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**PUBLIC NOTICE**

Notice is Hereby Given that the Tooele City Council will meet in a Business Meeting on Wednesday, September 2, 2020, at the hour of 7:00 p.m. The meeting will be held at the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah.

*Tooele City has implemented Governor Herbert's low risk (yellow) phase guidelines regarding public gatherings. We strongly encourage you to join the City Council meeting electronically by logging on to the Tooele City Facebook page, at <https://www.facebook.com/tooelecitey>. If you would like to submit a comment for the public comment period or for a public hearing item please email [cmpubliccomment@tooelecitey.org](mailto:cmpubliccomment@tooelecitey.org) anytime up until the start of the meeting. Emails will only be read at the designated points in the meeting.*

*However, if you choose to attend we ask that you maintain social distancing and encourage you to 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.*

**1. Pledge of Allegiance**

**2. Roll Call**

**3. Communities That Care Data & Grant Report**

Presented by Stacy Smart

**4. Mayor's Youth Recognition Awards**

Presented by Stacy Smart

**5. Youth Advocate of the Year Award**

Presented by Jamie Slade, Tooele County Prevention Team

**6. Public Comment Period**

**7. Public Hearing**

- a. **Public Hearing & Motion on Ordinance 2020-34** An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the R1-7 Residential Zoning District for Approximately 1.08 Acres of Property Located at 133 East 700 North

Presented by Jim Bolser

- b. **Public Hearing & Motion on Ordinance 2020-35** An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the RR-1 Residential Zoning District for Approximately 1 Acre of Property Located at Approximately 77 North 1100 West

Presented by Jim Bolser

- c. **Public Hearing & Motion on Ordinance 2020-36** An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the L1 Light Industrial Zoning District for Approximately 170.8 Acres of Property Located at Approximately 2000 North 1200 West  
Presented by Jim Bolser

## 8. First Reading Items

- a. **Resolution 2020-07** A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Providence at Overlake Phase 2 Subdivision  
Presented by Paul Hansen
- b. **Subdivision Plat Amendment Request** for Lexington at Overlake Minor Subdivision by Zenith Tooele, LLC for 32.24 Acres of Property Located at Approximately 400 West 1200 North in the MR-16 Multi-Family Residential Zoning District  
Presented by Jim Bolser
- c. **Subdivision Preliminary Plan Request** for Settlement Acres by Park Capital Homes, LLC for 1.16 Acres of Property Located at Approximately 560 West 900 South in the R1-7 Residential Zoning District  
Presented by Jim Bolser

## 9. Minutes

- August 19<sup>th</sup> Work Meeting & Business Meeting

## 10. Invoices

## 11. Adjourn

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Michelle Y. Pitt, Tooele City Recorder

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2113 or [michellep@tooelecitey.org](mailto:michellep@tooelecitey.org), Prior to the Meeting.

**TOOELE CITY CORPORATION**

**ORDINANCE 2020-34**

**AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE R1-7 RESIDENTIAL ZONING DISTRICT FOR APPROXIMATELY 1.08 ACRES OF PROPERTY LOCATED AT 133 EAST 700 NORTH.**

WHEREAS, Utah Code §10-9a-401, *et seq.*, requires and provides for the adoption of a “comprehensive, long-range plan” (hereinafter the “General Plan”) by each Utah city and town, which General Plan contemplates and provides direction for (a) “present and future needs of the community” and (b) “growth and development of all or any part of the land within the municipality”; and,

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 1998-39, on December 16, 1998, by a vote of 5-0; and,

WHEREAS, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial, open space); and,

WHEREAS, the Land Use Plan reflects the findings of Tooele City’s elected officials regarding the appropriate range, placement, and configuration of land uses within the City, which findings are based in part upon the recommendations of land use and planning professionals, Planning Commission recommendations, public comment, and other relevant considerations; and,

WHEREAS, Utah Code §10-9a-501, *et seq.*, provides for the enactment of “land use [i.e., zoning] ordinances and a zoning map” that constitute a portion of the City’s regulations (hereinafter “Zoning”) for land use and development, establishing order and standards under which land may be developed in Tooele City; and,

WHEREAS, a fundamental purpose of the Land Use Plan is to guide and inform the recommendations of the Planning Commission and the decisions of the City Council about the Zoning designations assigned to land within the City (e.g., R1-10 residential, neighborhood commercial (NC), light industrial (LI)); and,

WHEREAS, the City received an application for Zoning amendments for property located at 133 East 700 North on July 7, 2020, requesting that the Subject Property be reassigned to the R1-7 Residential zoning district. (see Rezone Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the Subject Properties are owned by Aurthur L Brady and are currently

assigned the MR-16 Multi-Family Residential zoning district; and,

WHEREAS, on August 12, 2020, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as **Exhibit C**); and,

WHEREAS, on \_\_\_\_\_, the City Council convened a duly-advertised public hearing:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that:

1. this Ordinance and the zoning amendment proposed therein is in the best interest of the City in that it makes an existing non-conforming single-family residential structure conforming to the underlying zoning district and eliminates the non-conforming status and restores to the single-family residential structure all rights and entitlements currently enjoyed by other single-family residential structures in the area; and,
2. the Zoning Map is hereby amended for the property located at 133 East 700 North as requested in **Exhibit A**, attached.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Pitt, City Recorder

S E A L

Approved as to Form: \_\_\_\_\_  
Roger Baker, Tooele City Attorney

## Exhibit A

# Petition and Mapping Pertinent to Zoning Map Amendment

# 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](http://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 <sup>nd</sup> 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](http://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

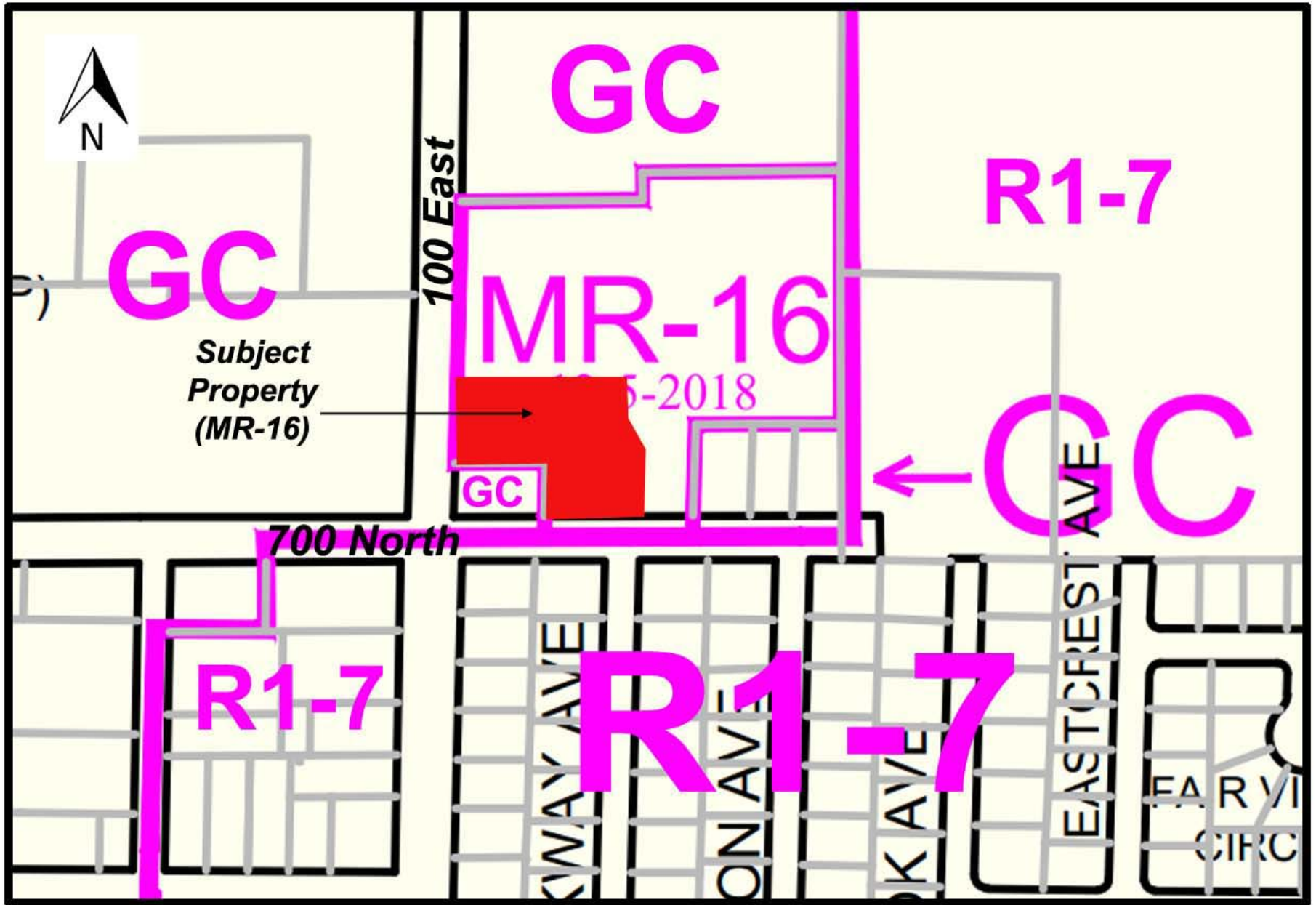


addition, Community Development works to strengthen community economic vitality through facilitating redevelopment, business attraction, and business retention. The Community Development Department is committed to providing excellent customer service to the public. The Community Development Department 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/>

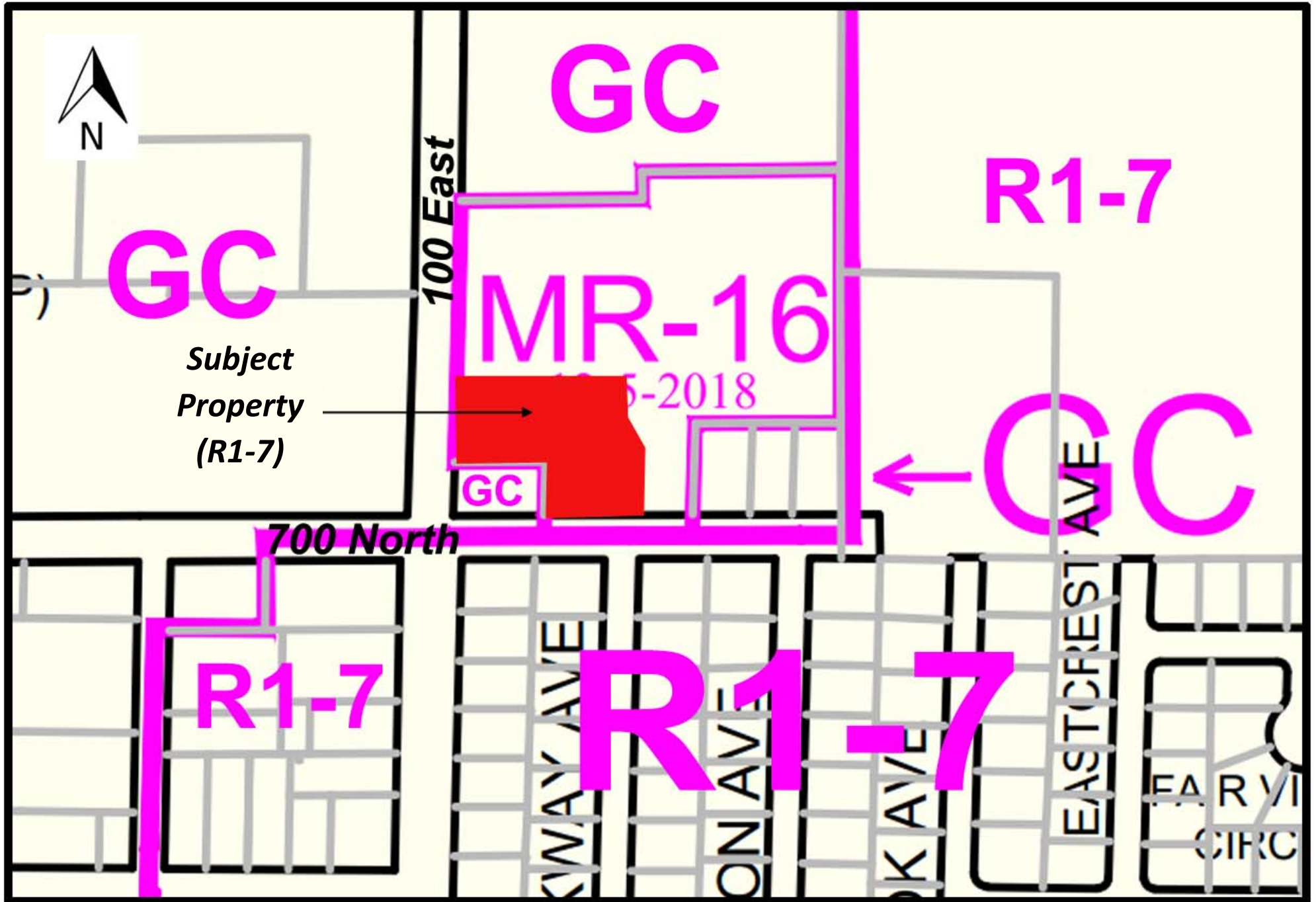
Amending the zoning of the proposed Property falls in line with the stated, and implied, goals and objectives of Tooele City.

# Brady Rezone Zoning Map Amendment



*Current Zoning*

# Brady Rezone Zoning Map Amendment



*Proposed Zoning*

Exhibit B

Staff Report

**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 ft<sup>2</sup>)  
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**

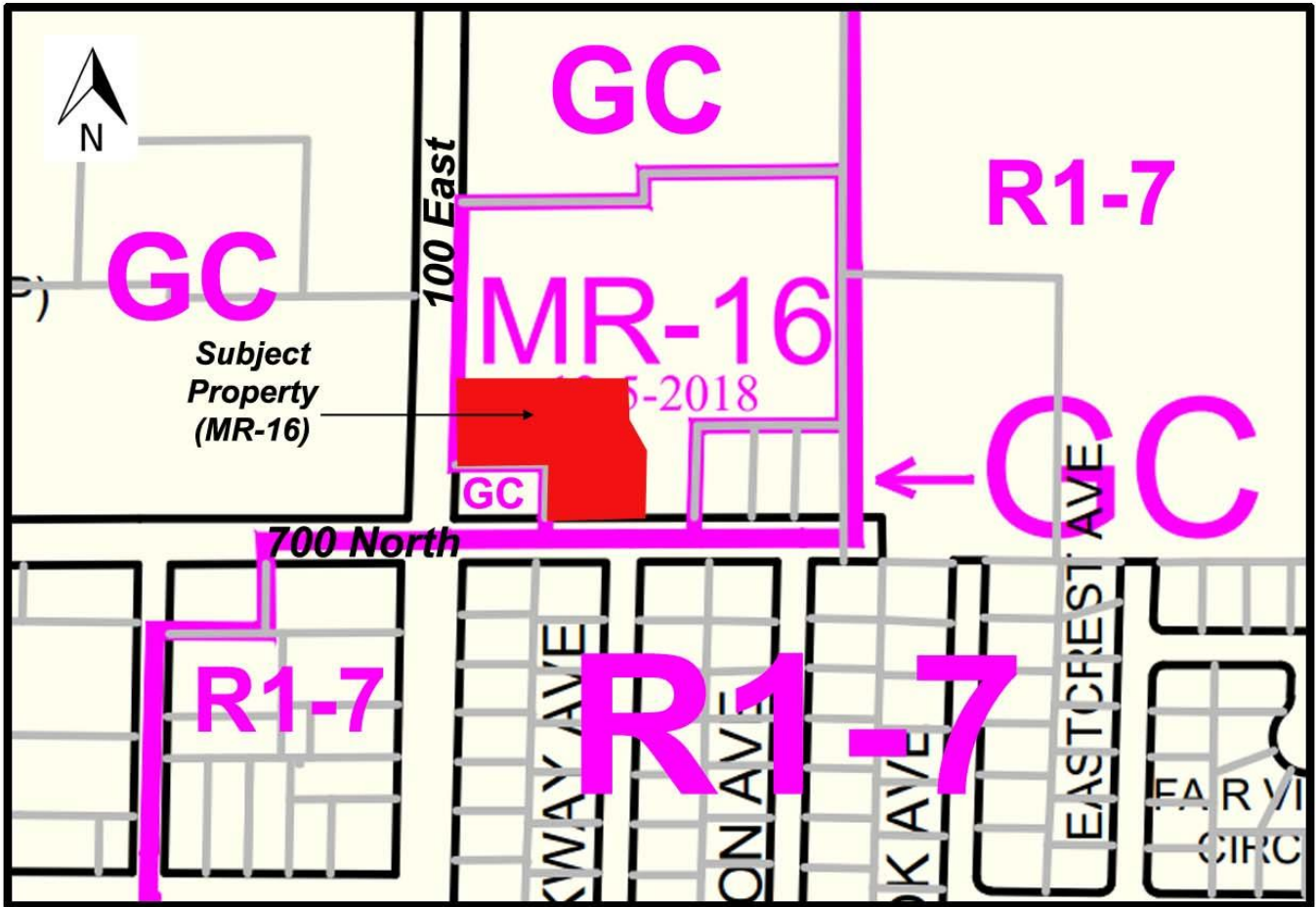
**MAPPING PERTINENT TO THE BRADY REZONE ZONING MAP AMENDMENT**

***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](http://www.tooelecity.org)



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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 <sup>nd</sup> story.					
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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

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<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.

## Exhibit C

### Planning Commission Minutes

## TOOELE CITY PLANNING COMMISSION MINUTES

**Date:** Wednesday, August 12, 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  
Melanie Hammer  
Matt Robinson  
Bucky Whitehouse

**Commission Members Excused:**

Ray Smart  
Shauna Bevan

**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 Member Justin Brady

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 6:00 pm.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Sloan.

**2. Roll Call**

Dave McCall, Present  
Tyson Hamilton, Present  
Melanie Hammer, Present  
Chris Sloan, Present  
Nathan Thomas, Present  
Bucky Whitehouse, Present  
Matt Robinson, Present



**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 West 700 North**

Presented by Andrew Aagard

Mr. Aagard stated the property is located just north of 700 North and east of 130 East. It is a parcel of land slightly larger than one acre. There is an existing single family residence located on the property along with some existing accessory structures. The property is currently zoned MR-16 Multi-Family Residential, as is the property to the north, properties to the south are zoned GC General Commercial and R1-7 Residential. There is GC General Commercial zoning to the west and R1-7 Residential to the east. The applicant is requesting the property to be rezoned to R1-7 to eliminate a legal nonconforming status attached to the existing home. The differences between the two zones include, the MR-16 is multi-family residential and R1-7 is for single family residential. The application is a public hearing and notifications were sent out to property owners within 200 feet of the subject property. No comments were registered with the staff.

