'13"W	176.34'
(C4)	29.50'	46.56'	90°26'04"	N89°51'15"E	41.88'
C5	170.00'	133.76'	45°04'59"	N67°28'13"W	130.34'
C6	29.50'	46.11'	89°33'56"	N0°08'45"W	41.56'
C7	29.50'	59.40'	115°22'27"	S13°03'00"E	49.86'
C8	162.00'	55.16'	19°30'32"	S80°29'29"E	54.89'
C9	262.00'	74.81'	16°21'39"	N81°34'25"E	74.56'
C10	338.00'	96.50'	16°21'27"	S81°34'19"W	96.17'

ROCKY MOUNTAIN POWER COMPANY
1. PURSUANT TO UTAH CODE ANN. § 54-3-2 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. § 17-27a-803(4)(C)(iii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER A RECORDED EASEMENT OR RIGHT-OF-WAY.
(1) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
(2) TITLE 54, CHAPTER 8A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR ANY OTHER PROVISION OF LAW.
APPROVED THIS _____ DAY OF _____, 20____
ROCKY MOUNTAIN POWER
BY _____
TITLE _____

DOMINION ENERGY
DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-6522.
APPROVED THIS _____ DAY OF _____, 20____
DOMINION ENERGY
BY _____
TITLE _____

NOTE
- 3/8" x 24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSGN ENG. & LAND SURV." TO BE PLACED AT ALL LOT AND BOUNDARY CORNERS
- THIS PLAT IS SOLELY FOR THE PURPOSE OF ESTABLISHING PROPERTY LINES FOR OWNERSHIP. THIS PLAT DOES NOT ENTITLE ANY DEVELOPMENT OR CONSTRUCTION. ALL ENTITLEMENTS AND DEVELOPABILITY, INCLUDING INFRASTRUCTURE, EASEMENTS, AND PROPERTY DEDICATIONS AS NEEDED, MUST BE ESTABLISHED THROUGH FURTHER LAND USE APPLICATIONS AND APPROVALS ACCORDING TO THE TOOELE CITY CODE.

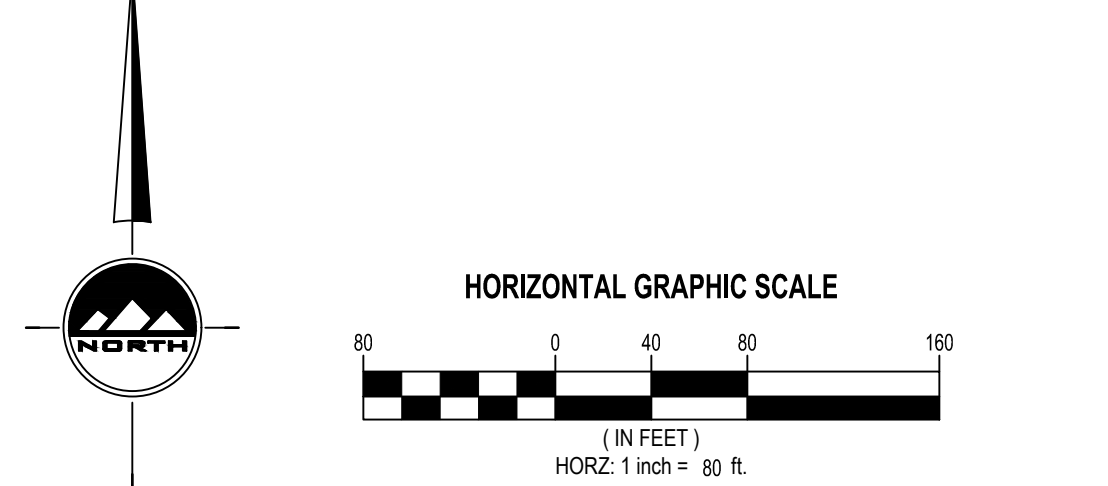
LEGEND

- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT TO BE SET
- SECTION CORNER
- 3/8" x 24" REBAR W/ YELLOW PLASTIC CAP "ENSGN ENG. & LAND SURV." TO BE PLACED AT ALL LOT & BOUNDARY CORNERS
- PUBLIC UTILITY & DRAINAGE EASEMENT
- BOUNDARY LINE
- ADJACENT PROPERTY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- RIGHT OF WAY LINE
- ADJACENT RIGHT OF WAY LINE
- TANGENT LINE
- ROAD DEDICATION

DEVELOPER
ZENITH DEVELOPMENT LLC
2040 MURRAY HOLLADAY ROAD, SUITE 204
SALT LAKE CITY, UTAH 84117
801-428-3755

Tooele City Development Review
Submission # 3 07/13/2020

HEALTH DEPARTMENT
APPROVED THIS _____ DAY OF _____, 20____
BY THE TOOELE COUNTY HEALTH DEPARTMENT.
TOOELE COUNTY HEALTH DEPARTMENT