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

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

**Commissioner Thomas motioned to forward a positive recommendation to the City Council for the Brady Rezone Zoning Map Amendment Request by Ian Brady to reassign the zoning on 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.** Commissioner Sloan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

**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**

Presented by Andrew Aagard

Mr. Aagard stated the property is located immediately adjacent to the Grand Storage project, just west of 1100 West. The zoning on the property is currently LI Light Industrial, as are the properties to the north and south. The City does have an application for the expansion of the storage facility immediately to the south. Properties in the RR-1 Rural Residential zone are used as single family residential and agricultural. The property was left out of the Grand Storage property, with the anticipation that the owner of the project would construct a single family residential home on the property. This property would be a caretaker home for the property, but the LI Light Industrial zone does not permit single family residential structures. A survey has been provided for the subdivision of the parcel that will be one acre and comply with all the

codes of the RR-1 Rural Residential zone. No nonconformities would be created with the RR-1 Rural Residential adjacent to the LI Light Industrial zoning. This item is a public hearing and notices were sent to the adjacent property owners; no comments were received by staff.

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

Chairman Hamilton opened the public hearing.

Ms. Tracy Shaw stated she is speaking on behalf of Tooele Self Storage, for which she is the onsite manager for the property immediately to the south that has submitted the application for expansion. The corporate office asked her to make a statement and is not opposed to the rezone, but concerned about the application they have submitted for the design and expansion. The plans have been submitted for approval. They are concerned about how the set backs are done and create some issues with their property expansion. The corporate office would like to convey that that they are no opposed to the rezone provided it would not affect the expansion. If changes need to be made it would be a drastic redesign.

Chairman Hamilton closed the public hearing.

Commissioner Sloan asked about the concerns about the voiced by Ms. Shaw, would this create any problems with their application? Mr. Aagard stated he has not reviewed the proposed site plan in detail for the expansion. The setbacks in a LI Light Industrial zone reflect the same set backs as a residential zone. In this case their RR-1 Rural Residential a 20 foot setback for side yards. With the application coming in before the zoning is ratified that the existing conditions would take place.

**Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Grand Storage Rezone 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.** Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

**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 0.2 acres.**

Presented by Andrew Aagard

Mr. Aagard stated Beddall's Childcare is an existing home business located east of 1300 East and north of 850 North. The property is surrounded by similarly zoned single family residential properties and all properties are zoned R1-7 Residential. Home based daycares involving seven or less children are permitted uses in the R1-7 Residenital zone, however if they have daycare children of eight to 16, they require a Conditional Use Permit. The applicant has indicated that

she wishes to increase the size of the home based business up to 16 children as well as inclusion of one additional nonresidential employee at the home, which is permitted by the code. Child pick up and drop off will be conducted on the 80 foot on street frontage located west of the lot. In analyzing the potential vehicle stacking issue, there could be some issues, but a daycare differs from a preschool as there are not arrange pick up and drop times. The pick up or drop off takes place at the availability of the parent or guardian. The time would be staggered. Staff is recommending approval with the conditions listed in the Staff Report. This item is a public hearing and no comments were registered by staff on the notices that were sent out or in the newspaper.

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

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

Commissioner Hammer stated she had a concern about the adding 16 children in a residential area and having that any additional children may be detrimental to the neighbors. Commissioner Thomas stated it is a valid concern, but they do not know everyone's concerns around this house.

**Commissioner Hammer motioned to 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 conditions listed in the Staff Report dated August 3, 2020.** Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

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.**

Presented by Andrew Aagard

Mr. Aagard stated that this application is very similar to the previous application. It is located west of 780 West and south of 770 South. It is zoned R1-7 Residential and is surrounded by R1-7 Residential. This application has indicated they would like to have 12 children in their daycare, however the ordinance authorizes 8 to 16. The property has 70 feet of frontage and this is where the child drop off and pick up will occur. The applicant has indicated that there will be a contractual agreement for drop off and pick up times. The times will be staggered. Staff is recommending approval with the conditions listed in the Staff Report. This item is a public hearing and notices were mailed to adjacent properties. No comments were registered by staff.

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

Chairman Hamilton closed the public hearing.

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

**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.**

Presented by Andrew Aagard

Mr. Aagard stated this application is sandwiched between Garden Street and Main Street. The property is currently in the renovation process and the applicant is renovating the existing home on the property for a business. The property is zoned MU-G Mixed Use General, as are all of the surrounding properties. The applicant wishes to expand the renovation activities on the site. The existing home will be utilized as the Pear Place, which will be a craft and learning center. This application pertains the to the detached accessory building located to the east and south of the existing home and will be for a proposed coffee shop. Due to building orientation, building traffic will enter from Main Street and exit onto Garden Street. There is approximately 160 feet from the proposed coffee shop and the edge of Main Street and could support approximately 7 to 8 vehicles in a queuing lane. Given the success of other drive through coffee shops in the City it should be anticipated that there will be vehicle queuing. It should be noted that the proposed queuing lane is through the main access and parking area for Pear Place. This could create conflict; however this is all private property and the matter would be resolved by the property owner of the two business. The item is a public hearing and notices were sent to adjacent land owners. No comments or concerns have been registered. Staff is recommending approval based on the four basic conditions listed in the Staff Report.

Chairman Hamilton opened to the Commission for comments or questions.

Commissioner Thomas asked for the name of the business. Mr. Aagard stated that the business in the house is Pear Place. The coffee shop is named Oquirrh Brews.

Commissioner Sloan stated he is a little concerned about the traffic and stacking on Main Street. Vehicles coming down that section of Main Street are going relatively fast. There are other similar businesses with vehicle stacking that extends onto the street. Mr. Aagard stated that it is a legitimate concern and staff shares the same concern. He stated he was unsure about what could be done, with a condition but adds enforcement issues. Commissioner Sloan asked if the ingress will exclude the possibility of someone trying to get back out of the property and onto Main Street. Mr. Aagard stated it is difficult because it is a state highway and is managed by UDOT.

Commissioner Hammer stated that the property owners will need to work out stacking and parking of cars. She stated she is not familiar with Pear place, but how does the parking align with the drive through configuration. Mr. Aagard stated that the site plan shows that the Pear Place parking will be 45 degree angle parking. The vehicles would turn right into the parking stalls. The potential issues would come for the vehicles backing out and trying to get back onto Main Street. It would be an issue of the property owner and business owner.

Commissioner Thomas asked if expanding the exit out to garden Street would allow for a double exit. Mr. Aagard stated that would help only if the owner of the drive though had a system in place for that. There is the room to do that.

Chairman Hamilton opened the public hearing.

Ms. Michelle Jensen, the applicant stated they own the Pear Place and have considered the queuing. The intention is to further develop the entire property. The queuing is hoping to que the coffee shop in the front and have the other business parking in the back.

Commissioner Whitehouse asked for further explanation of queuing. Ms. Jensen stated that they had considered a few things. There could be almost 20 cars for the length of the property and having a walk out delivery. There should be two to three employees at a time. She stated they would address the challenges. Commissioner Whitehouse asked if there was space to double que and have two queuing lines. Ms. Jensen stated that the line kind of bottlenecks right in the beginning of the lane, but there is space to the east.

Mr. Arnold Robison, stated that he is concerned for vehicle stacking. He stated that when the state redid Main Street the parking was reduced and now there is barely room for parking. He stated that Garden Street at that end is very potholed and narrow. It is basically a paved alley.

Commissioner Sloan asked where his property was. He stated two houses to the south.

Ms. Janet Robison was asked to speak in the microphone. They are two houses to the south and have four accesses into the property. They don't want to have a problem getting out of their driveways. She stated that she can see the depth of the property, but it will not be developed to the further and spill out onto Main Street. The traffic off the hill is at all time of day and night. It is not safe for traffic to be backed up on main Street.

Mr. Bryan Parker stated he owns the adjacent property to the south. He stated they have their grandkids play on the fence line. He stated the fence line is a three foot chain link fence and the driveway is shared. He stated they have an attorney draft an agreement for parking. His wife has had to wait to get in their driveway because of work vehicles parked in front of driveway. He has been blocked from the driveway by a vehicle parked in their driveway. He shared concerns about the noise from the drive through. He asked what if a person drives up his driveway. He stated he wishes the Jensen's luck, but he has to do what is right for his family.

Chairman Hamilton closed the public hearing.

Commissioner Robinson stated that most of what they are hearing has to deal with Main Street. That is a UDOT managed road, what options does the City have? He stated he thought UDOT should look at this. Mr. Aagard stated UDOT has seen this as a commercial access for the Pear Place site plan approval. They may not be aware of the drive though for the coffee shop. Commissioner Robinson reaffirmed that that he thinks UDOT should review this. Mr. Aagard stated there will be a site plan review. The site plan application could include a UDOT approval. Commissioner Robinson stated with the Conditional Use Permit, they are required to approve it, if they can mitigate their concerns. Most of the concern that need mitigation are not controlled by the City. Mr. Aagard stated he was pretty sure that was the limit.

Mr. Baker stated he suggested to the Commission for them to exercise their role in determining what the anticipated detrimental affects might be and then a discussion can be had to mitigate those effects with reasonable conditions. If the Commission has determined the detrimental effects, then there could be a discussion about conditions.

Chairman Hamilton stated the issues he had heard were stacking, shared driveway, noise, a three foot fence, traffic on Garden Street.

Commissioner Sloan asked to have the applicant come back to answer a question.

Commissioner Sloan asked Ms. Jensen what her hours of operation would be? Ms. Jensen stated operation would be 6am to 6pm. She stated they had ordered a 6 foot concrete fence along the entire south length of the property.

Chairman Hamilton, the fencing is addressed but that could be a condition. Commissioner Sloan stated it goes from main to Garden, but how does that work if you are sharing a driveway? Chairman stated the sidewalk back to Garden. It is a shared approach driveway.

Commissioner Robinson asked about the timeframe for the site plan? Mr. Aagard stated the site plans are approved administratively by staff. The time it would take would depend on the how long staffs comments are resolved by the applicant. At this point she is waiting for the Conditional Use Permit. There are engineer drawings being worked out. Site plan approvals typically take two to three months.

Commissioner Thomas stated that he looks at the map where Main Street is, there is an approach, but the drawing shows a bigger driveway on the property. Can the applicant have a bigger approach on their own land? Mr. Aagard stated yes.

Chairman Hamilton stated that within that park strip they can do that themselves with approval from UDOT.

Chairman Hamilton stated that the applicant made a statement off the microphone that they will put a concrete fence all the way back to the street and working on widening the approach for both businesses both for Pear Place and Oquirrh Brew with UDOT. Those issues are in works to be mitigated. The fence is also mitigated with the fencing. The Other issues are stacking and

traffic on Garden street. Chairman Hamilton stated that the update of Garden Street is not up to the Planning Commission.

Commissioner Hammer stated stacking on Main Street is there enough room to pull off Main Street. Chairman Hamilton stated with his travels, on the road, he wouldn't do it. He has seen cars pull off, but their cars are in the lane.

Commissioner Hammer stated she is worried about stacking on Main Street. Chairman Hamilton stated there could be a condition or pressure the business owner to keep the stacking off of Main Street. Commissioner Hammer asked if there was a way to get the UDOT things before approving.

Commissioner Thomas stated that there is a concern about stacking and the applicant could address that.

Commissioner Whitehouse asked for the Ms. Jensen to address the plan for the driveway. Ms. Jensen stated that they don't know if there will be 7 to 8 cars in the queue. They do not know when the peak hours will be. They do not anticipate it to be the same time they are using the Pear Place building. There are eight parking spots. There are options to cue. The cars could be run past the drive up window and walk the coffees out to the cars. She stated that they feel comfortable in handling the que. There will be a future parking lot at the back of the property. Commissioner Whitehouse asked how far out is the additional parking lot in the plan. Ms. Jensen stated that the parking lot is hopefully done next year. Chairman Hamilton stated it is dirt and gravel right now and could be used if needed. Ms. Jensen stated it is a large lot and should be able to fit more than 52 parking slots and more buildings.

Chairman Hamilton stated most of the issues were mitigated. Commissioner Sloan stated he has no issue with the mitigation, he has some concern about the approval with access from UDOT did not include this potential of this amount of traffic. He stated he would feel more comfortable if UDOT signed off on this. He travels that road a lot during the day. Mr. Robinson echoed the sentiment. Commissioner Sloan stated there is the room to pull forward, but is concerned that someone will be watching while filling orders. A condition for UDOT is not unreasonable. Chairman Hamilton stated he agreed and other conditions could be wider approach, fencing, and UDOT review.

Mr. Baker asked if a vote would be delayed to obtain UDOT approval or will there be a condition that is subject to UDOT approval. Commissioner Sloan stated he would like to have a condition subject to UDOT approval. Mr. Baker stated that is the more challenging option. There is a permit granted until an external party satisfies the condition. Mr. Baker stated that the Commission has the ability to reasonably delay while gathering information. What can't be done is saying it will not be voted on until something else happens. A reasonable delay is lawful. Mr. Baker gave an example. The Commission could say that they would table the vote for 30 days or four weeks for UDOT's review of this matter. That is a reasonable amount of time. But an indefinite delay is not reasonable. If UDOT has not reviewed the application, then there could be a condition for the drive through with the approval of UDOT.

Commissioner Thomas asked what level of approval would be required from UDOT? Mr. Paul Hansen stated that UDOT be asked to review the existing road access permit. It is a broad look at the permit to see if the permit is sufficient for the intended use.

**Commissioner Sloan motioned to 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 and additional conditions being; an approval from UDOT to determine if the current road access permit is appropriate for the expanded use, a six foot masonry fence extending from Main Street at the appropriate location and appropriate spot on Garden Street, and an annotation to the road access permit include a double access.**

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

**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.**

Presented by Andrew Aagard

Mr. Aagard stated the City Council voted to approve the reassignment of zoning on the property to the Industrial zone. The application is regarding a use that is now permitted in the zone with a Conditional Use Permit. The property is located on 1200 West adjacent to Union Pacific Railroad. The property is zoned I Industrial and the surrounding properties are LI Light Industrial. The property in the Tooele County to the west is zoned Manufacturing Distribution. The application is authorizing the use of an auto impound on the property. The impound lot will be used by at least five towing companies for the municipal enforcement and impound rotation. Vehicles will be towed to the site and impounded. It is not anticipated that the tow trucks themselves will be stored at the site. The site is currently fenced with a six foot chain-link fence topped with wire. The applicant has indicated they are willing to place slats in the fence for screening of the vehicles is deemed necessary. Staff does not see screening measures warranted at this location, due to the industrial nature of the surrounding properties. This is a public hearing and notices were mailed to neighboring properties' and no comments were received by staff. Staff is recommending approval with the basic conditions in the Staff Report

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

Commissioner Sloan stated that he is in favor of the business purpose, but is was not in favor about how it was approved.

Chairman Hamilton opened the public hearing, there were no comments

Chairman Hamilton closed the public hearing.



Commissioner Thomas stated he did not see a concern about having vehicles stored, but changing the zoning was not the best approach to allow this to happen.

**Commissioner Sloan motioned to approve the Conditional Use Permit Request by Amber Snyder, to authorize an “Auto Impound Yard” at 318 South 1200 West, application P20-639, based on the findings and subject to the conditions listed in the Staff Report dated August 4, 2020.** Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Sloan, “Aye,” Commissioner Thomas, “Aye,” Commissioner Hammer, “Aye,” Commissioner Whitehouse, “Aye,” Commissioner Robinson, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

**9. Recommendation on a Subdivision Plat Amendment request amending the Lexington at Overlake 5 Lot Minor Subdivision Plat by Zenith Tooele LLC for 33.34 acres of property located at approximately 400 West 1000 North in the MR-16 Multi-Family residential zoning district.**

Presented by Andrew Aagard

Mr. Aagard stated that this is a subdivision plat amendment that pertains to the large property located north of 1000 North and west of 400 West and Franks Drive. Property is currently zoned MR-16 Multi-Family Residential and is undeveloped. Property to the north is R1-7 Residential, as is property to the east and west. Property to the south is MR-16 Multi-Family Residential and GC Commercial. The proposed Subdivision Plat Amendment amends the Lexington at Overlake five lot minor subdivision plat. The plat amendment shifts some of the lot lines and reconfigures the subdivision plat. The plat still involves five larger lots for future development however lot 102 has increased in size up to 11 acres and lot 3 has been reduced to nearly 2 acres. The plat also establishes utility drainage and access easements. The subdivision plat also provides the dedication of right-of-way to Tooele City for a public street on Franks Drive and future Berra Boulevard. Staff is recommending approval with the basic conditions in the Staff Report.

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

**Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Lexington Greens 5 Lot Minor 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.** Commissioner Sloan seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Sloan, “Aye,” Commissioner Thomas, “Aye,” Commissioner Hammer, “Aye,” Commissioner Whitehouse, “Aye,” Commissioner Robinson, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

**10. Review and Approval of Planning Commission minutes for meeting held on July 22, 2020.**

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

11. **Adjourn**

Chairman Hamilton declared the meeting adjourned at 7:20p.m.

Commissioner Smart resigned from his Appointment on the Planning Commission just after the close of the meeting.

*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

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Tyson Hamilton, Chairman, Tooele City Planning Commission

## TOOELE CITY CORPORATION

### ORDINANCE 2020-35

#### **AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE RR-1 RESIDENTIAL ZONING DISTRICT FOR APPROXIMATELY 1 ACRE OF PROPERTY LOCATED AT APPROXIMATELY 77 NORTH 1100 WEST.**

WHEREAS, Utah Code §10-9a-401, *et seq.*, requires and provides for the adoption of a “comprehensive, long-range plan” (hereinafter the “General Plan”) by each Utah city and town, which General Plan contemplates and provides direction for (a) “present and future needs of the community” and (b) “growth and development of all or any part of the land within the municipality”; and,

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 1998-39, on December 16, 1998, by a vote of 5-0; and,

WHEREAS, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial, open space); and,

WHEREAS, the Land Use Plan reflects the findings of Tooele City’s elected officials regarding the appropriate range, placement, and configuration of land uses within the City, which findings are based in part upon the recommendations of land use and planning professionals, Planning Commission recommendations, public comment, and other relevant considerations; and,

WHEREAS, Utah Code §10-9a-501, *et seq.*, provides for the enactment of “land use [i.e., zoning] ordinances and a zoning map” that constitute a portion of the City’s regulations (hereinafter “Zoning”) for land use and development, establishing order and standards under which land may be developed in Tooele City; and,

WHEREAS, a fundamental purpose of the Land Use Plan is to guide and inform the recommendations of the Planning Commission and the decisions of the City Council about the Zoning designations assigned to land within the City (e.g., R1-10 residential, neighborhood commercial (NC), light industrial (LI)); and,

WHEREAS, the City received an application for Zoning amendments for property located at approximately 77 North 1100 West on July 7, 2020, requesting that the Subject Property be reassigned to the RR-1 Residential zoning district. (see Rezone Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the Subject Properties are owned by Grand Storage LLC and are

currently assigned the LI Light Industrial zoning district; and,

WHEREAS, on August 12, 2020, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as **Exhibit C**); and,

WHEREAS, on \_\_\_\_\_, the City Council convened a duly-advertised public hearing:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that:

1. this Ordinance and the zoning amendment proposed therein is in the best interest of the City in that it creates additional housing opportunities for the City and that it provides a location for a care taker residence related to an existing storage unit facility; and,
2. the Zoning Map is hereby amended for the property located at approximately 77 North 1100 West as requested in **Exhibit A**, attached.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Pitt, City Recorder

S E A L

Approved as to Form: \_\_\_\_\_  
Roger Baker, Tooele City Attorney

## Exhibit A

# Petition and Mapping Pertinent to Zoning Map Amendment

# 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](http://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: <del>8/11/19</del> 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.

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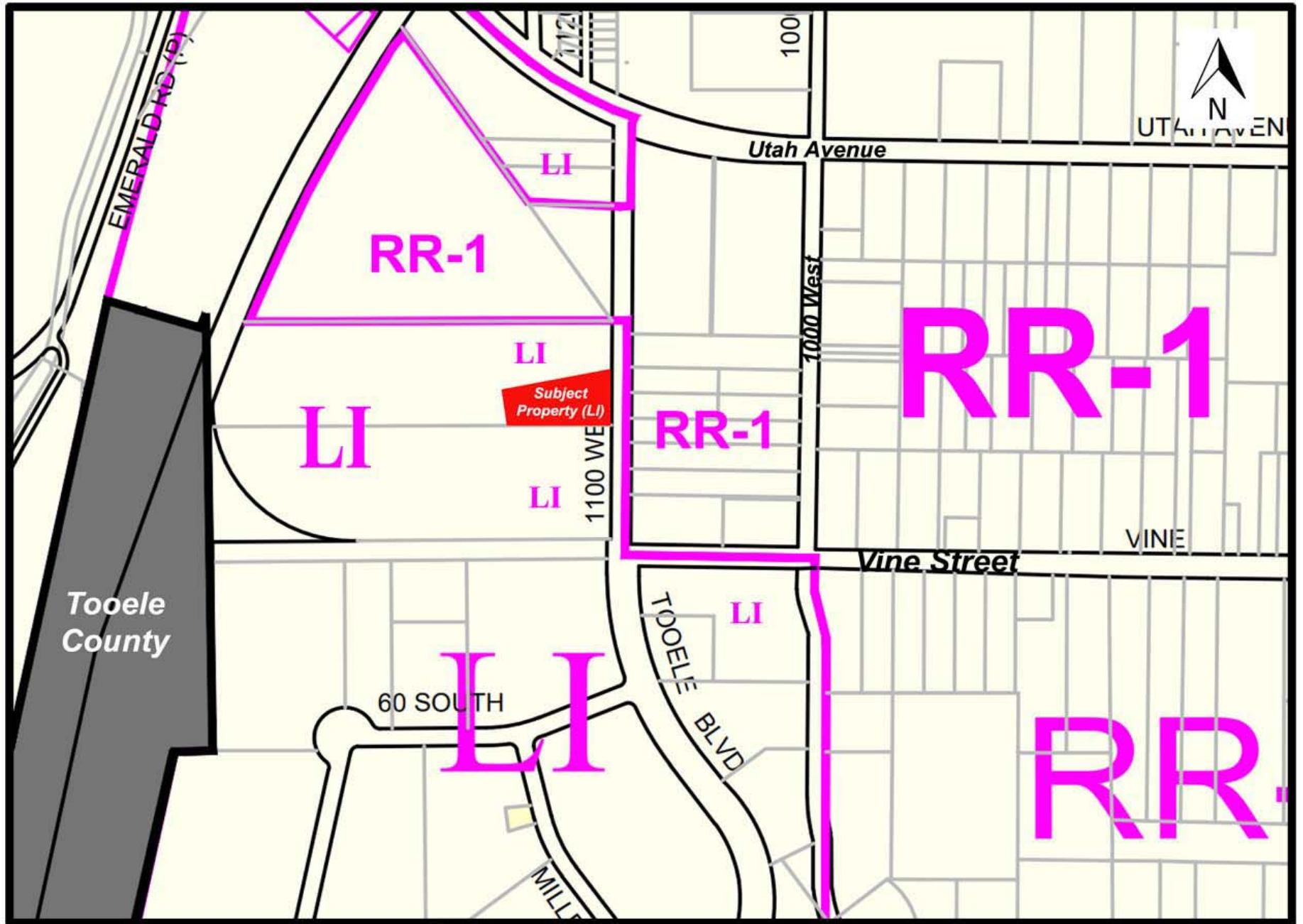
For Office Use Only			
Received By: 	Date Received: 7-7-20	Fees: \$1,100 <sup>00</sup>	App#: Rec#: <del>00280016</del> 00280016

# 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

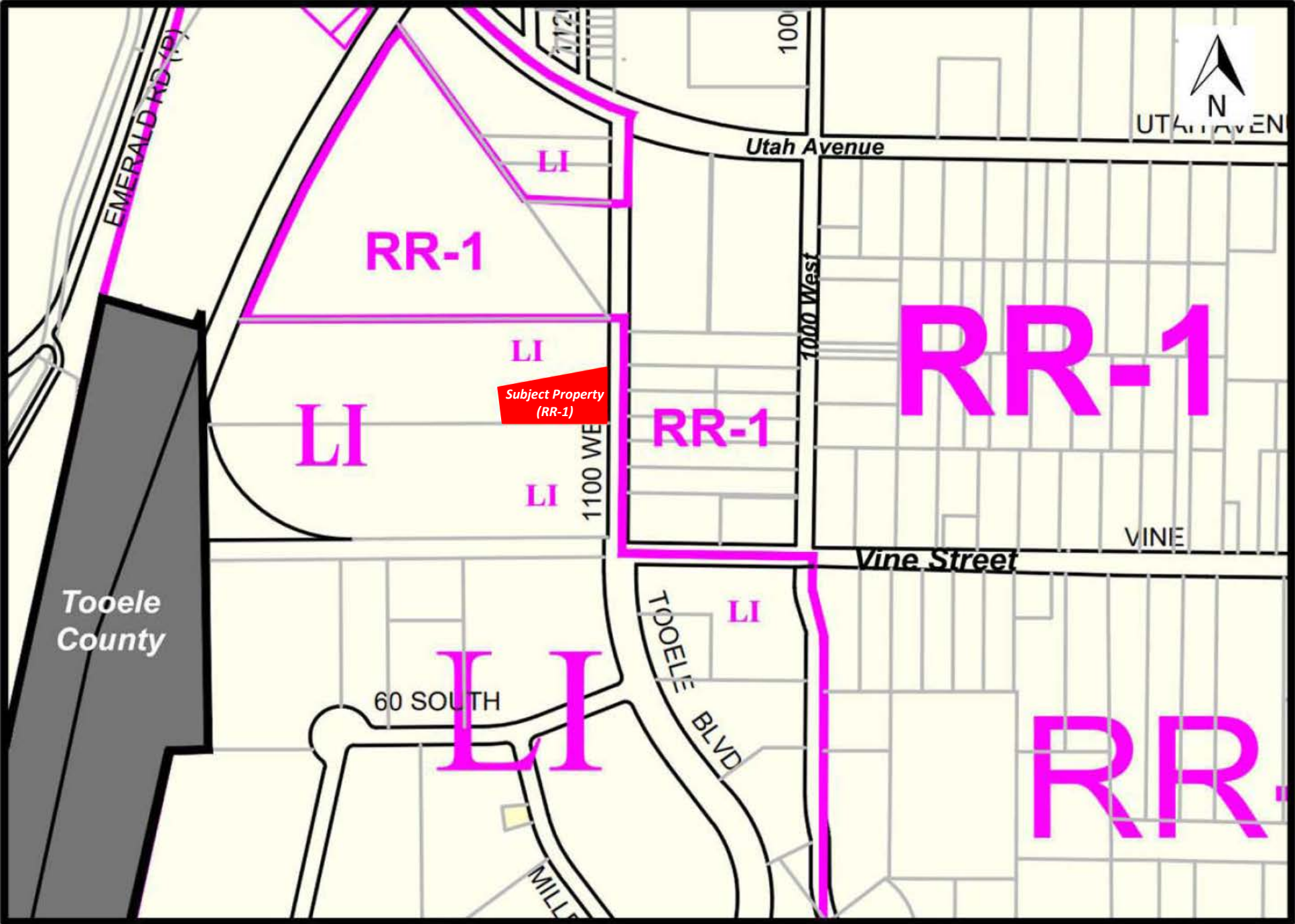


# Grand Storage Rezone Zoning Map Amendment



**Current Zoning**

# Grand Storage Zoning Map Amendment



*Proposed Zoning*

Exhibit B

Staff Report

## 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 ft<sup>2</sup>)  
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**

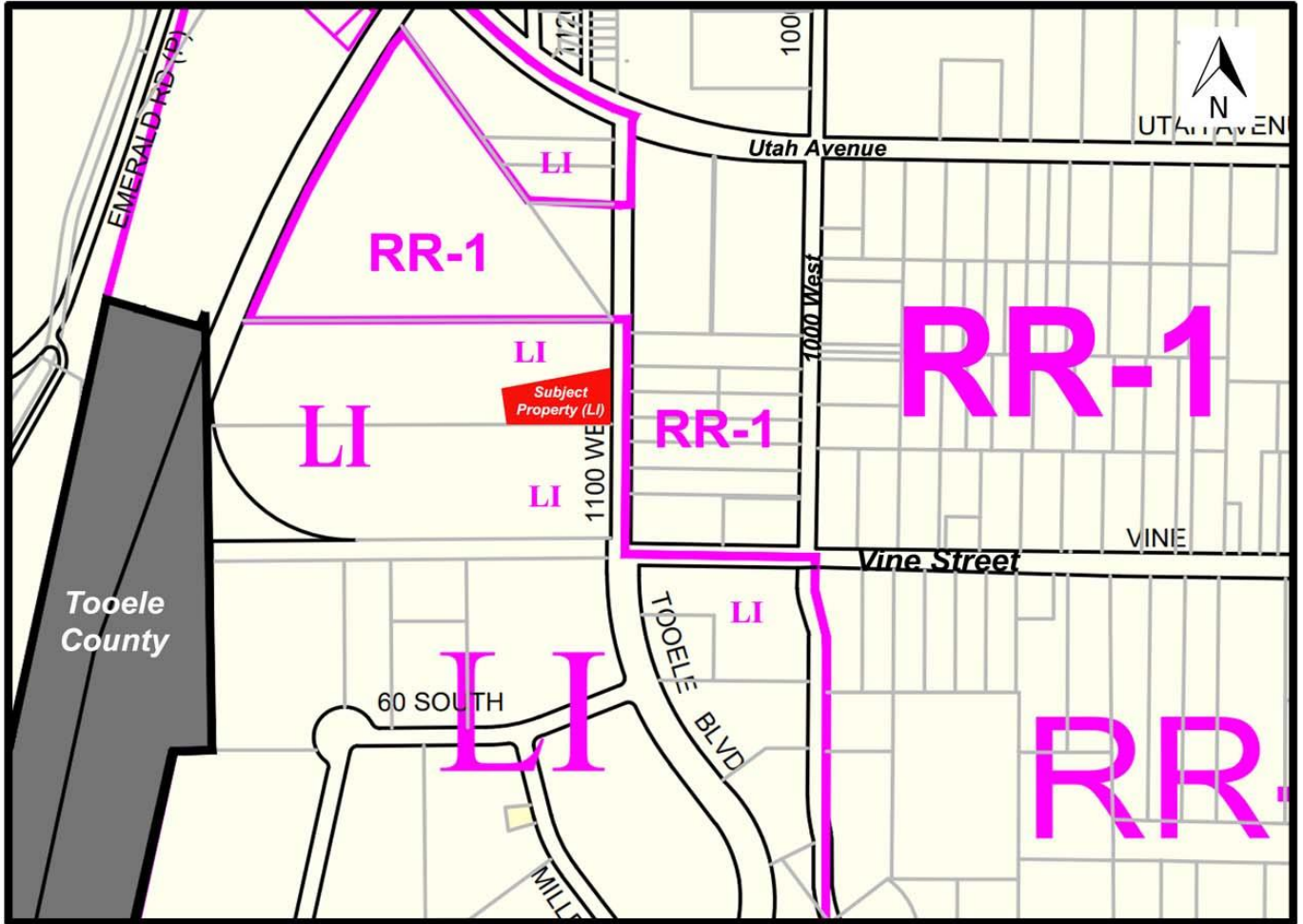
**MAPPING PERTINENT TO THE GRAND STORAGE REZONE ZONING MAP AMENDMENT**

***Grand Storage Rezone Zoning Map Amendment***



***Aerial View***

# Grand Storage Rezone Zoning Map Amendment



**Current Zoning**



**EXHIBIT B**

**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](http://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: <del>8/11/19</del> 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	

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2200567

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

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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

## Exhibit C

### Planning Commission Minutes

## TOOELE CITY PLANNING COMMISSION MINUTES

**Date:** Wednesday, August 12, 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  
Melanie Hammer  
Matt Robinson  
Bucky Whitehouse

**Commission Members Excused:**

Ray Smart  
Shauna Bevan

**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 Member Justin Brady

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 6:00 pm.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Sloan.

**2. Roll Call**

Dave McCall, Present  
Tyson Hamilton, Present  
Melanie Hammer, Present  
Chris Sloan, Present  
Nathan Thomas, Present  
Bucky Whitehouse, Present  
Matt Robinson, Present

**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 West 700 North**

Presented by Andrew Aagard

Mr. Aagard stated the property is located just north of 700 North and east of 130 East. It is a parcel of land slightly larger than one acre. There is an existing single family residence located on the property along with some existing accessory structures. The property is currently zoned MR-16 Multi-Family Residential, as is the property to the north, properties to the south are zoned GC General Commercial and R1-7 Residential. There is GC General Commercial zoning to the west and R1-7 Residential to the east. The applicant is requesting the property to be rezoned to R1-7 to eliminate a legal nonconforming status attached to the existing home. The differences between the two zones include, the MR-16 is multi-family residential and R1-7 is for single family residential. The application is a public hearing and notifications were sent out to property owners within 200 feet of the subject property. No comments were registered with the staff.

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

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

**Commissioner Thomas motioned to forward a positive recommendation to the City Council for the Brady Rezone Zoning Map Amendment Request by Ian Brady to reassign the zoning on 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.** Commissioner Sloan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

**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**

Presented by Andrew Aagard

Mr. Aagard stated the property is located immediately adjacent to the Grand Storage project, just west of 1100 West. The zoning on the property is currently LI Light Industrial, as are the properties to the north and south. The City does have an application for the expansion of the storage facility immediately to the south. Properties in the RR-1 Rural Residential zone are used as single family residential and agricultural. The property was left out of the Grand Storage property, with the anticipation that the owner of the project would construct a single family residential home on the property. This property would be a caretaker home for the property, but the LI Light Industrial zone does not permit single family residential structures. A survey has been provided for the subdivision of the parcel that will be one acre and comply with all the

codes of the RR-1 Rural Residential zone. No nonconformities would be created with the RR-1 Rural Residential adjacent to the LI Light Industrial zoning. This item is a public hearing and notices were sent to the adjacent property owners; no comments were received by staff.

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

Chairman Hamilton opened the public hearing.

Ms. Tracy Shaw stated she is speaking on behalf of Tooele Self Storage, for which she is the onsite manager for the property immediately to the south that has submitted the application for expansion. The corporate office asked her to make a statement and is not opposed to the rezone, but concerned about the application they have submitted for the design and expansion. The plans have been submitted for approval. They are concerned about how the set backs are done and create some issues with their property expansion. The corporate office would like to convey that that they are no opposed to the rezone provided it would not affect the expansion. If changes need to be made it would be a drastic redesign.

Chairman Hamilton closed the public hearing.

Commissioner Sloan asked about the concerns about the voiced by Ms. Shaw, would this create any problems with their application? Mr. Aagard stated he has not reviewed the proposed site plan in detail for the expansion. The setbacks in a LI Light Industrial zone reflect the same set backs as a residential zone. In this case their RR-1 Rural Residential a 20 foot setback for side yards. With the application coming in before the zoning is ratified that the existing conditions would take place.

**Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Grand Storage Rezone 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.** Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

**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 0.2 acres.**

Presented by Andrew Aagard

Mr. Aagard stated Beddall's Childcare is an existing home business located east of 1300 East and north of 850 North. The property is surrounded by similarly zoned single family residential properties and all properties are zoned R1-7 Residential. Home based daycares involving seven or less children are permitted uses in the R1-7 Residenital zone, however if they have daycare children of eight to 16, they require a Conditional Use Permit. The applicant has indicated that

she wishes to increase the size of the home based business up to 16 children as well as inclusion of one additional nonresidential employee at the home, which is permitted by the code. Child pick up and drop off will be conducted on the 80 foot on street frontage located west of the lot. In analyzing the potential vehicle stacking issue, there could be some issues, but a daycare differs from a preschool as there are not arrange pick up and drop times. The pick up or drop off takes place at the availability of the parent or guardian. The time would be staggered. Staff is recommending approval with the conditions listed in the Staff Report. This item is a public hearing and no comments were registered by staff on the notices that were sent out or in the newspaper.

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

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

Commissioner Hammer stated she had a concern about the adding 16 children in a residential area and having that any additional children may be detrimental to the neighbors. Commissioner Thomas stated it is a valid concern, but they do not know everyone's concerns around this house.

**Commissioner Hammer motioned to 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 conditions listed in the Staff Report dated August 3, 2020.** Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

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.**

Presented by Andrew Aagard

Mr. Aagard stated that this application is very similar to the previous application. It is located west of 780 West and south of 770 South. It is zoned R1-7 Residential and is surrounded by R1-7 Residential. This application has indicated they would like to have 12 children in their daycare, however the ordinance authorizes 8 to 16. The property has 70 feet of frontage and this is where the child drop off and pick up will occur. The applicant has indicated that there will be a contractual agreement for drop off and pick up times. The times will be staggered. Staff is recommending approval with the conditions listed in the Staff Report. This item is a public hearing and notices were mailed to adjacent properties. No comments were registered by staff.

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

Chairman Hamilton closed the public hearing.