SCHOOL DISTRICT APPROVED THIS _____ DAY OF _____, 20____ BY THE TOOELE COUNTY SCHOOL DISTRICT TOOELE COUNTY SCHOOL DISTRICT	POST MASTER APPROVED THIS _____ DAY OF _____, 20____ BY THE POST MASTER POST MASTER	COMCAST APPROVED THIS _____ DAY OF _____, 20____ BY THE COMCAST CABLE COMCAST	CENTURY LINK APPROVED THIS _____ DAY OF _____, 20____ BY THE CENTURY LINK CENTURY LINK	CHIEF OF POLICE APPROVED THIS _____ DAY OF _____, 20____ BY THE TOOELE CITY CHIEF OF POLICE. TOOELE CITY CHIEF OF POLICE	FIRE CHIEF APPROVED THIS _____ DAY OF _____, 20____ BY THE TOOELE CITY FIRE DEPARTMENT. TOOELE CITY FIRE CHIEF	PARKS DEPARTMENT APPROVED THIS _____ DAY OF _____, 20____ BY THE TOOELE CITY PARKS DEPARTMENT. TOOELE CITY PARKS DEPARTMENT
CITY ATTORNEY APPROVED AS TO FORM THIS _____ DAY OF _____, 20____ TOOELE CITY ATTORNEY	CITY ENGINEER APPROVED AS TO FORM THIS _____ DAY OF _____, 20____ TOOELE CITY ENGINEER	COMMUNITY DEVELOPMENT APPROVED AS TO FORM THIS _____ DAY OF _____, 20____ TOOELE CITY COMMUNITY DEVELOPMENT	COUNTY RECORDER REVIEWED THIS _____ DAY OF _____, 20____ BY THE TOOELE COUNTY RECORDER AS TO DESCRIPTION OF RECORD. TOOELE COUNTY RECORDER	CITY COUNCIL APPROVED THIS _____ DAY OF _____, 20____ BY THE TOOELE CITY COUNCIL. CHAIRMAN TOOELE CITY COUNCIL	PLANNING COMMISSION APPROVED THIS _____ DAY OF _____, 20____ BY THE TOOELE CITY PLANNING COMMISSION. ATTEST:	

**LEXINGTON AT OVERLAKE 5 LOT SUBDIVISION
PRELIMINARY PLAT**
LOCATED IN THE
SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH,
RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAH

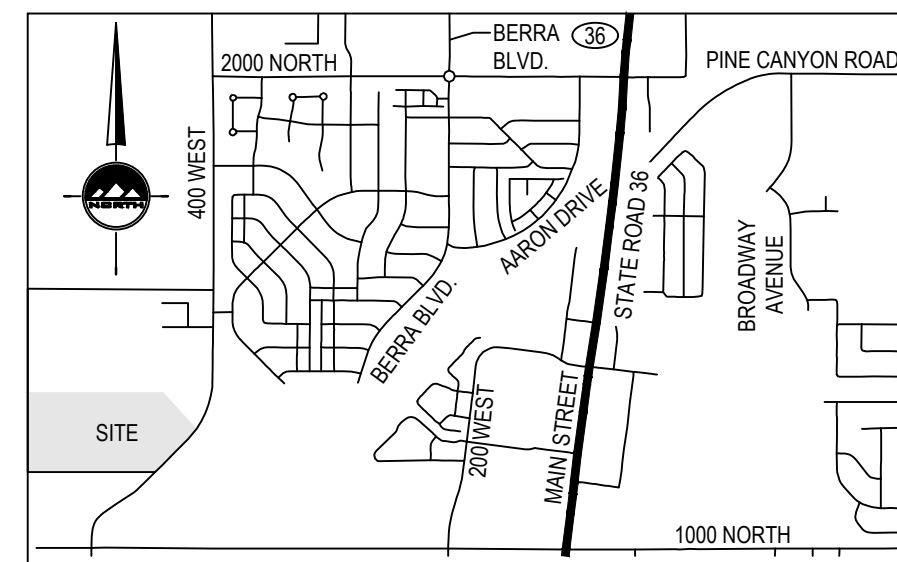
ENSIGN
TOOELE
163 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108
www.ensigneng.com

SALT LAKE CITY
Phone: 801.591.0628
LAVTOWN
Phone: 801.581.1100
CEDAR CITY
Phone: 435.865.1433
RICHFIELD
Phone: 435.866.2983