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

**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.**

Presented by Andrew Aagard

Mr. Aagard stated this application is sandwiched between Garden Street and Main Street. The property is currently in the renovation process and the applicant is renovating the existing home on the property for a business. The property is zoned MU-G Mixed Use General, as are all of the surrounding properties. The applicant wishes to expand the renovation activities on the site. The existing home will be utilized as the Pear Place, which will be a craft and learning center. This application pertains to the detached accessory building located to the east and south of the existing home and will be for a proposed coffee shop. Due to building orientation, building traffic will enter from Main Street and exit onto Garden Street. There is approximately 160 feet from the proposed coffee shop and the edge of Main Street and could support approximately 7 to 8 vehicles in a queuing lane. Given the success of other drive through coffee shops in the City it should be anticipated that there will be vehicle queuing. It should be noted that the proposed queuing lane is through the main access and parking area for Pear Place. This could create conflict; however this is all private property and the matter would be resolved by the property owner of the two business. The item is a public hearing and notices were sent to adjacent land owners. No comments or concerns have been registered. Staff is recommending approval based on the four basic conditions listed in the Staff Report.

Chairman Hamilton opened to the Commission for comments or questions.

Commissioner Thomas asked for the name of the business. Mr. Aagard stated that the business in the house is Pear Place. The coffee shop is named Oquirrh Brews.

Commissioner Sloan stated he is a little concerned about the traffic and stacking on Main Street. Vehicles coming down that section of Main Street are going relatively fast. There are other similar businesses with vehicle stacking that extends onto the street. Mr. Aagard stated that it is a legitimate concern and staff shares the same concern. He stated he was unsure about what could be done, with a condition but adds enforcement issues. Commissioner Sloan asked if the ingress will exclude the possibility of someone trying to get back out of the property and onto Main Street. Mr. Aagard stated it is difficult because it is a state highway and is managed by UDOT.

Commissioner Hammer stated that the property owners will need to work out stacking and parking of cars. She stated she is not familiar with Pear place, but how does the parking align with the drive through configuration. Mr. Aagard stated that the site plan shows that the Pear Place parking will be 45 degree angle parking. The vehicles would turn right into the parking stalls. The potential issues would come for the vehicles backing out and trying to get back onto Main Street. It would be an issue of the property owner and business owner.

Commissioner Thomas asked if expanding the exit out to garden Street would allow for a double exit. Mr. Aagard stated that would help only if the owner of the drive though had a system in place for that. There is the room to do that.

Chairman Hamilton opened the public hearing.

Ms. Michelle Jensen, the applicant stated they own the Pear Place and have considered the queuing. The intention is to further develop the entire property. The queuing is hoping to que the coffee shop in the front and have the other business parking in the back.

Commissioner Whitehouse asked for further explanation of queuing. Ms. Jensen stated that they had considered a few things. There could be almost 20 cars for the length of the property and having a walk out delivery. There should be two to three employees at a time. She stated they would address the challenges. Commissioner Whitehouse asked if there was space to double que and have two queuing lines. Ms. Jensen stated that the line kind of bottlenecks right in the beginning of the lane, but there is space to the east.

Mr. Arnold Robison, stated that he is concerned for vehicle stacking. He stated that when the state redid Main Street the parking was reduced and now there is barely room for parking. He stated that Garden Street at that end is very potholed and narrow. It is basically a paved alley.

Commissioner Sloan asked where his property was. He stated two houses to the south.

Ms. Janet Robison was asked to speak in the microphone. They are two houses to the south and have four accesses into the property. They don't want to have a problem getting out of their driveways. She stated that she can see the depth of the property, but it will not be developed to the further and spill out onto Main Street. The traffic off the hill is at all time of day and night. It is not safe for traffic to be backed up on main Street.

Mr. Bryan Parker stated he owns the adjacent property to the south. He stated they have their grandkids play on the fence line. He stated the fence line is a three foot chain link fence and the driveway is shared. He stated they have an attorney draft an agreement for parking. His wife has had to wait to get in their driveway because of work vehicles parked in front of driveway. He has been blocked from the driveway by a vehicle parked in their driveway. He shared concerns about the noise from the drive through. He asked what if a person drives up his driveway. He stated he wishes the Jensen's luck, but he has to do what is right for his family.

Chairman Hamilton closed the public hearing.

Commissioner Robinson stated that most of what they are hearing has to deal with Main Street. That is a UDOT managed road, what options does the City have? He stated he thought UDOT should look at this. Mr. Aagard stated UDOT has seen this as a commercial access for the Pear Place site plan approval. They may not be aware of the drive though for the coffee shop. Commissioner Robinson reaffirmed that that he thinks UDOT should review this. Mr. Aagard stated there will be a site plan review. The site plan application could include a UDOT approval. Commissioner Robinson stated with the Conditional Use Permit, they are required to approve it, if they can mitigate their concerns. Most of the concern that need mitigation are not controlled by the City. Mr. Aagard stated he was pretty sure that was the limit.

Mr. Baker stated he suggested to the Commission for them to exercise their role in determining what the anticipated detrimental affects might be and then a discussion can be had to mitigate those effects with reasonable conditions. If the Commission has determined the detrimental effects, then there could be a discussion about conditions.

Chairman Hamilton stated the issues he had heard were stacking, shared driveway, noise, a three foot fence, traffic on Garden Street.

Commissioner Sloan asked to have the applicant come back to answer a question.

Commissioner Sloan asked Ms. Jensen what her hours of operation would be? Ms. Jensen stated operation would be 6am to 6pm. She stated they had ordered a 6 foot concrete fence along the entire south length of the property.

Chairman Hamilton, the fencing is addressed but that could be a condition. Commissioner Sloan stated it goes from main to Garden, but how does that work if you are sharing a driveway? Chairman stated the sidewalk back to Garden. It is a shared approach driveway.

Commissioner Robinson asked about the timeframe for the site plan? Mr. Aagard stated the site plans are approved administratively by staff. The time it would take would depend on the how long staffs comments are resolved by the applicant. At this point she is waiting for the Conditional Use Permit. There are engineer drawings being worked out. Site plan approvals typically take two to three months.

Commissioner Thomas stated that he looks at the map where Main Street is, there is an approach, but the drawing shows a bigger driveway on the property. Can the applicant have a bigger approach on their own land? Mr. Aagard stated yes.

Chairman Hamilton stated that within that park strip they can do that themselves with approval from UDOT.

Chairman Hamilton stated that the applicant made a statement off the microphone that they will put a concrete fence all the way back to the street and working on widening the approach for both businesses both for Pear Place and Oquirrh Brew with UDOT. Those issues are in works to be mitigated. The fence is also mitigated with the fencing. The Other issues are stacking and

traffic on Garden street. Chairman Hamilton stated that the update of Garden Street is not up to the Planning Commission.

Commissioner Hammer stated stacking on Main Street is there enough room to pull off Main Street. Chairman Hamilton stated with his travels, on the road, he wouldn't do it. He has seen cars pull off, but their cars are in the lane.

Commissioner Hammer stated she is worried about stacking on Main Street. Chairman Hamilton stated there could be a condition or pressure the business owner to keep the stacking off of Main Street. Commissioner Hammer asked if there was a way to get the UDOT things before approving.

Commissioner Thomas stated that there is a concern about stacking and the applicant could address that.

Commissioner Whitehouse asked for the Ms. Jensen to address the plan for the driveway. Ms. Jensen stated that they don't know if there will be 7 to 8 cars in the queue. They do not know when the peak hours will be. They do not anticipate it to be the same time they are using the Pear Place building. There are eight parking spots. There are options to cue. The cars could be run past the drive up window and walk the coffees out to the cars. She stated that they feel comfortable in handling the que. There will be a future parking lot at the back of the property. Commissioner Whitehouse asked how far out is the additional parking lot in the plan. Ms. Jensen stated that the parking lot is hopefully done next year. Chairman Hamilton stated it is dirt and gravel right now and could be used if needed. Ms. Jensen stated it is a large lot and should be able to fit more than 52 parking slots and more buildings.

Chairman Hamilton stated most of the issues were mitigated. Commissioner Sloan stated he has no issue with the mitigation, he has some concern about the approval with access from UDOT did not include this potential of this amount of traffic. He stated he would feel more comfortable if UDOT signed off on this. He travels that road a lot during the day. Mr. Robinson echoed the sentiment. Commissioner Sloan stated there is the room to pull forward, but is concerned that someone will be watching while filling orders. A condition for UDOT is not unreasonable. Chairman Hamilton stated he agreed and other conditions could be wider approach, fencing, and UDOT review.

Mr. Baker asked if a vote would be delayed to obtain UDOT approval or will there be a condition that is subject to UDOT approval. Commissioner Sloan stated he would like to have a condition subject to UDOT approval. Mr. Baker stated that is the more challenging option. There is a permit granted until an external party satisfies the condition. Mr. Baker stated that the Commission has the ability to reasonably delay while gathering information. What can't be done is saying it will not be voted on until something else happens. A reasonable delay is lawful. Mr. Baker gave an example. The Commission could say that they would table the vote for 30 days or four weeks for UDOT's review of this matter. That is a reasonable amount of time. But an indefinite delay is not reasonable. If UDOT has not reviewed the application, then there could be a condition for the drive through with the approval of UDOT.

Commissioner Thomas asked what level of approval would be required from UDOT? Mr. Paul Hansen stated that UDOT be asked to review the existing road access permit. It is a broad look at the permit to see if the permit is sufficient for the intended use.

**Commissioner Sloan motioned to 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 and additional conditions being; an approval from UDOT to determine if the current road access permit is appropriate for the expanded use, a six foot masonry fence extending from Main Street at the appropriate location and appropriate spot on Garden Street, and an annotation to the road access permit include a double access.**

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

**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.**

Presented by Andrew Aagard

Mr. Aagard stated the City Council voted to approve the reassignment of zoning on the property to the Industrial zone. The application is regarding a use that is now permitted in the zone with a Conditional Use Permit. The property is located on 1200 West adjacent to Union Pacific Railroad. The property is zoned I Industrial and the surrounding properties are LI Light Industrial. The property in the Tooele County to the west is zoned Manufacturing Distribution. The application is authorizing the use of an auto impound on the property. The impound lot will be used by at least five towing companies for the municipal enforcement and impound rotation. Vehicles will be towed to the site and impounded. It is not anticipated that the tow trucks themselves will be stored at the site. The site is currently fenced with a six foot chain-link fence topped with wire. The applicant has indicated they are willing to place slats in the fence for screening of the vehicles is deemed necessary. Staff does not see screening measures warranted at this location, due to the industrial nature of the surrounding properties. This is a public hearing and notices were mailed to neighboring properties’ and no comments were received by staff. Staff is recommending approval with the basic conditions in the Staff Report

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

Commissioner Sloan stated that he is in favor of the business purpose, but is was not in favor about how it was approved.

Chairman Hamilton opened the public hearing, there were no comments

Chairman Hamilton closed the public hearing.

Commissioner Thomas stated he did not see a concern about having vehicles stored, but changing the zoning was not the best approach to allow this to happen.

**Commissioner Sloan motioned to approve the Conditional Use Permit Request by Amber Snyder, to authorize an “Auto Impound Yard” at 318 South 1200 West, application P20-639, based on the findings and subject to the conditions listed in the Staff Report dated August 4, 2020.** Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Sloan, “Aye,” Commissioner Thomas, “Aye,” Commissioner Hammer, “Aye,” Commissioner Whitehouse, “Aye,” Commissioner Robinson, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

**9. Recommendation on a Subdivision Plat Amendment request amending the Lexington at Overlake 5 Lot Minor Subdivision Plat by Zenith Tooele LLC for 33.34 acres of property located at approximately 400 West 1000 North in the MR-16 Multi-Family residential zoning district.**

Presented by Andrew Aagard

Mr. Aagard stated that this is a subdivision plat amendment that pertains to the large property located north of 1000 North and west of 400 West and Franks Drive. Property is currently zoned MR-16 Multi-Family Residential and is undeveloped. Property to the north is R1-7 Residential, as is property to the east and west. Property to the south is MR-16 Multi-Family Residential and GC Commercial. The proposed Subdivision Plat Amendment amends the Lexington at Overlake five lot minor subdivision plat. The plat amendment shifts some of the lot lines and reconfigures the subdivision plat. The plat still involves five larger lots for future development however lot 102 has increased in size up to 11 acres and lot 3 has been reduced to nearly 2 acres. The plat also establishes utility drainage and access easements. The subdivision plat also provides the dedication of right-of-way to Tooele City for a public street on Franks Drive and future Berra Boulevard. Staff is recommending approval with the basic conditions in the Staff Report.

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

**Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Lexington Greens 5 Lot Minor 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.** Commissioner Sloan seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Sloan, “Aye,” Commissioner Thomas, “Aye,” Commissioner Hammer, “Aye,” Commissioner Whitehouse, “Aye,” Commissioner Robinson, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

**10. Review and Approval of Planning Commission minutes for meeting held on July 22, 2020.**

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

11. **Adjourn**

Chairman Hamilton declared the meeting adjourned at 7:20p.m.

Commissioner Smart resigned from his Appointment on the Planning Commission just after the close of the meeting.

*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

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Tyson Hamilton, Chairman, Tooele City Planning Commission

## TOOELE CITY CORPORATION

### ORDINANCE 2020-36

#### **AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE LI LIGHT INDUSTRIAL ZONING DISTRICT FOR APPROXIMATELY 170.8 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2000 NORTH 1200 WEST.**

WHEREAS, Utah Code §10-9a-401, *et seq.*, requires and provides for the adoption of a “comprehensive, long-range plan” (hereinafter the “General Plan”) by each Utah city and town, which General Plan contemplates and provides direction for (a) “present and future needs of the community” and (b) “growth and development of all or any part of the land within the municipality”; and,

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 1998-39, on December 16, 1998, by a vote of 5-0; and,

WHEREAS, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial, open space); and,

WHEREAS, the Land Use Plan reflects the findings of Tooele City’s elected officials regarding the appropriate range, placement, and configuration of land uses within the City, which findings are based in part upon the recommendations of land use and planning professionals, Planning Commission recommendations, public comment, and other relevant considerations; and,

WHEREAS, Utah Code §10-9a-501, *et seq.*, provides for the enactment of “land use [i.e., zoning] ordinances and a zoning map” that constitute a portion of the City’s regulations (hereinafter “Zoning”) for land use and development, establishing order and standards under which land may be developed in Tooele City; and,

WHEREAS, a fundamental purpose of the Land Use Plan is to guide and inform the recommendations of the Planning Commission and the decisions of the City Council about the Zoning designations assigned to land within the City (e.g., R1-10 residential, neighborhood commercial (NC), light industrial (LI)); and,

WHEREAS, the City received an application for Zoning amendments for property located at approximately 2000 North 1200 West on July 15, 2020, requesting that the Subject Property be reassigned to the LI Light Industrial zoning district. (see Rezone Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the Subject Properties are owned by Tooele Associates, LP, and are



currently assigned the R1-7 Residential zoning district; and,

WHEREAS, on August 26, 2020, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as **Exhibit C**); and,

WHEREAS, on \_\_\_\_\_, the City Council convened a duly-advertised public hearing:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that:

1. this Ordinance and the zoning amendment proposed therein is in the best interest of the City in that it will initiate light industrial development in the area and create jobs for local residents; and,
2. will provide local businesses with locations from which to stage and operate their light industrial businesses; and,
3. the Zoning Map is hereby amended for the property located at approximately 2000 North 1200 West as requested in **Exhibit A**, attached.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Pitt, City Recorder

S E A L

Approved as to Form: \_\_\_\_\_  
Roger Baker, Tooele City Attorney

## Exhibit A

# Petition and Mapping Pertinent to Zoning Map Amendment

# Amended Application

## 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](http://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.

Project Information					
Date of Submission:	Current Map Designation:	Proposed Map Designation:	Parcel #(s):		
7-15-20	R1-7	Light Industrial	(See attached)		
Project Name:			Acres:		
Overlake Industrial Park			170.87		
Project Address:					
1000 N. 1200 West, Tooele, UT 84074					
Proposed for Amendment: <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____					
Brief Project Summary: These tax parcels (02-138-0-0003; 02-145-0-0015 and 02-146-0-0016) will provide a transition from residential zoning to the east and industrial zoning to the west.					
Property Owner(s):			Applicant(s):		
Tooele Associates LP			Tooele Associates LP		
Address:			Address:		
1983 N. Berra Blvd.			1983 N. Berra Blvd.		
City:	State:	Zip:	City:	State:	Zip:
Tooele	UT	84074	Tooele	UT	84074
Phone:			Phone:		
(435) 830-6979			(435) 830-6979		
Contact Person:			Address:		
Drew Hall			1983 N. Berra Blvd.		
Phone:			City:	State:	Zip:
(435) 830-6979			Tooele	UT	84074
Cellular:	Fax:	Email:			
(435) 830-6979	N/A	drewhall@concast.net			

\*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.

For Office Use Only			
Received By:	Date Received:	Fees:	App. #:

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH                    }  
  }ss  
COUNTY OF TOOELE            }

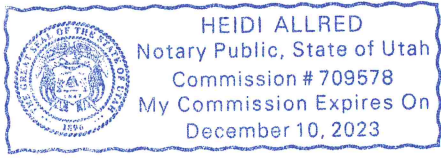
I/we, Drew Hall, being duly sworn, depose and say that I/we am/are the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my/our knowledge. I/we also acknowledge that I/we have received written instructions regarding the application for which I/we am/are applying and the Tooele City Community Development Department staff have indicated they are available to assist me in making this application.

Tooele Associates LP  
(Property Owner)

Drew D. Hall  
(Property Owner)

Subscribed and sworn to me this 15 day of July, 2020.

Managing Partner  
Heidi Allred  
(Notary)



Residing in Tooele County, Utah  
My commission expires: 12.10.23

AGENT AUTHORIZATION

I/we, \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my/our agent(s), \_\_\_\_\_, to represent me/us regarding the attached application and to appear on my/our behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

\_\_\_\_\_  
(Notary)

Residing in \_\_\_\_\_ County, Utah  
My commission expires: \_\_\_\_\_



July 15, 2020

**RE: TOOELE ASSOCIATES, LP AMENDED REZONE APPLICATION:**

Jim Bolser  
Director Community Development  
Tooele City  
90 North Main  
Tooele, UT 84074

Dear Jim,

Enclosed is the Tooele Associates, LP ("TA") amended rezone application we recently discussed. My apologies for the delay in getting this amended application to the City. Several of the Perry Home leaders were out of town thru the 10<sup>th</sup> of July. I was therefore delayed in getting signatures

The amended application reduces the rezone acreage from 215.72 acres to 170.87 acres, reduces the number of land parcels from five to three, and the request is for Light Industrial Zoning vs Industrial Zoning.

Also enclosed is a letter signed by all of the "Developer Parties" to the Settlement Agreement, in support of the amended rezone application.

TA intends to develop all necessary infrastructure (water, sewer, roads, etc.) to the Light Industrial land parcels sometime within the next 18 months. TA has not yet created specific site plans for the 170.87 acres. TA has, however, recently received inquiries about the availability of Light Industrial property.

TA will, at a later date, apply to rezone two additional land parcels, consisting of 44.85 acres (tax parcels 02-145-0-0012 and 02-145-0-0016). TA has a specific user for those land parcels and will apply later for the appropriate rezone.

Please let me know if you need additional information.

Best Regards,

A handwritten signature in blue ink, appearing to read "Drew D. Hall", with a long, thin line extending from the end of the signature.

Drew D. Hall  
Managing Partner  
drewdhall@comcast.net  
Tooele Associates, LP  
1983 N Berra Blvd.  
Tooele, UT 84074  
(435) 830-6979

1983 N. Berra Blvd.

Tooele UT 84074

435-843-1087

FAX 435-843-1088

Cc: Mayor Debbie Winn

02-138-0-0003

S 1/2 OF SE 1/4, SEC 7, T3S, R4W, SLB&M. 80.00 AC OUT OF 3-11-3

02-1450-0015

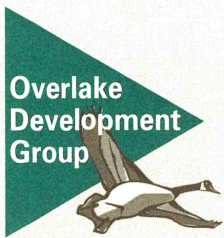
THAT PART OF E 1/2 W 1/2 SEC 18, T3S, R4W, LYING N OF WPRR R/W. BALANCE  
AFTER 3-29-15 15.45 AC 04/02/2002 04/02/2002



02-145-0-0016

THE N 1/2 OF NE 1/4 OF SEC 18, T3S, R4W, SLB&M. ---EXCEPT 4.58 AC FOR ROAD &  
RR BALANCE AFTER 3.29.15 75.42 AC 04/02/2002 04/02/2002

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June 25, 2020

Mayor Debbie Winn,  
Tooele City  
50 North Main  
Tooele, UT 84074

**RE: TOOELE ASSOCIATES, LP APPLICATION FOR REZONE OF RESIDENTIAL PROPERTY TO LIGHT INDUSTRIAL WITHIN THE OVERLAKE PROJECT AREA:**

Dear Mayor Winn,

The undersigned are the "Developer Parties" to the August 6, 2014 "Settlement Agreement" between the Developer Parties and Tooele City.

We are aware of and approve of the Tooele Associates, LP ("TA") application to rezone the following Tooele County land parcels within the Overlake Project Area from R1-7 to Light Industrial:

Tooele County Tax Parcel #	Approximate Acreage
02-138-0-0003	80.00
02-145-0-0015	15.45
02-145-0-0016	75.42
<b>Total Acreage</b>	<b>170.87</b>

We believe the TA rezone will result in significant employment and tax revenues to Tooele City and will also benefit the other Developer Parties. The 170.87 acres is within the 1000 North West Industrial Community Reinvestment Project Area created by the Redevelopment Agency of Tooele City in Resolution 2017-09 adopted on December 6, 2017.

With the City consent of this rezone, the total zoned acreage of Commercial and Light Industrial allowed within the Overlake Project Area will increase from 424 acres to 594.87 acres.

Best Regards,

  
Tooele Associates, LP

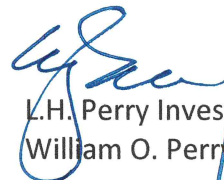
Drew D. Hall  
Managing Partner

  
Perry/Tooele Associates, LLC

Drew D. Hall  
Managing Member

  
Overlake Golf, LLC

Drew D. Hall  
Managing Member



L.H. Perry Investments  
William O. Perry III

  
PTA Settlement, LLC

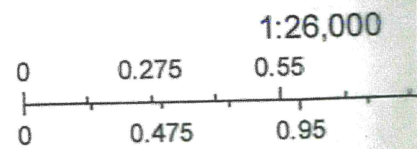
William O. Perry III  
Managing Member

  
Perry Homes, Inc.

Jeff Taylor  
President



2018  
 parcels 40k-6k  
 incorporated Municipalities  
 county Unincorporated Areas



## Exhibit A

Line #	Parcel #	Acreage
1	02-126-0-0001	34.41
2	02-126-0-0034	31.89
3	02-126-0-0006	3.17
4	02-126-0-0022	0.01
5	02-126-0-0025	19.67
6	02-126-0-0027	5.21
7	02-141-0-0005	153.33
8	02-142-0-0005	247.81
9	02-128-0-0001	119.70
10	02-128-0-0003	100.00
11	02-128-0-0004	78.40
12	02-128-0-0014	225.29
13	02-128-0-0010	4.82
14	02-128-0-0011	1.60
15	02-138-0-0002	160.43
16	02-138-0-0003	80.00
17	02-139-0-0002	131.36
18	02-139-0-0003	30.86
19	02-139-0-0004	80.38
20	02-139-0-0006	28.30
21	02-139-0-0007	230.65
22	02-142-0-0001	2.80
23	02-142-0-0002	8.56
24	02-145-0-0012	1.77
25	02-145-0-0014	43.08
26	02-145-0-0015	15.45
27	02-145-0-0016	75.42
29	02-143-0-0079	44.58
30	02-143-0-0008	23.26
31	02-141-0-0016	20.62
32	02-141-0-0026	117.08
33	Total Acreage	2119.91

The information provided for this plan is preliminary in nature and is subject to modification and correction. All land use designations, zoning regulations, and other information contained herein are subject to change without notice. The information is provided for informational purposes only and does not constitute a guarantee, warranty, or representation of any kind. The information is provided for informational purposes only and does not constitute a guarantee, warranty, or representation of any kind.

This Exhibit is accompanied by a Land Use Description narrative that explains the intent of each land use area and the allowable uses anticipated within that area. All stated acreages are subject to verification by this survey and the recording of local plats.

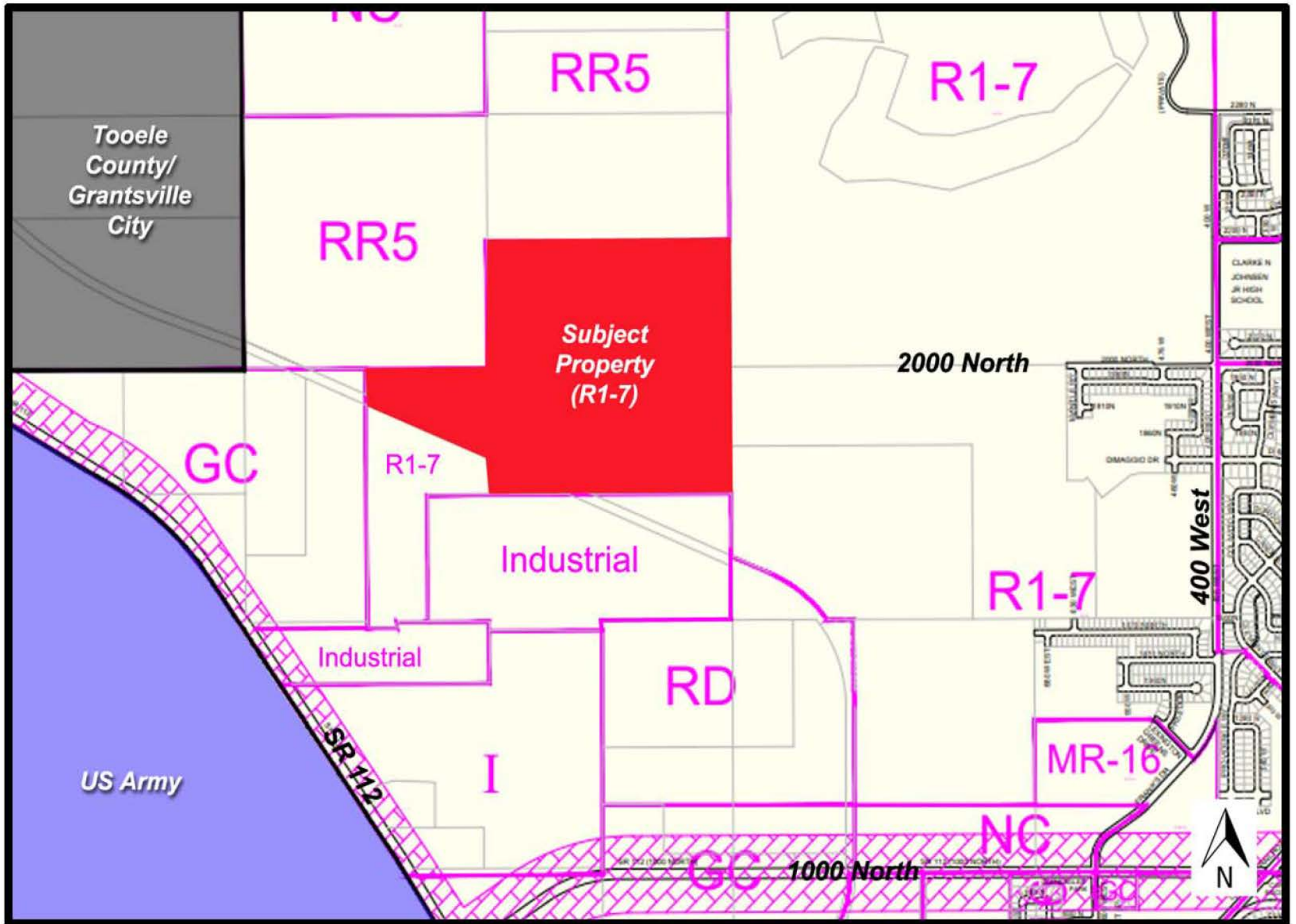


**OVERLAKE**

*Draft*  
Land Use Designations

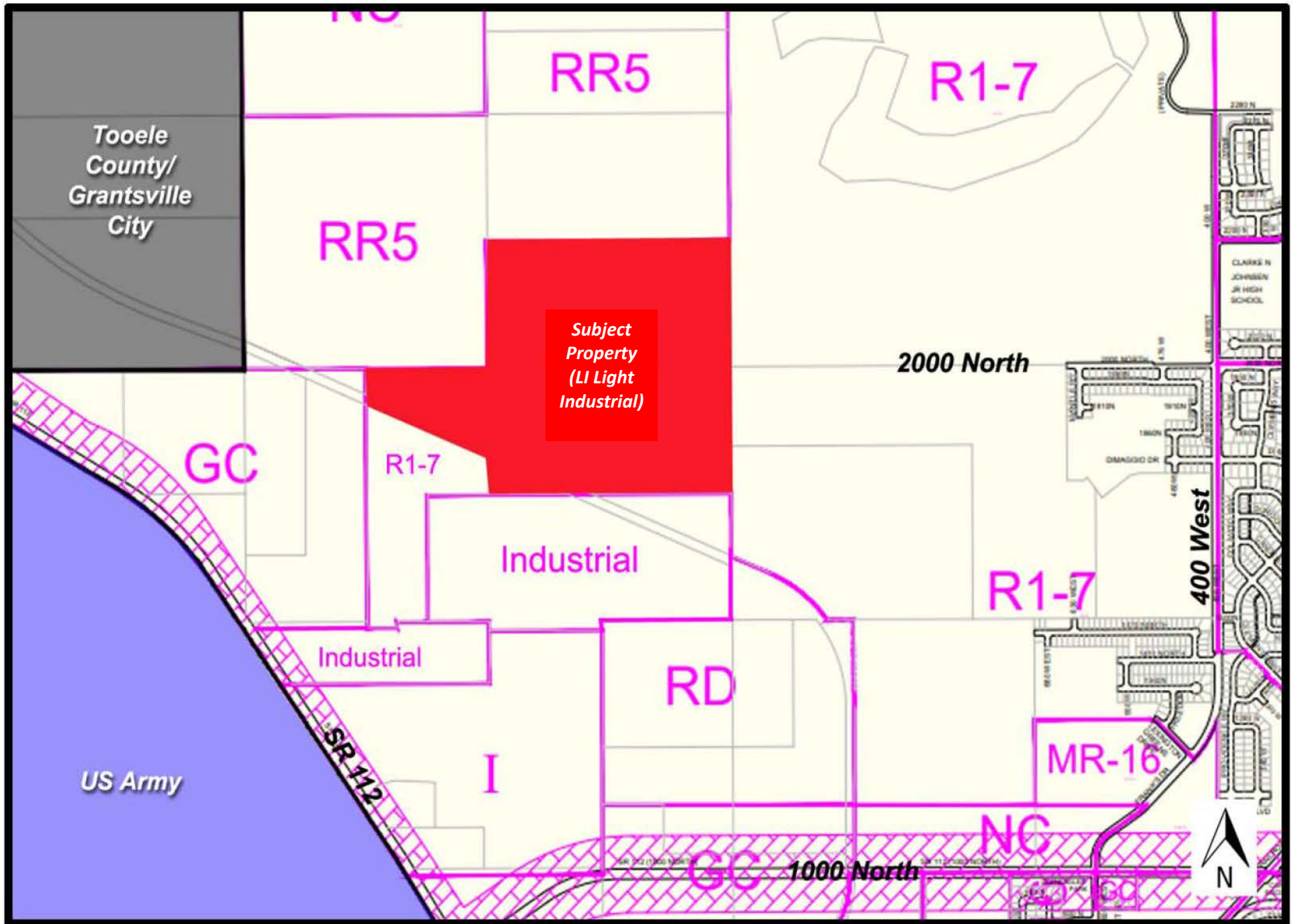
October 16, 2014

# Overlake Industrial Park Zoning Map Amendment



Current Zoning

# Overlake Industrial Park Zoning Map Amendment



*Proposed Zoning*

Exhibit B

Staff Report



**STAFF REPORT**

August 19, 2020

**To:** Tooele City Planning Commission  
Business Date: August 26, 2020

**From:** Planning Division  
Community Development Department

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

**Re: Overlake Industrial Park – Zoning Map Amendment Request**

Application No.: P20-389  
Applicant: Drew Hall, representing Tooele Associates, LP  
Project Location: Approximately 2000 North 1200 West  
Zoning: R1-7 Residential Zone  
Acreage: 170.87 Acres (Approximately 7,443,097 ft<sup>2</sup>)  
Request: Request for approval of a Zoning Map Amendment in the R1-7 Residential zone regarding reassignment of the subject properties to the LI Light Industrial Zoning District.

**BACKGROUND**

This application is a request for approval of a Zoning Map Amendment for approximately 170.87 acres located at approximately 2000 North 1200 West. The property is currently zoned R1-7 Residential. The applicant is requesting a Zoning Map Amendment to the Light Industrial Zoning District to facilitate light industrial manufacturing and heavy commercial development and land uses.

**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 purpose of the R1-7 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 R1-7 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. The properties to the north of the subject properties are currently zoned RR-5 Residential and are undeveloped. Properties to the east are zoned R1-7 Residential and are undeveloped. Properties to the south were recently rezoned to I Industrial and are undeveloped land. Properties to the west are zoned RR-5 Residential and GC General Commercial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The purpose of the LI Light Industrial zoning 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 differences between the LI Light Industrial zone and the R1-7 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 R1-7 Residential zone is Tooele City's most prevalent single-family residential zone and permits primarily just single-family residential and two family residential uses such as duplexes. Commercial uses in the zone are limited to home occupations and must adhere to the standards of Tooele City's Home Occupation ordinance. There are no industrial or commercial uses permitted within the R1-7 Residential zoning district.

The southern and western portions of the property are already adjacent to Industrial and Commercial zoning districts. However, the eastern and northern portions of the property are adjacent to property that could, potentially, be constructed as single-family residential homes. Is it within the City's best interest to have Light Industrial zoning extending that far inside of the City boundaries and in close proximity to residential zones without appropriate buffer zones? Tooele City has other locations with Light Industrial zoning, however, these areas are buffered from residential zones by State highways, railroad corridors and lesser intensity commercial zoning districts. Staff only poses the question for consideration and does not yield a recommendation one way or another.

Settlement Agreement. The subject properties are a part of the group of properties that are subject to the terms of the settlement agreement that ended the litigation between the City and the developer parties of what was the overall Overlake master planned development. That agreement was approved and took effect in August 2014. One of the terms of that settlement agreement dealt with the amount of land that could be zoned for residential and non-residential purposes. Specifically, Section 9 of the settlement agreement specified a vested cap of 424 acres and 20% of the of the overall development area, which are essentially equal, for non-residential uses. The land use plan for the overall Overlake properties, as a requirement of the settlement agreement, was approved by Ordinance 2015-04 and identified 424 acres for non-residential uses. In the time since, there has been one amendment to the zoning of the overall Overlake properties that changed this count. Ordinance 2019-33 removed 18.18 acres of that 424 acre non-residential total and reassigned it for residential uses. The size of the subject application, if approved, would result in a non-residential acreage above the 424 acre and 20% vested cap identified in the settlement agreement. The settlement agreement establishes a vested cap but that does not prohibit the City from exercising its legislative prerogative to make findings, when appropriate, and approve additional non-residential areas outside of the framework of the settlement agreement.

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. Single-Family residential zoning districts will exist immediately adjacent to Light Industrial zoning without any buffers such as a highway, railroad corridor or lesser intensity commercial zones.
- 2. There is little to no development on the surrounding parcels.
- 3. The property currently does not have any frontage onto any major road ways.