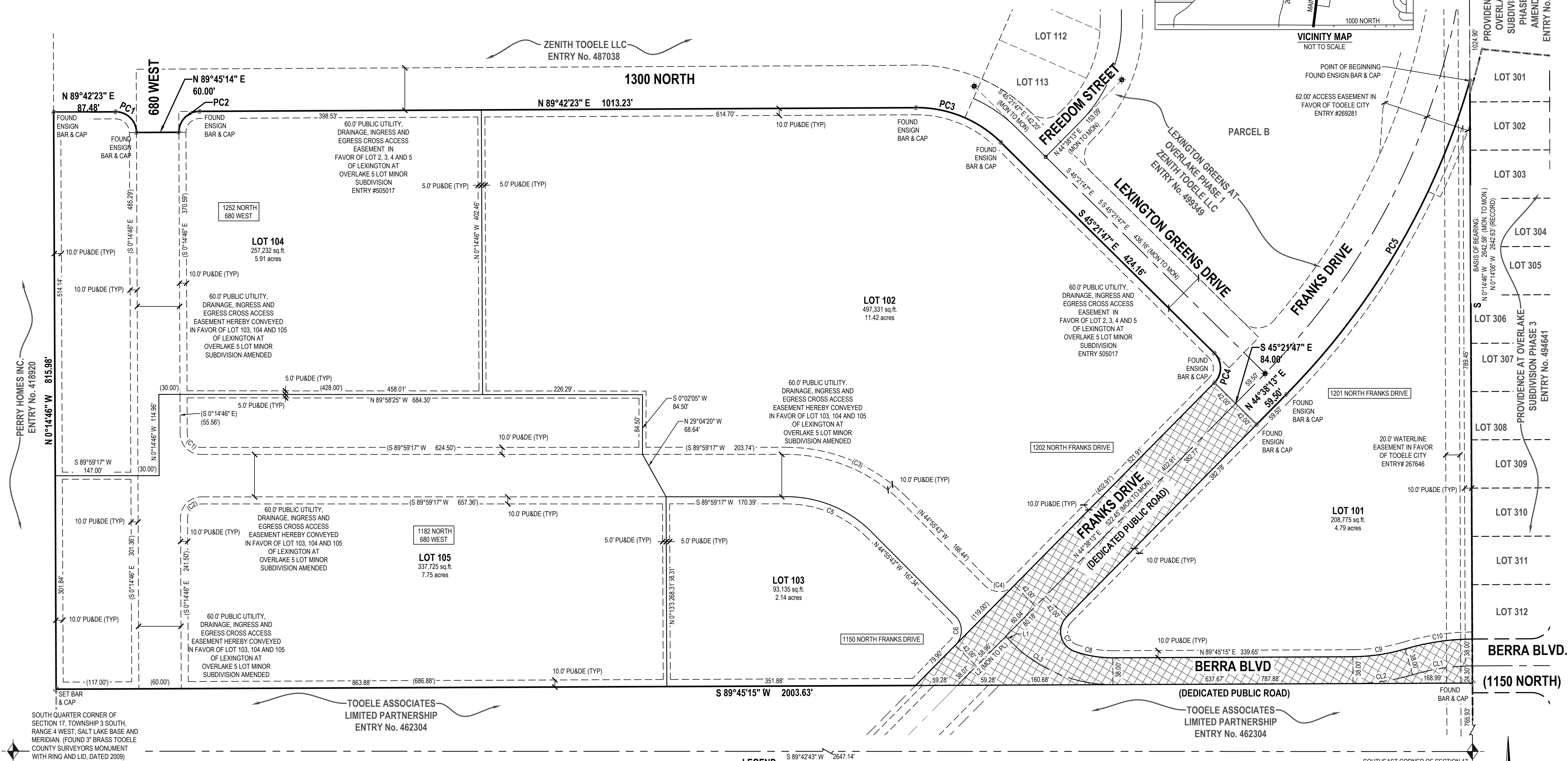
SHEET 1 of 1
PROJECT NUMBER : 82608
MANAGER : D. KINSMAN
DRAWN BY : C. CHILD
CHECKED BY : D. KINSMAN
DATE : 6/30/20

LEXINGTON AT OVERLAKE 5 LOT SUBDIVISION AMENDED FINAL PLAT

(AMENDING LOTS 1-5 OF THE LEXINGTON AT OVERLAKE MINOR SUBDIVISION)
LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH,
RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAH



LINE TABLE			CENTER LINE CURVE TABLE					
LINE	BEARING	LENGTH	CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
L1	N44°55'43"W	13.20'	CL1	300.00'	85.64'	16°21'24"	S81°34'18"W	85.35'
L2	N44°38'13"E	97.03'	CL2	300.00'	85.67'	16°21'39"	N81°34'25"E	85.37'
			CL3	200.00'	158.19'	45°19'02"	S67°35'14"E	154.10'



SURVEYOR'S CERTIFICATE
I, Douglas J. Kinsman, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 334575, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, hereafter to be known as **LEXINGTON AT OVERLAKE 5 LOT MINOR SUBDIVISION AMENDED**, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

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thence South 0°14'46" East 851.74 feet along the Westerly boundary of said Providence at Overlake Subdivision Phase 2 Amended, to and along "Providence at Overlake Subdivision Phase 3" recorded in the Tooele County Recorder's Office as entry number 494641, book 20, page 90, also along the Section line;

thence South 89°45'15" West 2003.63 feet;

thence North 0°14'46" West 815.98 feet;

thence North 89°42'23" East 87.48 feet;

thence Southeast 46.26 feet along the arc of a 29.50-foot radius tangent curve to the right (center bears South 0°17'37" West, and the long chord bears North 44°43'48" East 41.70 feet, through a central angle of 89°51'08");

thence North 89°45'15" East 60.00 feet;

thence Northeast 46.31 feet along the arc of a 29.50-foot radius non-tangent curve to the right (center bears North 89°45'14" East, and the long chord bears North 44°43'48" East 41.70 feet, through a central angle of 89°51'08");

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thence South 45°21'47" East 424.16 feet;

thence Southeast 46.34 feet along the arc of a 29.50-foot radius tangent curve to the right (center bears South 44°38'13" West, and the long chord bears South 0°17'47" East 41.72 feet, through a central angle of 90°00'00") to the Northwestly line of Franks Drive;

thence South 45°21'47" East 84.00 feet to the Southeastly line of Franks Drive;

thence Southeast 51.90 feet along the arc of a 104.00-foot radius tangent curve to the left (center bears North 45°21'47" West, and the long chord bears North 30°21'25" East 514.04 feet, through a central angle of 28°33'36"), along the Easterly line of Franks Drive, to the Point of Beginning.