*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 Overlake Industrial Park Zoning Map Amendment Request by Drew Hall, representing Tooele Associates, LP to reassign the zoning of approximately 171 acres of property to the LI Light Industrial zoning district, application number P20-389, based on the findings listed in the Staff Report dated August 19, 2020:”

1. List any additional findings and conditions...

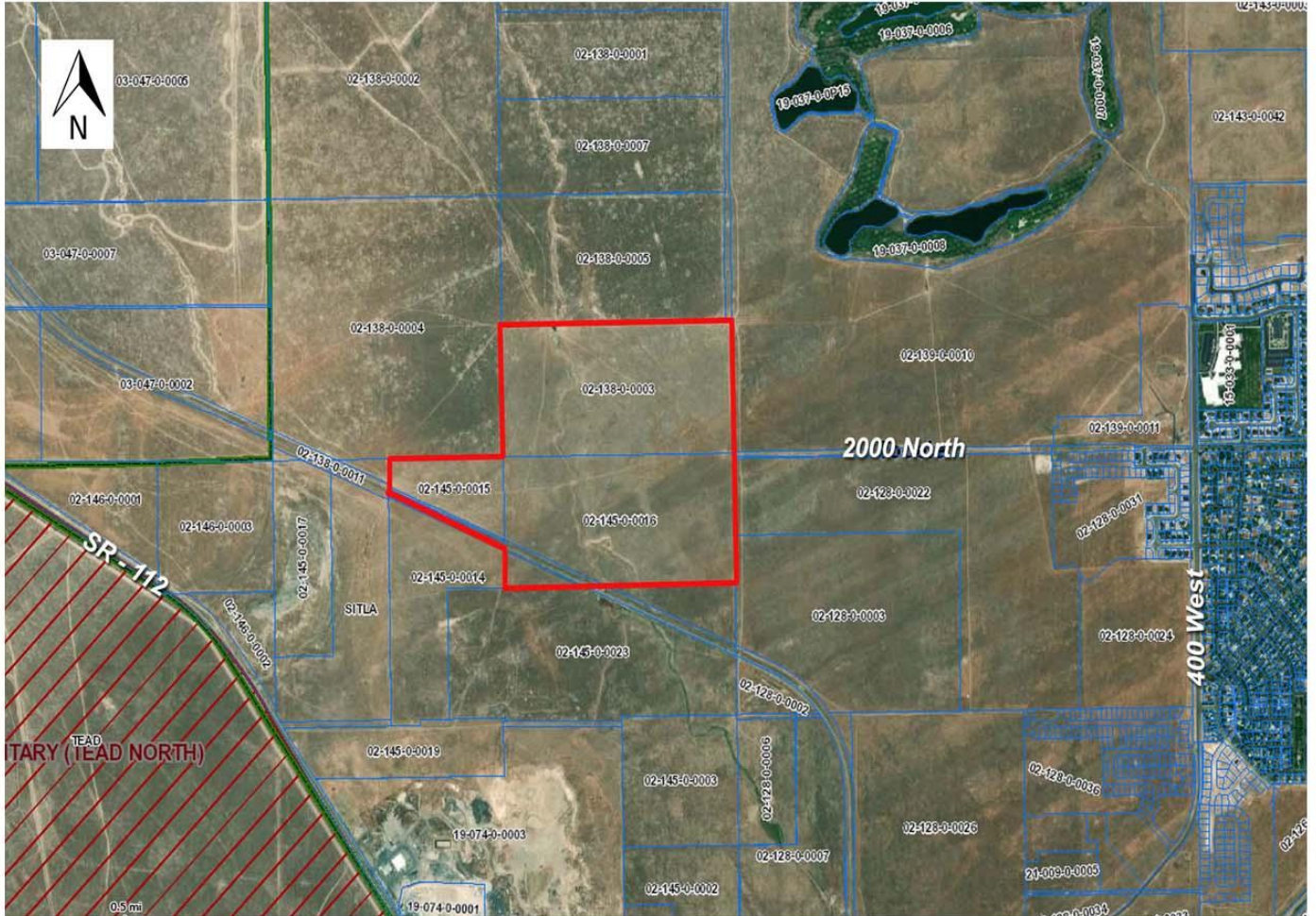
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Overlake Industrial Park Zoning Map Amendment Request by Drew Hall, representing Tooele Associates, LP to reassign the zoning of approximately 171 acres of property to the LI Light Industrial zoning district, application number P20-389, based on the following findings:”

1. List findings...

**EXHIBIT A**

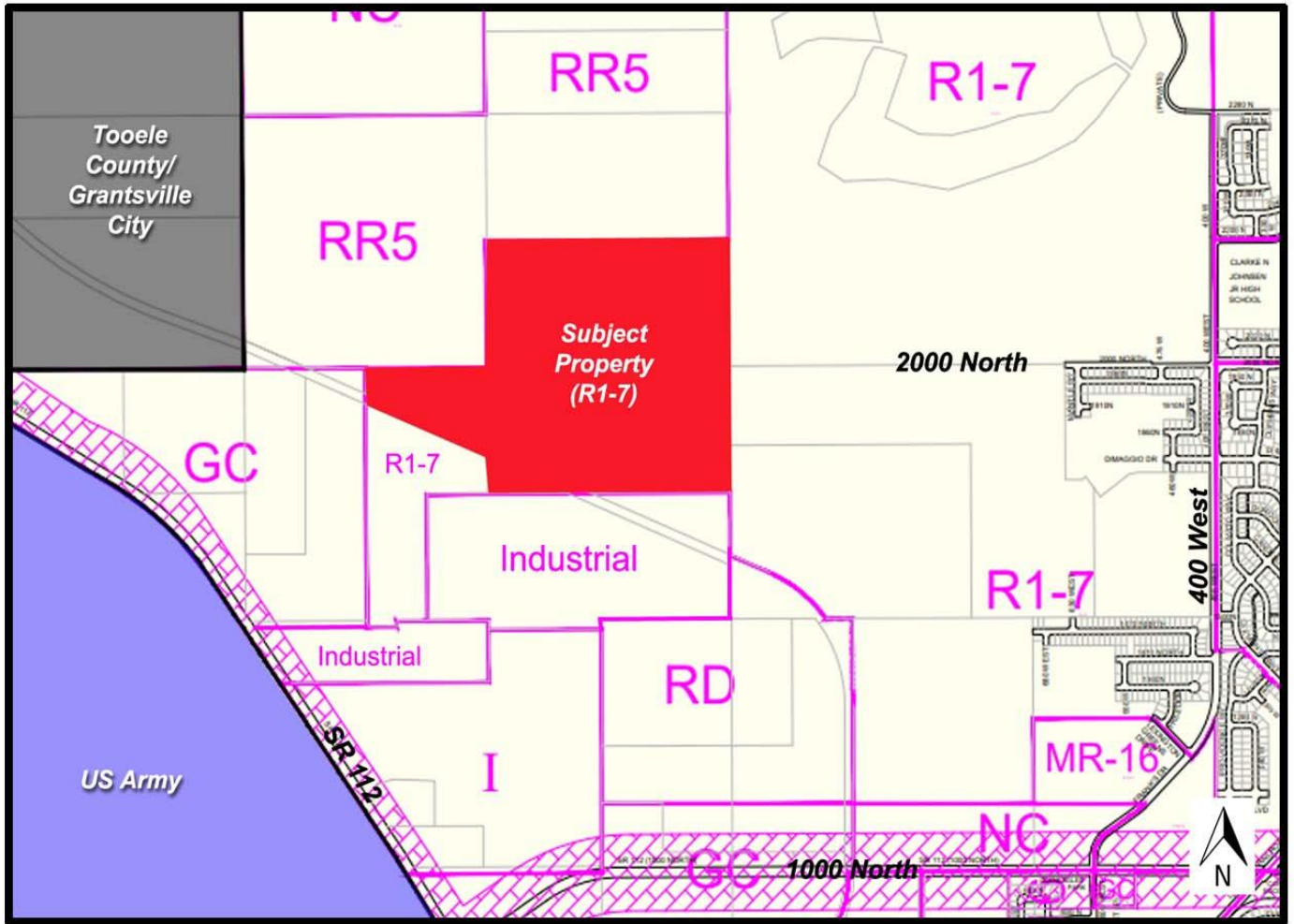
**MAPPING PERTINENT TO THE OVERLAKE INDUSTRIAL PARK ZONING MAP AMENDMENT**

**Overlake Industrial Park Rezone**



**Aerial View**

# Overlake Industrial Park Rezone



**Aerial View**

**EXHIBIT B**

**APPLICANT SUBMITTED INFORMATION**

# AMENDED APPLICATION

## 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](http://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.

Project Information					
Date of Submission:	Current Map Designation:	Proposed Map Designation:	Parcel #(s):		
7-15-20	R1-7	Light Industrial	(see attached)		
Project Name:			Acres:		
Overlake Industrial Park			170.87		
Project Address:					
1000 N. 1200 West Tooele, UT 84074					
Proposed for Amendment: <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____					
Brief Project Summary: These tax parcels (02-138-0-0003; 02-145-0-0015 and 02-146-0-0016) will provide a transition from residential zoning to the east and industrial zoning to the west.					
Property Owner(s):			Applicant(s):		
Tooele Associates LP			Tooele Associates LP		
Address:			Address:		
1983 N. Berra Blvd.			1983 N. Berra Blvd.		
City:	State:	Zip:	City:	State:	Zip:
Tooele	UT	84074	Tooele	UT	84074
Phone:			Phone:		
(435) 830-6979			(435) 830-6979		
Contact Person:			Address:		
Drew Hall			1983 N. Berra Blvd.		
Phone:			City:	State:	Zip:
(435) 830-6979			Tooele	UT	84074
Cellular:	Fax:	Email:			
(435) 830-6979	N/A	drewhall@concast.net			

\*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.

For Office Use Only			
Received By:	Date Received:	Fees:	App. #:



AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH                    }  
  }ss  
COUNTY OF TOOELE            }

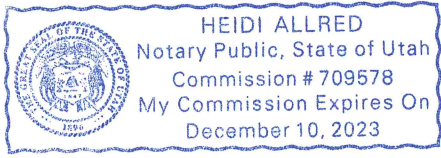
I/we, Drew Hall, being duly sworn, depose and say that I/we am/are the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my/our knowledge. I/we also acknowledge that I/we have received written instructions regarding the application for which I/we am/are applying and the Tooele City Community Development Department staff have indicated they are available to assist me in making this application.

Tooele Associates LP  
(Property Owner)

Drew D. Hall  
(Property Owner)

Subscribed and sworn to me this 15 day of July, 2020.

Managing Partner  
Heidi Allred  
(Notary)



Residing in Tooele County, Utah  
My commission expires: 12.10.23

AGENT AUTHORIZATION

I/we, \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my/our agent(s), \_\_\_\_\_, to represent me/us regarding the attached application and to appear on my/our behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

\_\_\_\_\_  
(Notary)

Residing in \_\_\_\_\_ County, Utah  
My commission expires: \_\_\_\_\_



July 15, 2020

**RE: TOOELE ASSOCIATES, LP AMENDED REZONE APPLICATION:**

Jim Bolser  
Director Community Development  
Tooele City  
90 North Main  
Tooele, UT 84074

Dear Jim,

Enclosed is the Tooele Associates, LP ("TA") amended rezone application we recently discussed. My apologies for the delay in getting this amended application to the City. Several of the Perry Home leaders were out of town thru the 10<sup>th</sup> of July. I was therefore delayed in getting signatures

The amended application reduces the rezone acreage from 215.72 acres to 170.87 acres, reduces the number of land parcels from five to three, and the request is for Light Industrial Zoning vs Industrial Zoning.

Also enclosed is a letter signed by all of the "Developer Parties" to the Settlement Agreement, in support of the amended rezone application.

TA intends to develop all necessary infrastructure (water, sewer, roads, etc.) to the Light Industrial land parcels sometime within the next 18 months. TA has not yet created specific site plans for the 170.87 acres. TA has, however, recently received inquiries about the availability of Light Industrial property.

TA will, at a later date, apply to rezone two additional land parcels, consisting of 44.85 acres (tax parcels 02-145-0-0012 and 02-145-0-0016). TA has a specific user for those land parcels and will apply later for the appropriate rezone.

Please let me know if you need additional information.

Best Regards,

Drew D. Hall  
Managing Partner  
drewdhall@comcast.net  
Tooele Associates, LP  
1983 N Berra Blvd.  
Tooele, UT 84074  
(435) 830-6979

1983 N. Berra Blvd.

Tooele UT 84074

435-843-1087

FAX 435-843-1088

Cc: Mayor Debbie Winn

02-138-0-0003

S 1/2 OF SE 1/4, SEC 7, T3S, R4W, SLB&M. 80.00 AC OUT OF 3-11-3

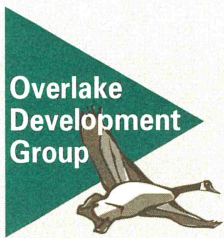
02-1450-0015

THAT PART OF E 1/2 W 1/2 SEC 18, T3S, R4W, LYING N OF WPRR R/W. BALANCE  
AFTER 3-29-15 15.45 AC 04/02/2002 04/02/2002

02-145-0-0016

THE N 1/2 OF NE 1/4 OF SEC 18, T3S, R4W, SLB&M. ---EXCEPT 4.58 AC FOR ROAD &  
RR BALANCE AFTER 3.29.15 75.42 AC 04/02/2002 04/02/2002

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June 25, 2020

Mayor Debbie Winn,  
Tooele City  
50 North Main  
Tooele, UT 84074

**RE: TOOELE ASSOCIATES, LP APPLICATION FOR REZONE OF RESIDENTIAL PROPERTY TO LIGHT INDUSTRIAL WITHIN THE OVERLAKE PROJECT AREA:**

Dear Mayor Winn,

The undersigned are the "Developer Parties" to the August 6, 2014 "Settlement Agreement" between the Developer Parties and Tooele City.

We are aware of and approve of the Tooele Associates, LP ("TA") application to rezone the following Tooele County land parcels within the Overlake Project Area from R1-7 to Light Industrial:

Tooele County Tax Parcel #	Approximate Acreage
02-138-0-0003	80.00
02-145-0-0015	15.45
02-145-0-0016	75.42
<b>Total Acreage</b>	<b>170.87</b>

We believe the TA rezone will result in significant employment and tax revenues to Tooele City and will also benefit the other Developer Parties. The 170.87 acres is within the 1000 North West Industrial Community Reinvestment Project Area created by the Redevelopment Agency of Tooele City in Resolution 2017-09 adopted on December 6, 2017.

With the City consent of this rezone, the total zoned acreage of Commercial and Light Industrial allowed within the Overlake Project Area will increase from 424 acres to 594.87 acres.

Best Regards,

  
Tooele Associates, LP

Drew D. Hall  
Managing Partner

  
Perry/Tooele Associates, LLC

Drew D. Hall  
Managing Member

  
Overlake Golf, LLC

Drew D. Hall  
Managing Member



L.H. Perry Investments  
William O. Perry III



PTA Settlement, LLC  
William O. Perry III  
Managing Member



Perry Homes, Inc.  
Jeff Taylor  
President



03-010-0-0002

02-138-0-0006

02-138-0-0001

02-138-0-0007

02-138-0-0005

02-138-0-0003

02-145-0-0016

02-145-0-0023

19-074-0-0003

02-132-0-0023

02-132-0-0004

02-132-0-0005

02-132-0-0032

8000-0-654-20

02-139-0-0008

02-128-0-0022

02-128-0-0003

02-128-0-0003

02-128-0-0007

02-128-0-0026

02-087-0-0041

02-002-0-0003

1000-0-230-61

Tooele

02-128-0-0028

02-128-0-0024

02-128-0-0029

02-128-0-0030

02-002-0-0049

02-002-0-0055

02-002-0-0042

02-143-0-0003

02-143-0-0042

02-143-0-0039

02-143-0-0043

02-143-0-0033

02-143-0-0072

4300-0-272-34

02-126-0-0001

02-126-0-0032

02-003-0-0026

02-141-0-0001

02-143-0-0000

02-143-0-0066

02-143-0-0000

02-143-0-0102

02-126-0-0025

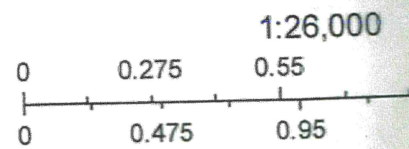
02-004-0-0000

2018

Parcels 40k-6k

Incorporated Municipalities

County Unincorporated Areas



## Exhibit A

Line #	Parcel #	Acreage
1	02-126-0-0001	34.41
2	02-126-0-0034	31.89
3	02-126-0-0006	3.17
4	02-126-0-0022	0.01
5	02-126-0-0025	19.67
6	02-126-0-0027	5.21
7	02-141-0-0005	153.33
8	02-142-0-0005	247.81
9	02-128-0-0001	119.70
10	02-128-0-0003	100.00
11	02-128-0-0004	78.40
12	02-128-0-0014	225.29
13	02-128-0-0010	4.82
14	02-128-0-0011	1.60
15	02-138-0-0002	160.43
16	02-138-0-0003	80.00
17	02-139-0-0002	131.36
18	02-139-0-0003	30.86
19	02-139-0-0004	80.38
20	02-139-0-0006	28.30
21	02-139-0-0007	230.65
22	02-142-0-0001	2.80
23	02-142-0-0002	8.56
24	02-145-0-0012	1.77
25	02-145-0-0014	43.08
26	02-145-0-0015	15.45
27	02-145-0-0016	75.42
29	02-143-0-0079	44.58
30	02-143-0-0008	23.26
31	02-141-0-0016	20.62
32	02-141-0-0026	117.08
33	Total Acreage	2119.91



The information provided for this plan is preliminary in nature and is subject to modification and correction. All land use designations, zoning regulations, and other information contained herein are subject to change without notice. The information is provided for informational purposes only and does not constitute a guarantee, warranty, or representation of any kind. The information is provided for informational purposes only and does not constitute a guarantee, warranty, or representation of any kind.

This Exhibit is accompanied by a Land Use Description narrative that explains the intent of each land use area and the allowable uses anticipated within that area. All stated acreages are subject to verification by this survey and the recording of local plats.



**OVERLAKE**

*Draft*  
Land Use Designations

October 16, 2014

## Exhibit C

### Planning Commission Minutes

**TOOELE CITY CORPORATION**

**RESOLUTION 2020-07**

**A RESOLUTION OF THE TOOELE CITY COUNCIL ACCEPTING THE COMPLETED PUBLIC IMPROVEMENTS ASSOCIATED WITH THE PROVIDENCE AT OVERLAKE PHASE 2 SUBDIVISION.**

WHEREAS, Tooele City previously approved a subdivision final plat for the Providence at Overlake phase 2 subdivision (the "Subdivision"); and,

WHEREAS, Tooele City Code §7-19-35 requires that public improvements constructed in connection with an approved subdivision be accepted by Resolution of the City Council following verification by the City Engineer or the Director of Public Works that all the public improvements have been satisfactorily completed in accordance with the approved engineering plans and specifications and City standards; and,

WHEREAS, H and K Schmidt Investments LLC provided a proper bond agreement with Tooele City for the portion of the Subdivision's public improvements located within existing public rights-of-way, dated June 25, 2018, in the amount of \$46,954.80; and,

WHEREAS, H and K Schmidt Investments LLC provided a proper bond agreement with Tooele City for the portion of the Subdivision's public improvements located within the Subdivision that were not yet completed, dated February 4, 2019, in the amount of \$63,979.72, for the purpose of allowing the Subdivision plat to be recorded and individual residential lots sold; and,

WHEREAS, the combined warranty bond amount for the Improvements is \$89,005.92; and,

WHEREAS, both of the above-referenced bond agreements contain the following language:

*under the Tooele City Code, the Improvements must be completed, inspected, and accepted prior to the issuance of a building permit for the land use approval or prior to the recordation of a subdivision final plat, as the case may be, except that a subdivision final plat may be recorded prior to the completion, inspection, and acceptance of the Improvements where the Applicant has completed an approved bond agreement and provided an associated bond*

[emphasis added]; and,

WHEREAS, the required verification that a portion of the Subdivision's public improvements were complete was provided by way of a Certificate of Completion of Public Works, and based on that Certificate the City Council approved Resolution 2019-

12 on February 20, 2019, accepting those completed public improvements; and,

WHEREAS, the one-year warranty for the public improvements accepted by Resolution 2019-12 began on February 20, 2019; and,

WHEREAS, other required public improvements in the Subdivision, namely, street lights and detention pond landscaping, remained incomplete at the time Resolution 2019-12 was approved; and,

WHEREAS, the required verification that the remaining portion of the Subdivision's public improvements have been completed has been provided by way of the Certificate of Completion of Public Works attached as Exhibit A; and,

WHEREAS, this Resolution will accomplish the acceptance of all public improvements for the Subdivision:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL as follows:

1. the remaining completed public improvements associated with the Subdivision are hereby accepted, those improvements being reflected in the Certificate of Completion of Public Works attached hereto as Exhibit A; and,
2. the one-year warranty period on all public improvements accepted by this Resolution shall begin on the effective date of this Resolution.