Parcel contains: 1,469,817 square feet, or 33.74 acres.

Date: July 01, 2020
Douglas J. Kinsman
License no. 334575

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these present that the undersigned are the owner(s) of the herein described tract of land and hereby cause the same to be divided into lots, together with easements as set forth hereafter to be known as:

**LEXINGTON AT OVERLAKE 5 LOT
MINOR SUBDIVISION AMENDED**

The undersigned owner(s) also hereby convey to Tooele City and to any and all public utility companies providing service to the herein described tract a perpetual, non-exclusive easement and public utility and drainage easements shown on this plat, the same to be used for drainage and for the installation, maintenance and operation of public utility service lines and facilities. The undersigned owner(s) also hereby conveys any other easements as shown hereon to the parties indicated and for the purposes shown hereon.

In witness whereof I/we have hereunto set my/our hand this _____ day of _____, A.D., 20____.

By: Zenith Tooele LLC
Charles W. Akerfor (Managing Director)

By: _____

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH
County of Tooele

On the _____ day of _____, A.D., 20____, _____ in the State of Utah, who after being duly sworn, acknowledged to me that He/She is the _____ of _____ a Limited Liability Company and that He/She signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Corporation executed the same.

Notary's Full Name & Commission Number: _____

My Commission Expires: _____ A Notary Public Commissioned in Utah

COUNTY SURVEY DEPARTMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY SURVEY DEPARTMENT.
RECORD OF SURVEY FILE #2018-0074

TOOELE COUNTY SURVEY DIRECTOR

COMMUNITY DEVELOPMENT APPROVAL

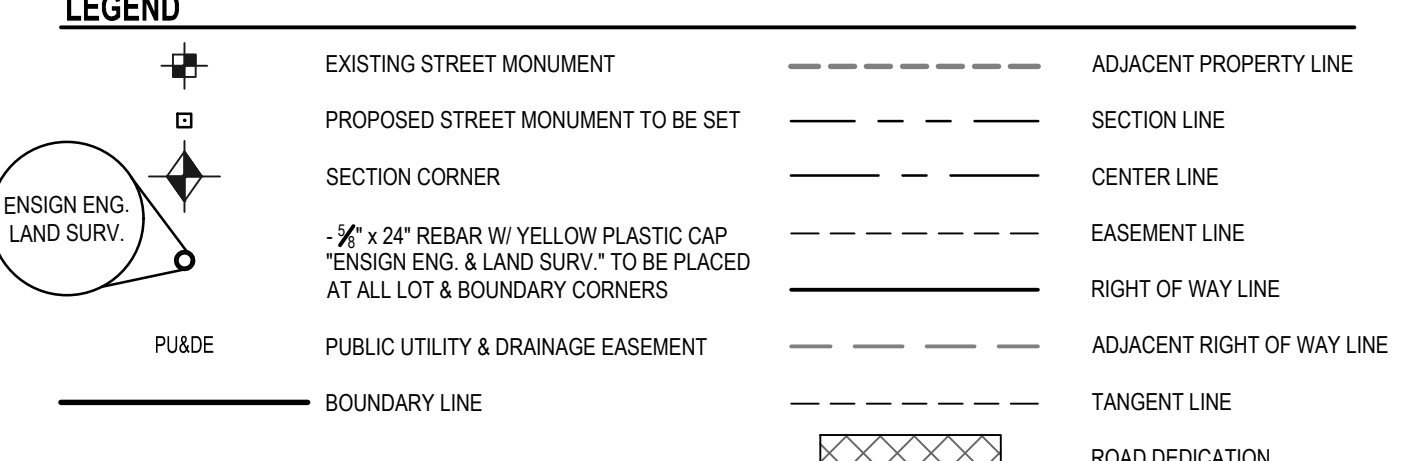
APPROVED THIS _____ DAY OF _____, 20____, BY THE COMMUNITY DEVELOPMENT

TOOELE CITY COMMUNITY DEVELOPMENT

NOTE

1/2" x 24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSGN ENG. & LAND SURV." TO BE PLACED AT ALL LOT AND BOUNDARY CORNERS

-THIS PLAT IS SOLELY FOR THE PURPOSE OF ESTABLISHING PROPERTY LINES FOR OWNERSHIP. THIS PLAT DOES NOT ENTITLE ANY DEVELOPER OR CONSTRUCTION. ALL ENTITLEMENTS AND DEVELOPABILITY, INCLUDING INFRASTRUCTURE, EASEMENTS, AND PROPERTY DEDICATIONS AS NEEDED, MUST BE ESTABLISHED THROUGH FURTHER LAND USE APPLICATIONS AND APPROVALS ACCORDING TO THE TOOELE CITY CODE.



TOOELE CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY COUNCIL.