This Resolution shall become effective immediately on the date of passage, without further publication, by authority of the Tooele City Charter.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING:

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MAYOR OF TOOELE CITY

(For)

(Against)

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ATTEST:

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Michelle Y. Pitt  
Tooele City Recorder

SEAL

Approved as to Form:

  
\_\_\_\_\_  
Roger Evans Baker, Tooele City Attorney

# Exhibit A

## Certificate of Completion of Public Works

**TOOELE CITY CORPORATION**  
**90 NORTH MAIN**  
**TOOELE, UTAH 84074**  
**(435) 843-2130**



***Certificate of Completion of Public Works***

**(Start of One-Year Warranty)**

**Date: 08/13/2020**

Permit No: P18-245	Public Work Elements	Completed	Not Required
<b>Project Name:</b> Providence At Overlake Ph. 2	<i>Culinary Water</i>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Address:</b> 400 West Clemente Way Tooele, Utah 84074	<i>Water Services</i> _____	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Secondary Water Sewer</i> <small>Initial</small>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Owner/Developer:</b> Howard Schmidt PO Box 95410 South Jordan, Utah 84095	<i>Storm Drain / Pond</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Roads</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Curb &amp; Gutter</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Sidewalk</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Street Lights</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<i>Landscaping</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<i>Other:</i>	<input type="checkbox"/>	<input type="checkbox"/>

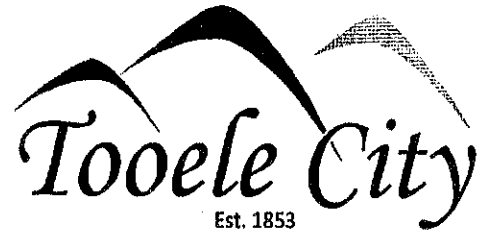
*\* Note: The above Public Work Elements are general in nature. See Public Works for detailed descriptions and comments:*

**Based upon review of documentation provided by the Developer/Owner, inspection records on file with the Community Development Department and upon site review, the above referenced public improvements for this project have been satisfactorily completed in accordance with the approved construction plans and specifications and Tooele City Standards.**

Recommended By	Title	Date
	Civil Inspector	8/13/2020
	Water Services City Engineer	8/13/2020
	Public Works Community Development	8/13/2020

**Acknowledged and Accepted** \_\_\_\_\_  
City Council, Chair \_\_\_\_\_ Date \_\_\_\_\_

**TOOELE CITY CORPORATION**  
**90 NORTH MAIN**  
**TOOELE, UTAH 84074**  
**(435) 843-2130**



---

***Certificate of Completion of Public Works***  
**(Start of One-Year Warranty)**

Permit No: P18-245  
Page 2 of 2



Address of Inspection: 400 W Clemente Way, Tooele, UT 84074

Owner / Property Manager: \_\_\_\_\_

Occupant / Tenant: \_\_\_\_\_

<b>Civil Inspection Report</b>		
<b>Sewer</b>	<b>Status</b>	<b>Notes</b>
Slope		
Bedding		
Manhole		
Laterals		
Other		
<b>Water</b>	<b>Status</b>	<b>Notes</b>
Valves		
Thrust Blocks		
Hot Taps		
Water Laterals		
Meter Vault		
Other		
<b>Storm Drain</b>	<b>Status</b>	<b>Notes</b>
Size		
Bedding		
Manhole		
Inlet Boxes		
Other		
<b>Roadway</b>	<b>Status</b>	<b>Notes</b>
Deflection		
Road Base		
Grade		
Curb and Gutter		
Sidewalk		
ADA Ramps		
Monuments		
Other		
<b>Signs/Miscellaneous</b>	<b>Status</b>	<b>Notes</b>
Street Signs		
Landscaping		
Street Lighting		

Property Markers  
Utility Marks in Curb  
Other

**Start of Warrant Inspection**

**Status**

**Notes**

Final

*Approved*

Start Of Warranty - Street Lights  
and Detention  
Pond

**Contractor Questions**

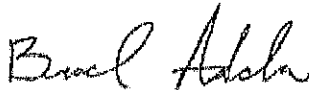
**Status**

**Notes**

**Status:** Pass

**Comments:**

Faults noted at previous start of warranty inspection dated 01/28/2020 have been corrected. Street light installation has been completed and verified to meet all Tooele City Standards. Detention pond landscaping and irrigation has been completed as per approved plan. Parks department has accepted all landscaping and irrigation as required by approved plan. No faults noted.



Signature: \_\_\_\_\_

Date: 08/12/2020

## STAFF REPORT

August 20, 2020

**To:** Tooele City Planning Commission  
Business Date: August 26, 2020

**From:** Planning Division  
Community Development Department

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

**Re: Lexington Greens 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 ft<sup>2</sup>)  
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 (8 lots when including the road dedication parcels).

### **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. This application was originally heard by the Planning Commission at the August 12<sup>th</sup> Planning Commission. The Planning Commission voted unanimously to forward a positive recommendation on the subdivision plat. However, due to a communication error between staff and the applicant an incorrect version of the subdivision plat amendment was presented to and approved by the Planning Commission. Therefore the current and most up-to-date plat is being presented to the Planning Commission for recommendation. This plat includes the 5 lots for future development and 3 lots for roadway dedication.

### **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, Berra Boulevard, Carole's Way (1200 North) and 680 West rights-of-way as dedicated public streets. The applicant will construct the improvements and the road will be maintained by Tooele City.

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...

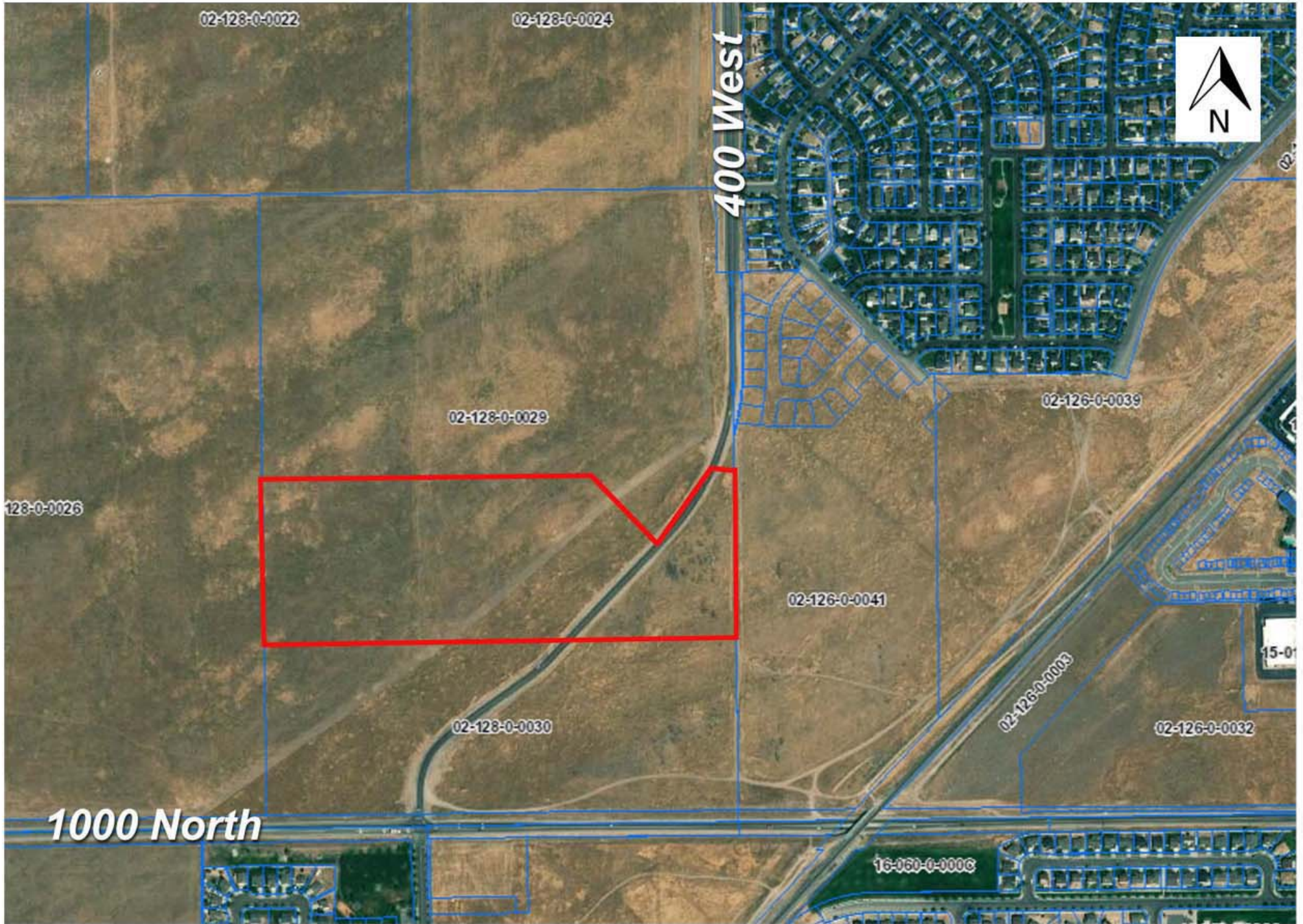
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Lexington Greens 5 Lot Minor Subdivision Subdivision Plat Amendment Request by Charles Akerlow, Zenith Tooele, LLC thus amending the Lexington at Overlake 5 Lot Minor Subdivision, application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

1. List findings...

**EXHIBIT A**

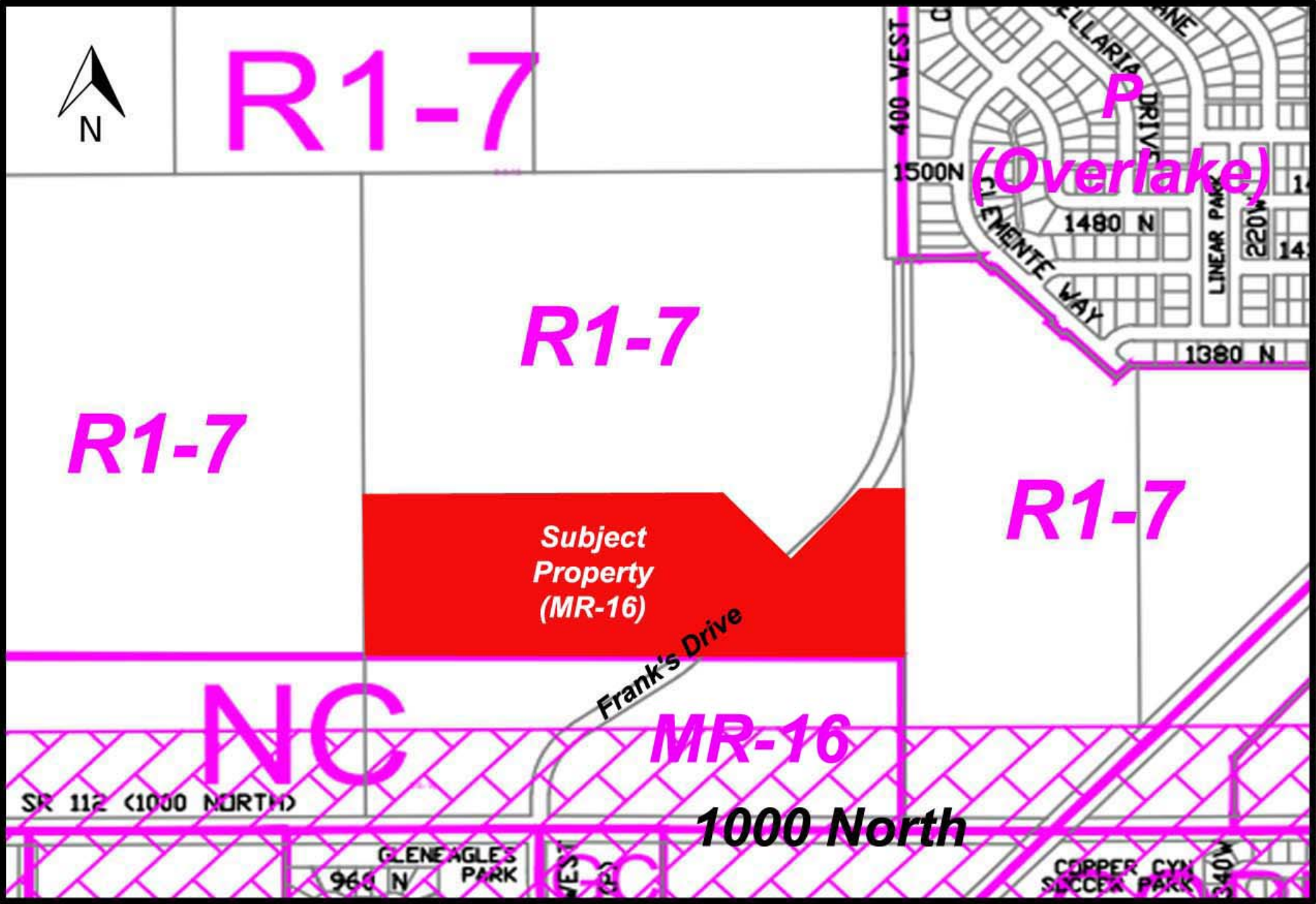
**MAPPING PERTINENT TO THE LEXINGTON GREENS 5 LOT MINOR  
SUBDIVISION SUBDIVISION PLAT AMENDMENT**

# Lexington Greens 5 Lot Minor Subdivision Plat Amendment



**Aerial View**

# Lexington Greens 5 Lot Minor Subdivision Plat Amendment



Current Zoning

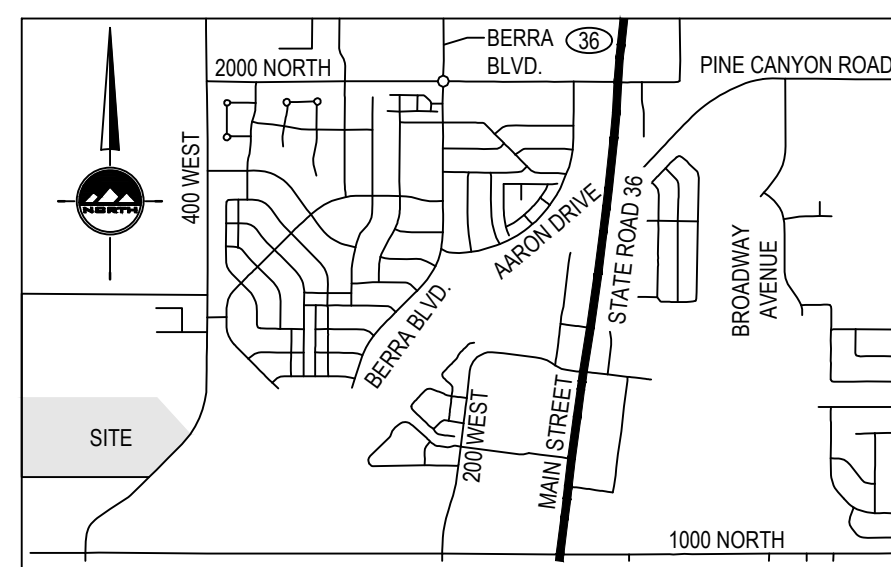


**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS**

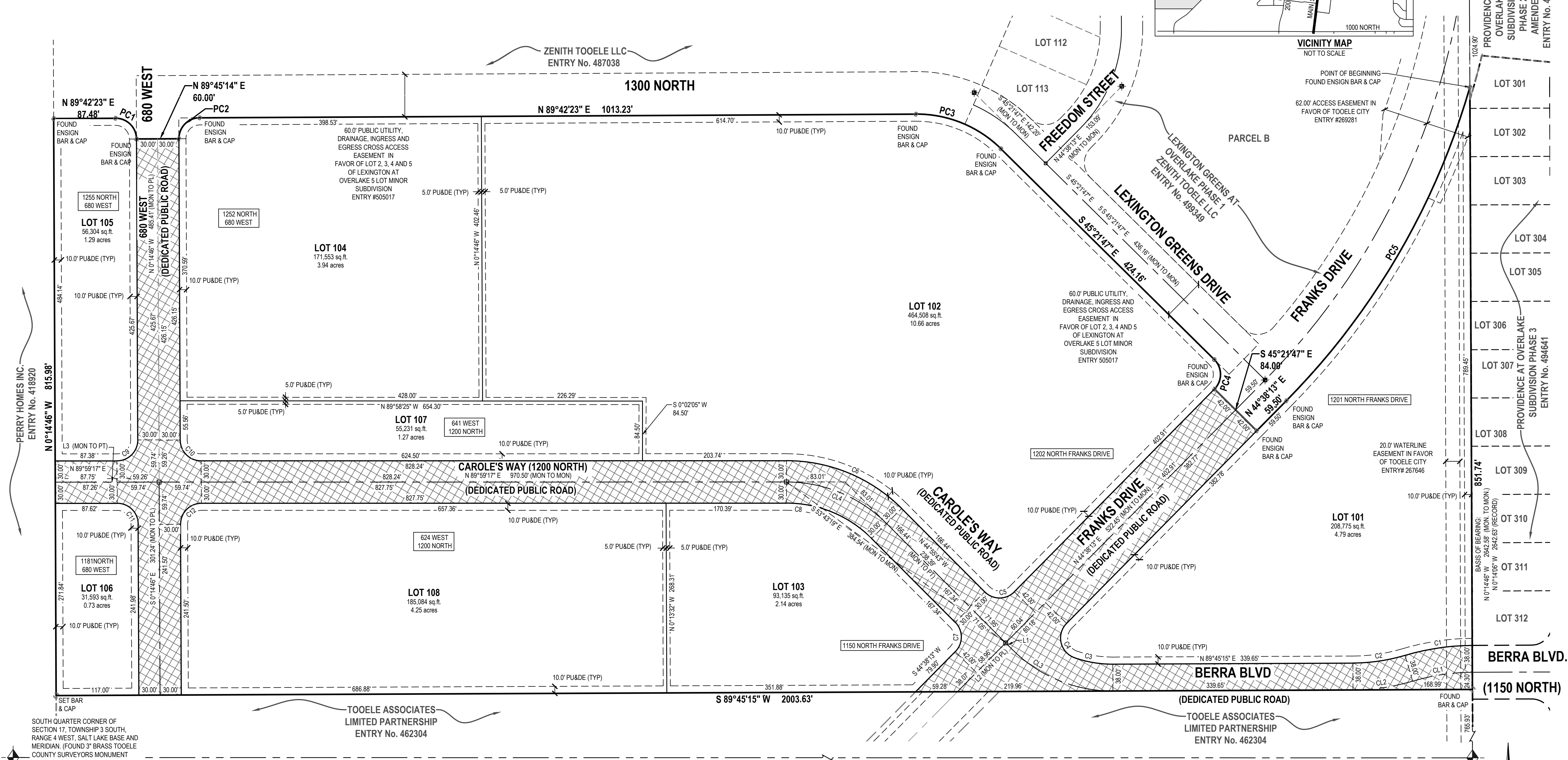
# LEXINGTON AT OVERLAKE SUBDIVISION FINAL PLAT

(AMENDING AND EXTENDING LOTS 1-5 OF THE LEXINGTON AT OVERLAKE 5 LOT 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



NORTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN (FOUND 3" BRASS TOOELE COUNTY SURVEYORS MONUMENT WITH RING AND LID, DATED 2000)

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'
L3	S89°59'17"W	147.00'	CL3	200.00'	158.19'	45°19'02"	S67°35'14"E	154.10'
			CL4	200.00'	157.37'	45°04'59"	N67°28'13"W	153.34'



### 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 and streets, together with easements, hereafter to be known as LEXINGTON AT OVERLAKE SUBDIVISION, and that the same has been correctly surveyed and monumented on the ground as shown on this plat. I further certify that all lots meet footage 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 462225, book 20, page 56, also located on the Section line, which is located South 0°14'46" East 1024.90 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 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°51'18");  
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°51'18");  
thence North 89°42'23" East 1013.23 feet;  
thence Southeast 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 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");  
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 Northeast 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, 8.10 acres.