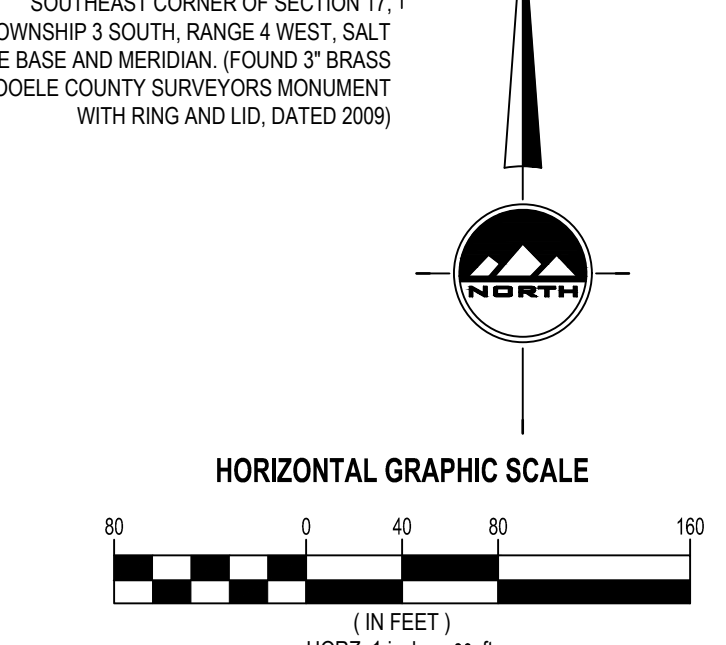
ATTEST: CITY RECORDER

PROPERTY LINE CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
PC1	29.50'	46.26'	89°51'18"	S45°21'58"E	41.67'
PC2	29.50'	46.31'	89°57'08"	N44°43'48"E	41.70'
PC3	170.00'	133.31'	44°55'51"	S67°49'42"E	129.92'
PC4	29.50'	46.34'	90°00'00"	S0°21'47"E	41.72'
PC5	1042.00'	519.40'	28°33'36"	N30°21'25"E	514.04'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
(C1)	29.50'	46.22'	89°45'57"	S45°07'44"E	41.63'
(C2)	29.50'	46.46'	90°14'03"	S44°52'16"W	41.80'
(C3)	230.00'	180.98'	45°04'59"	N67°28'13"W	176.34'
(C4)	29.50'	46.56'	90°26'04"	N89°51'19"E	41.88'
C5	170.00'	133.76'	45°04'59"	N67°28'13"W	130.34'
C6	29.50'	46.11'	89°33'56"	N0°08'45"W	41.56'
C7	29.50'	59.40'	115°22'27"	S13°03'00"E	49.86'
C8	162.00'	55.16'	19°30'32"	S80°29'29"E	54.89'
C9	262.00'	74.81'	16°21'39"	N81°34'25"E	74.56'
C10	338.00'	96.50'	16°21'27"	S81°34'19"W	96.17'



ROCKY MOUNTAIN POWER COMPANY

1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.

2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(C)(II) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:

(1) A RECORDED EASEMENT OR RIGHT-OF-WAY

(2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS

(3) TITLE 54, CHAPTER 8A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR

(4) ANY OTHER PROVISION OF LAW.

APPROVED THIS _____ DAY OF _____, 20____

ROCKY MOUNTAIN POWER

BY: _____

TITLE: _____

DOMINION ENERGY

DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS _____ DAY OF _____, 20____

DOMINION ENERGY

BY: _____

TITLE: _____

DEVELOPER
ZENITH DEVELOPMENT LLC
2040 MURRAY HOLLADAY ROAD, SUITE 204
SLC, UTAH 84117
801-428-3755

SHEET 1 OF 1

PROJECT NUMBER: 82608
MANAGER: D. KINSMAN
DRAWN BY: C. CHLD
CHECKED BY: D. KINSMAN
DATE: 6/30/2020

TOOELE
169 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108

SALT LAKE CITY
Phone: 801.282.0200
LAVTON
Phone: 801.547.1100
CEDAR CITY
Phone: 435.865.1453
RICHFIELD
Phone: 435.898.2963

WWW.ENSGNENG.COM

COUNTY TREASURER APPROVAL

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY TREASURER.

TOOELE COUNTY TREASURER

CITY ATTORNEY'S APPROVAL

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____, BY THE CITY ATTORNEY

TOOELE CITY ATTORNEY

CITY ENGINEER'S APPROVAL

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____, BY THE CITY ENGINEER

TOOELE CITY ENGINEER

COUNTY HEALTH DEPARTMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY HEALTH DEPARTMENT

TOOELE COUNTY HEALTH DEPT.

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY PLANNING COMMISSION.

CHAIRMAN TOOELE CITY PLANNING COMMISSION

**LEXINGTON AT OVERLAKE 5 LOT
SUBDIVISION AMENDED
FINAL PLAT**

(AMENDING LOTS 1-5 OF THE LEXINGTON AT OVERLAKE MINOR SUBDIVISION)
LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH,
RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAH

RECORDED # _____

STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF: _____

DATE: _____ TIME: _____

FEES _____

TOOELE COUNTY RECORDER

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, July 22, 2020

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

Commission Members Present:

Tyson Hamilton
Chris Sloan
Dave McCall
Nathan Thomas
Bucky Whitehouse
Shauna Bevan
Melanie Hammer
Matt Robinson

Commission Members Excused:

Ray Smart
Bucky Whitehouse

City Employees Present:

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

Council Members Present:

Council Member Ed Hansen

Council Members Excused:

Council Member Justin Brady

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 Thomas.

2. Roll Call

Dave McCall, Present
Tyson Hamilton, Present
Melanie Hammer, Present
Chris Sloan, Present
Nathan Thomas, Present

Shauna Bevan, Present
Matt Robinson, Present

3. **Recommendation on a Preliminary Plan Subdivision request for JD Storage by DJM Real Estate Holdings, LLC, for property located at approximately 572 East 2400 North in the LI Light Industrial Zoning District on 4.66 acres.**

Presented by Andrew Aagard

Mr. Aagard stated this application is proposed for the vacant parcel located south of 2400 North and east of 540 East Street. The Union Pacific Railroad Corridor is located to the east of the property, as well as the fish food plant. The property is currently zoned LI Light Industrial, as are all of the surrounding properties. The subdivision plat creates one 4.66 acre platted subdivision lot. It will make way for the construction of a storage unit facility. The subdivision plat also facilitates the dedication of 66 feet of right-of-way for the extension and construction of 540 East, thus providing additional access to interior properties. The lot as proposed, meets or exceeds all requirements for lot size and lot width as required by the LI Light Industrial zoning district. Staff is recommending approval with the basic housekeeping items listed in the Staff Report.

Chairman Hamilton asked the Commissioner if there were any comments or questions.

Commissioner Sloan asked if the development was required to extend 540 East to the southern border of the property? Mr. Aagard stated that is correct.

Commissioner Hammer motioned to approve forward a positive recommendation to the City Council for the JD Storage Subdivision Preliminary Plan Request by Devin Meier, representing DJM Real Estate Holdings, LLC application number P20-33, based on the findings and subject to the conditions listed in the Staff Report dated July 14, 2020. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

4. **Recommendation on a Minor Subdivision request for Jett Subdivision by Houston Jones for property located at approximately 590 North Broadway in the R1-7 Residential Zoning District on 1.21 acres.**

Presented by Andrew Aagard

Mr. Aagard stated the minor subdivision is proposed for the 1.21 acre parcel located at the southeast corner of the intersection of Broadway and 600 North. There are some existing nonconforming accessory structures at the eastern end of the property. The property is zoned R1-7 Residential, as are all of the surrounding properties. The subdivision will split the existing 1.21 acres parcel into four single-family residential lots, ranging in size from 8,800 square feet to 17,600 square feet. Each lot exceeds the minimum requirements for subdivision development regarding lot size, lot width, and lot frontages as required by the R1-7 Residential zoning district.

The development will be installing curb, gutter, sidewalk and completing the remnant asphalt on 600 North, thus completing the right-of-way in this section of road. Improvements along Broadway are already in place. Staff has inquired with the applicant for the intention of the detached accessory structure currently located on the eastern end of the property. The structures need to be accessory to a main building. The applicant stated the intent will be to keep the structures and make them accessory to the future home that will be built on that lot, bringing them into conformance with City Code. The lot is quite large and staff has confirmed that a home can be constructed on the lot and still meet necessary building separation from those structures. The lot will still need to maintain lot coverage requirements approving the existing structures. Staff is confident that the subdivision meets or exceeds all requirements for subdivision development as required by the Tooele City Code. Staff is recommending approval with the basic conditions listed in the Staff Report.

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

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Jett Minor Subdivision Request by Houston Jones, for the purpose of creating four single-family residential lots, application P20-153, based on the findings and subject to the conditions listed in the Staff Report dated July 15, 2020. Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

5. **Recommendation on a Preliminary Plan Subdivision request for Hunter's Meadow Phase 2 Subdivision by Flyway Holding located at approximately 690 West 700 South in the R1-7 Residential Zoning District on 1.99 acres.**

Presented by Andrew Aagard

Mr. Aagard stated this eight lot subdivision is proposed to a two acre parcel located west of Coleman Street and north of 700 South. The property to the north and west are currently being developed as Hunter Meadows Phase 1 Subdivision. The property is zone R1-7 Residential, as are all of the properties to the west, north and east. To the south there are some MR-8 Multi-Family although it is primarily utilized as single family residential. The subdivision proposes to split the existing parcel into eight 8,000 square foot single family residential lots. All lots will front onto and access 700 South. Each lot within the subdivision meets or exceeds subdivision development requirements as required by the R1-7 Residential zoning district. The development will be installing all frontage requirements including curb, gutter, sidewalk, and remaining asphalt to complete the right-of-way section on the entire length of the proposed subdivision. Staff has reviewed the proposed subdivision and it does meet or exceed all requirements for subdivision development as required by Tooele City subdivision and development ordinances. Staff is recommending approval with the basic conditions listed in the Staff Report.