Date: August 5, 2020  
Douglas J. Kinsman  
License No. 334575

### OWNER'S DEDICATION AND CONSENT TO RECORD

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

### LEXINGTON AT OVERLAKE SUBDIVISION

(AMENDING AND EXTENDING LOTS 1-5 OF THE LEXINGTON AT OVERLAKE 5 LOT MINOR SUBDIVISION)

The undersigned owner(s) hereby dedicate to perpetual use if the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also hereby convey to Tooele City and to any and all public utility companies a perpetual, nonexclusive easement over the public utility and drainage easements shown on this plat, the same to be used for drainage and for the installation, maintenance and operation of utility lines and facilities.

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

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

By: Lexington Apartments LLC  
Charles W. Akerlow (Managing Director)

### LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH  
County of Tooele

On the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, in and for said County 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 \_\_\_\_\_

### TOOELE 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

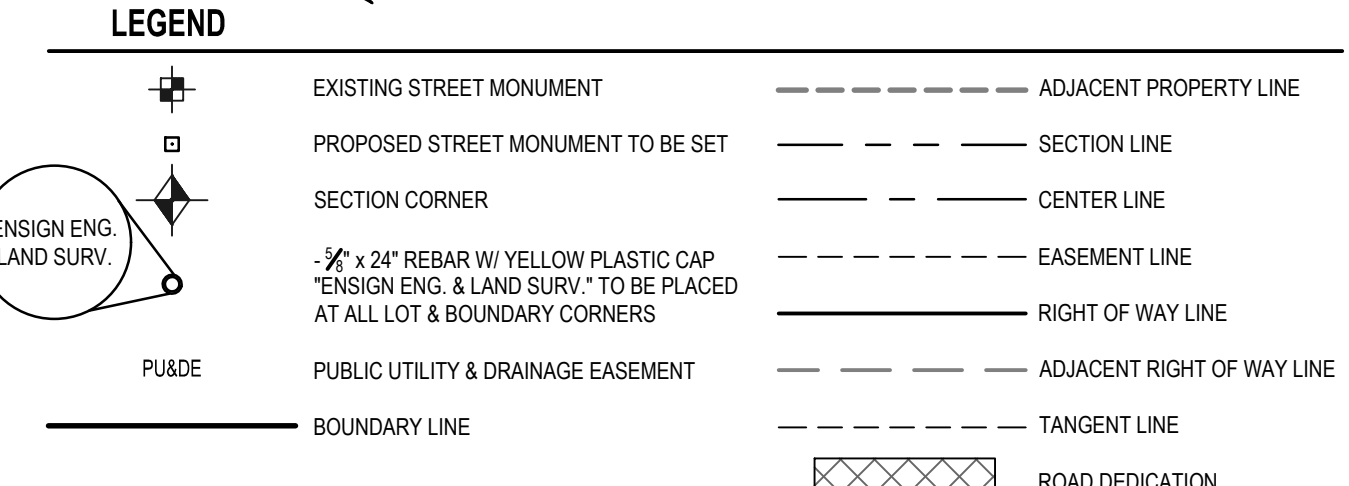
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE COMMUNITY DEVELOPMENT.

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 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.



### CITY COUNCIL APPROVAL

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE TOOELE CITY COUNCIL.

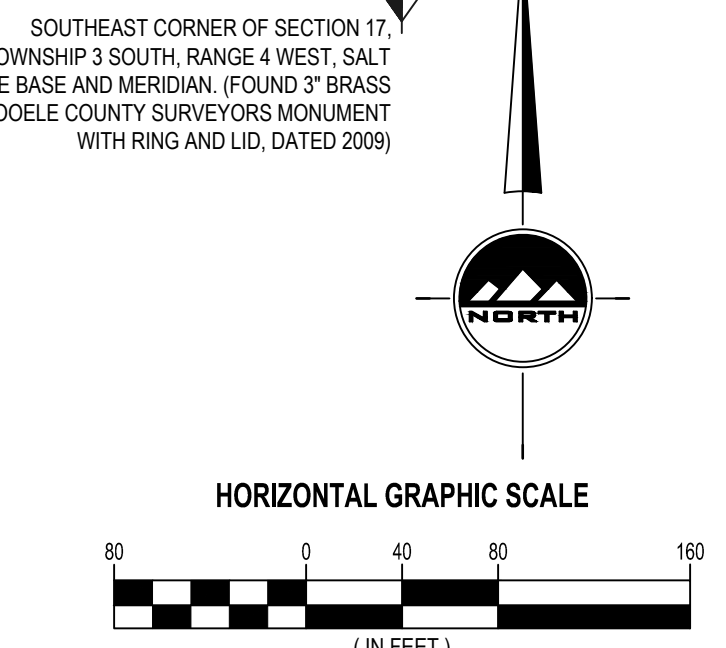
CHAIRMAN TOOELE CITY COUNCIL \_\_\_\_\_

### PLAT BOUNDARY 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	338.00'	96.50'	16°21'27"	S81°34'19"W	96.17'
C2	282.00'	74.81'	16°21'39"	N81°34'25"E	74.56'
C3	162.00'	55.16'	19°30'32"	S80°29'29"E	54.89'
C4	29.50'	59.40'	115°22'27"	S13°03'00"E	49.86'
C5	29.50'	46.56'	90°26'04"	N89°51'16"E	41.88'
C6	230.00'	180.98'	45°04'59"	N67°28'13"W	176.34'
C7	29.50'	46.11'	89°33'56"	N0°08'45"W	41.56'
C8	170.00'	133.76'	45°04'59"	N67°28'13"W	130.34'
C9	29.50'	46.46'	90°14'03"	N44°52'16"E	41.80'
C10	29.50'	46.22'	89°45'57"	S45°07'44"E	41.63'
C11	29.50'	46.22'	89°45'57"	N45°07'44"W	41.63'
C12	29.50'	46.46'	90°14'03"	S44°52'16"W	41.80'



### ROCKY MOUNTAIN POWER COMPANY

1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNERS 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 \_\_\_\_\_

### 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 \_\_\_\_\_

### 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 SUBDIVISION FINAL PLAT

(AMENDING AND EXTENDING LOTS 1-5 OF THE LEXINGTON AT OVERLAKE 5 LOT 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

### TOOELE COUNTY RECORDER

RECORDED # \_\_\_\_\_

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

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

FEES \_\_\_\_\_

TOOELE COUNTY RECORDER \_\_\_\_\_

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. CHILD  
CHECKED BY: D. KINSMAN  
DATE: 8/4/2020

**ENSGN**

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

SALT LAKE CITY  
Phone: 801.262.0208  
LAVTON  
Phone: 801.547.1100  
CEDAR CITY  
Phone: 435.865.1453  
RICHFIELD  
Phone: 435.898.2963

WWW.ENSGNENG.COM

3rd Review 8/5/2020 MM APPROVED MBN

## STAFF REPORT

August 20, 2020

**To:** Tooele City Planning Commission  
Business Date: August 26, 2020

**From:** Planning Division  
Community Development Department

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

**Re:** Settlement Acres – Preliminary Plan Subdivision Request

Application No.: P20-15  
Applicant: Brett Mascaro, representing Park Capital Homes, LLC  
Project Location: Approximately 560 West 900 South  
Zoning: R1-7 Residential Zone  
Acreage: 1.16 Acres (Approximately 50,529 ft<sup>2</sup>)  
Request: Request for approval of a Preliminary Plan Subdivision in the R1-7 Residential zone regarding the creation of six single-family residential lots.

### BACKGROUND

This application is a request for approval of a Preliminary Plan Subdivision for approximately 1.16 acres located at approximately 560 West 900 South. The property is currently zoned R1-7 Residential. The applicant is requesting that a Preliminary Plan Subdivision be approved to allow for the development of the currently vacant property as six new single-family residential lots.

### 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. Properties to the north of the subject property are zoned R1-7 Residential as are properties to the east and west. Properties to the north and east are currently utilized as a mobile home subdivision. Property the south is zoned GC General Commercial and is currently utilized as the Tooele County Public Works Shops. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. The proposed subdivision is pretty straight-forward and proposes to split an existing 1.1 acre parcel into six lots each approximately 7,700 square feet in size. Each lot is 60 feet wide which is the minimum lot width required by the R1-7 Residential zoning district. Each lot meets the minimum development criteria for subdivision development as required by the R1-7 Residential zoning district.

Approximately 10 feet of frontage along 900 South will be dedicated to Tooele City and will complete the public right-of-way along the subdivision frontage. Curb and gutter are already installed and the development will be installing the necessary five foot sidewalk along the entire frontage of the subdivision.

Fencing. There are not any fencing requirements or proposals for this subdivision.

*Criteria For Approval.* The procedure for approval or denial of a Subdivision Preliminary Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-8 and 9 of the Tooele City Code.

## **REVIEWS**

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

1. The subdivision as proposed meets or exceeds all lot standards for lot width, lot size and lot frontages as required by the R1-7 Residential zoning district.
2. The development will be completing the public right-of-way along the entire subdivision frontage on 900 South.

*Engineering Review.* The Tooele City Engineering and Public Works Divisions have completed their reviews of the Preliminary Plan Subdivision submission and have issued a recommendation for approval for the request.

*Noticing.* Subdivisions do not require public hearings and therefore noticing is not required.

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Preliminary Plan Subdivision by Brett Mascaro, representing Park Capital Homes, LLC, application number P20-15, 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.

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 subdivision as proposed meets or exceeds all lot standards for lot width, lot size and lot frontages as required by the R1-7 Residential zoning district.

## **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Settlement Acres Preliminary Plan Subdivision Request by Brett Mascaro, representing Park Capital Homes, LLC for the purpose of creating six single-family residential lots at approximately 560 West 900 South, application number P20-15, based on the findings and subject to the conditions listed in the Staff Report dated August 20, 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 Settlement Acres Preliminary Plan Subdivision Request by Brett Mascaro, representing Park Capital Homes, LLC for the purpose of creating six single-family residential lots at approximately 560 West 900 South, application number P20-15, based on the following findings:”

1. List findings...

**EXHIBIT A**

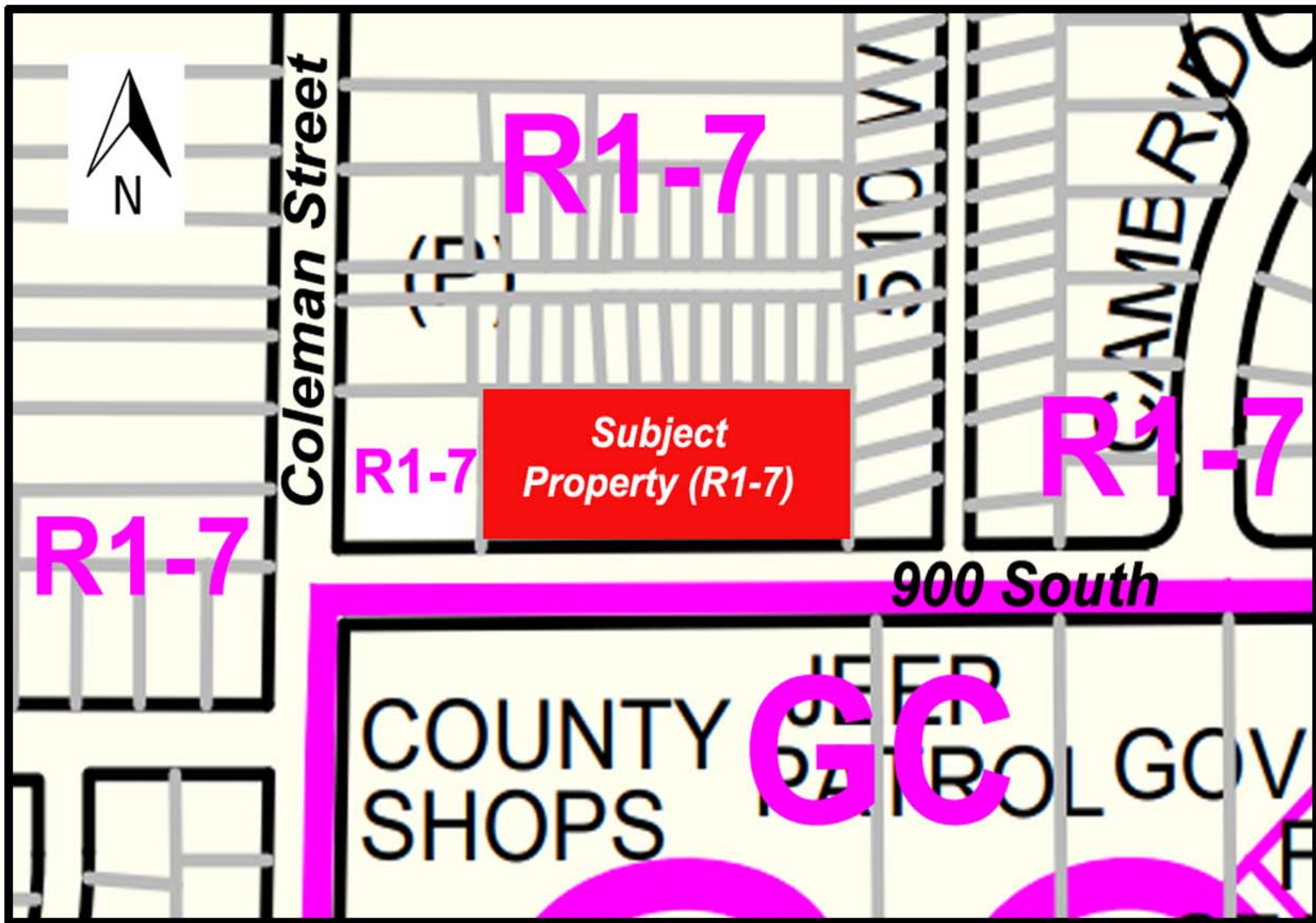
**MAPPING PERTINENT TO THE SETTLEMENT ACRES PRELIMINARY PLAN  
SUBDIVISION**

# Settlement Acres Subdivision Preliminary Plan



**Aerial View**

# Settlement Acres Subdivision Preliminary Plan



*Aerial View*

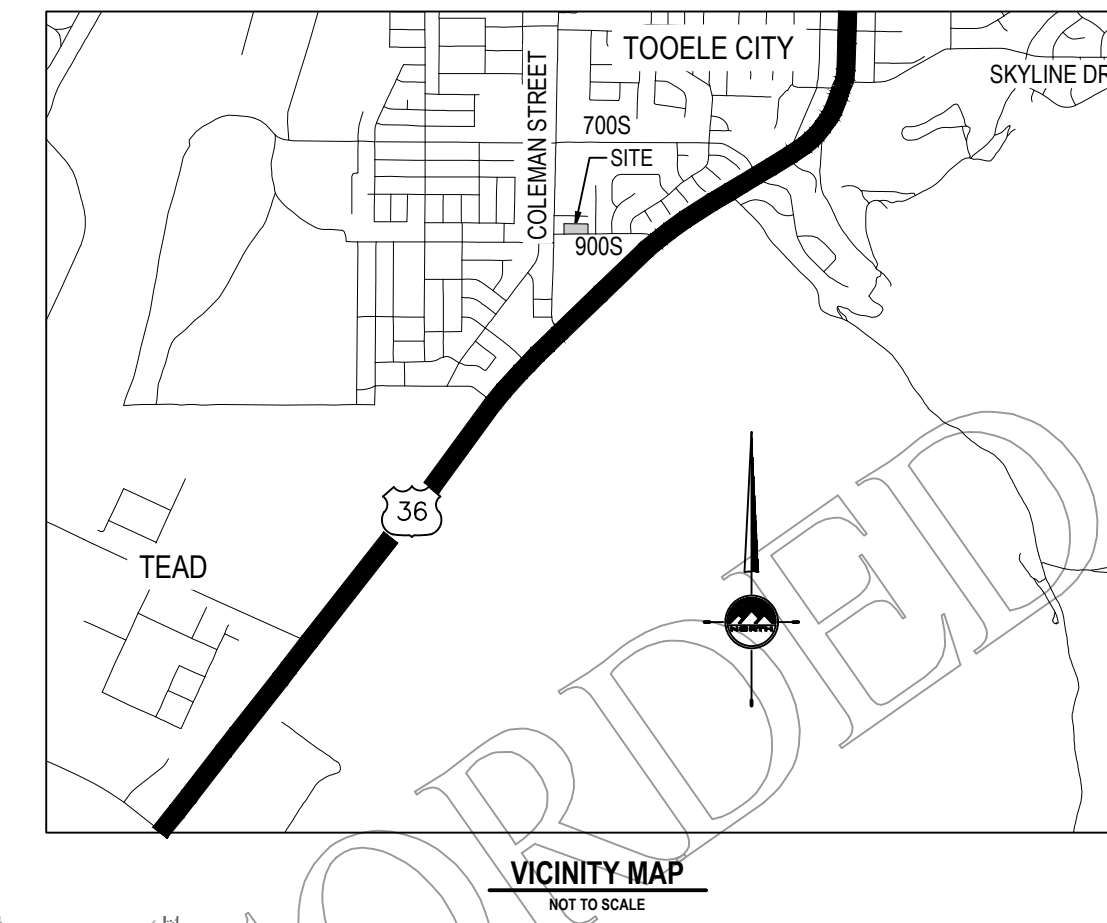


**EXHIBIT B**

**APPLICANT SUBMITTED INFORMATION**

# SETTLEMENT ACRES SUBDIVISION PRELIMINARY PLAT