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

Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Hunter's Meadow Phase 2 Subdivision Preliminary Plan Request by Larry Jacobson, representing Flyway Holding for the purpose of creating 8 single-family residential lots, application number P20-373, based on the findings and subject to the conditions listed in the Staff Report dated July 14, 2020. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. **Recommendation on a Preliminary Plan Subdivision request for Drumore at Overlake Phase 1 Subdivision by Hamlet Development Corp., located at approximately 1600 North Aaron Drive in the R1-7 Residential Zoning District on 10.92 acres.**

Presented by Andrew Aagard

Mr. Aagard stated the preliminary plan proposes to subdivide ten acres sandwiched between Aaron Drive, Berra Boulevard, and the Union Pacific Railroad Corridor. The property is zoned R1-7 Residential, as are the properties to the southeast. Properties to the south on the adjacent to the railroad are GC General Commercial and to the north, properties are located in the P Overlake zone and are utilized largely as single-family and multi-family residential. The subdivision proposes to subdivide the existing 10.98 parcel into 40 single family residential lots ranging in size from 7,035 square feet up to 15,300 square feet. Each lot within the subdivision complies with lot width, lot size, and lot frontages requirements of the R1-7 Residential zoning district. All roads within the subdivision will be dedicated as public streets. The subdivision will also include a 28,000 square foot storm water detention basin at the intersection of Berra Boulevard and Aaron Drive. The basin will be landscaped by the development and then dedicated to the Tooele City for future maintenance. The basin will be landscaped with drought tolerant varieties of grass and trees along the perimeter. The top lot amenity will be at the southern corner and there will be a footpath from the right-of-way to the play area. Tooele City Park Department has reviewed the landscaping plan and the play structure and have recommended approval. Park strips along Berra Boulevard and Aaron Drive fall within the responsibility of the North Tooele Special Service District. The landscaping of the park strips will be completed by the development and includes crushed gravel, weed barrier fabric and shrubs and trees evenly spaced throughout. The landscape irrigation plans have been provided and approved by the District, that will eventually take over maintenance of the park strips. The applicant will be installing an eight foot solid masonry or precast concrete wall along the lots adjacent to the railroad corridor. Tooele City Staff have extensively reviewed the plans and are confident that the preliminary plan as proposed does meet or exceed all Tooele City standards for subdivision development. Staff is recommending approval with the conditions listed in the Staff Report.

Chairman Hamilton asked the Commission if there were any questions or comments.

Commissioner Hammer stated has the North Tooele Special Service District accepted this into the district. Mr. Aagard stated that it is already in the District. Commissioner Hammer stated her concern is these lots seem like double frontage lots and the Service District has not done any that she knows of, where they will maintain these area. She asked for clarification. Mr. Bolser

stated that it is the same thing as Overlake 1L off of 400 West. With the settlement agreement with Overlake properties, it was very clearly stated that any part of the Overlake development that was platted at the time of the agreement remains in the boundaries of the North Tooele City Special Service District. Berra Boulevard and Aaron Drive were platted in their entire widths, so the far side park strip, curb and gutter, and sidewalk are in the District boundaries, but the lots and development itself are not, just as with 400 West, when the City reviewed the Overlake 1L project. The entirety of the right-of-way is within the District. The subdivision itself is outside the district and would not be maintained by the District. The detention basin is outside the district, but the park strip in front of it, is inside the district. The City has responsibility of the basin and the park strip is the responsibility of the District.

Commissioner Hammer stated these residents are not part of the Service District or paying into the Service District. Mr. Bolser stated that would be correct unless the development chooses to annex into the District. Commissioner Hammer stated she is concerned with the project, when the Service District was created the residents that lived there, they would be paying a special service tax to help with green spaces, signs, things like that. After the lawsuit the Service District got some areas on 400 West, where the residents don't pay into the Service District, so the residents are receiving benefits, but not paying into it. Commissioner Hammer added that she is a resident of Overlake and pays the special tax. She added that she keeps seeing more homes that are not being issued the tax and the District and tax payer is assuming the responsibility. Last year the Service District had a 30% increase in the taxes and this year it is a 40% increase, which will continue to grow as the District absorbs more homes benefiting from the District, but not paying into the District. Commissioner Hammer stated that she is against things, where she feels doubly taxed for someone else that doesn't have to pay anything. These homes will receive snow removal and water on the park strip and maintenance of the trees, where in other areas, double frontage lots have to have a service district or homeowners association.

Mr. Bolser stated there are no double frontage lots, but there are corner lots. Commissioner Hammer stated there are corner lots and in a normal part of the City, a resident takes care of the sidewalk on the other side of the fence. She asked if the residents would need to do snow removal on the corner lots. Mr. Bolser stated that the interior of the development the sidewalk responsibility lies with the homeowner. Within the District, the responsibility ultimately falls back to the property owner. The District has assumed some of that responsibility, but it still falls to the property owner if something isn't cleared. The property owners within the District still maintain the same responsibility of any residents inside or out. Commissioner Hammer asked that on Aaron Drive there will not have to have the landscaper do snow removal? Mr. Bolser stated no more than anywhere else within the District. There is dual responsibility within the District. The fact that the District has someone that provides that service, does not alleviate the property owner from the reasonability. That responsibility lies with every property owner in the City, the District simply is a second layer of responsibility.

Commissioner Hammer asked about the corner lots on Aaron Drive and who would have to remove the snow on Aaron Drive? Mr. Bolser stated both the property owner and the District. Every property owner has the requirement by City Code to clear their sidewalks, that is regardless of being in the District or out of the District. Inside the District, the District has assumed a secondary level of responsibility they have chosen to administer through their

landscaper. The landscaping contract does the snow removal. The fact that is there does not alleviate the property owner of the same responsibility. The frontage of Aaron Drive, the property owner has responsibility and the District will have a secondary responsibility. Commissioner Thomas asked does the Special Service District pay for the snow removal on Aaron Drive and do they pay for landscape maintenance? Mr. Bolser stated yes.

Commissioner Hammer stated she appreciated the explanation. Chairman Hamilton added that he liked that it is a property owners responsibility.

Commissioner Thomas asked is this a debate that the Commission has debated before when approving a subdivision, how often are taxes considered? Commission Sloan stated that at the end of the day where there is a Special Service District or not, snow removal from a city stand point, the proper place is to talk to the Special Service district about wasting money to do this in an area , where there is no tax benefit from it.

Mr. Bolser stated that this is not a new topic. It is also an item that is dictated to the City. The settlement agreement is in place. The taxation is a legislative item and would need City Council consideration of the item, where the Planning Commission is more of a land use body. A subdivision application is a substantial evidence clause review which means if it meets the terms of the ordinance and the standards the City is obligated to approve it. Taxation is a legislative item and outside the standards to consider.

Commissioner Hammer stated the Service District will not need to pay for snow removal, but will need to pay for the watering of the trees and the grass in that area. Those residents will not be taxed and the Service District residents will. It is a legislative issue but it is not something that Overlake residents agreed to in the lawsuit.

Chairman Hamilton stated it is a valid concern.

Commissioner Robinson asked if the Service District saw this? Commissioner Hammer stated there have been lengthy discussions this month.

Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Drumore at Overlake Phase 1 Subdivision Preliminary Plan Request by Michael Brodsky, representing hamlet Development Corp., for the purpose of creating 40 single-family residential lots, application number P20-255, based on the findings and subject to the conditions listed in the Staff Report dated July 16, 2020. Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Nay," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

7. Review and Discussion of the initial draft of the Transportation Element of the Tooele City General Plan revision.

Presented by Jim Bolser

Mr. Bolser stated it is a momentous evening to get to the Transportation Element of the General Plan. The City is in the process of updating the General Plan and this is the last initial draft to come before the Planning Commission. The Transportation Element is one of the trickier elements to write. There are three parts to the Element. The text is based on a larger more comprehensive Transportation Master Plan, which is also in draft form currently. The City contracted with Hales Engineering, to put together the plan. The other two parts are a map of the existing roadway network and the future roadways map. Mr. Bolser opened the discussion for the Transportation Element.

Commissioner Robinson asked how much say does the City have for the State roads that are traversing the City. Mr. Bolser stated very little, although with the signals there are corridor agreements on both roads, SR-36 and SR-112, with UDOT. The City has little control, but UDOT has been an excellent partner with the City and if situations had to change in the future, they would be a partner with the City.

Commissioner Sloan stated on page two there were references to error source. Mr. Bolser stated those were references built-in to the original document to identify figures and need to be added as text in this document.

Commissioner Bevan asked about the roundabouts. Mr. Bolser stated there are a lot of different ideas in the traffic calming section. Each technique has a benefit and a disadvantage and there is no one right answer for each area. This is listed as a variety of ideas to choose the best device for the roads and intersections.

Commissioner Robinson stated there was a discussion in the text for more options and is that formalized or a circumstantial review. Mr. Bolser stated that generally speaking the entire system is reviewed once a year by the Public Works, Engineering, and City staff. That is part of the budget process. The City also looks at it fairly often, usually through development and looks at system needs. Lastly a Master Transportation Plan looks at the City wide study.

Commissioner McCall stated that he looked at SR-112 and part of SR -112 to Main Street is excluded from heavy vehicle traffic and that may need to be clarified. Mr. Bolser stated that is a good point, but SR 112 is 1000 North. He clarified that the point being discussed is Utah Avenue. Commissioner Bevan, stated the completion of Tooele Boulevard will help with truck traffic.

Commissioner Sloan stated that Tooele Boulevard is listed as a future major collector, but it does not have a signal. Mr. Bolser stated that is a city road and there is greater flexibility with traffic.

There was a discussion about the maps, with no items needed adjustment.

Mr. Bolser stated that the next meeting is on August 12. That meeting will have the City Council attending the meeting to discuss the draft General Plan. The Council will be in attendance at 7:00pm. Commissioner Hammer asked if the meeting for Planning Commission should stay at 7:00pm to be convenient to the public. Commissioner Robinson asked if there were public

hearings that night? Mr. Bolser stated there were several public hearings scheduled. Commissioner Sloan asked if the meeting can be pushed back to meet on the Councils schedule in order to give due diligence to the items on the agenda. Chairman Hamilton stated he would be okay with 5:30pm. Commissioner Hammer emphasized her concern for the publics ability to comment on the public hearing with the earlier time for the meeting. Mr. Bolser added that with an extra week before that meeting public hearings will have more than adequate notice for the public hearing and the Commission still has the email method for receiving comment. The decision was to have the Planning Commission Business meeting at 6:00pm and 7:00pm for the Council meeting.

8. Review and Approval of Planning Commission minutes for meeting held on July 8, 2020.

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

9. Adjourn

Chairman Hamilton declared the meeting adjourned at 8:05p.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 12th day of August, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission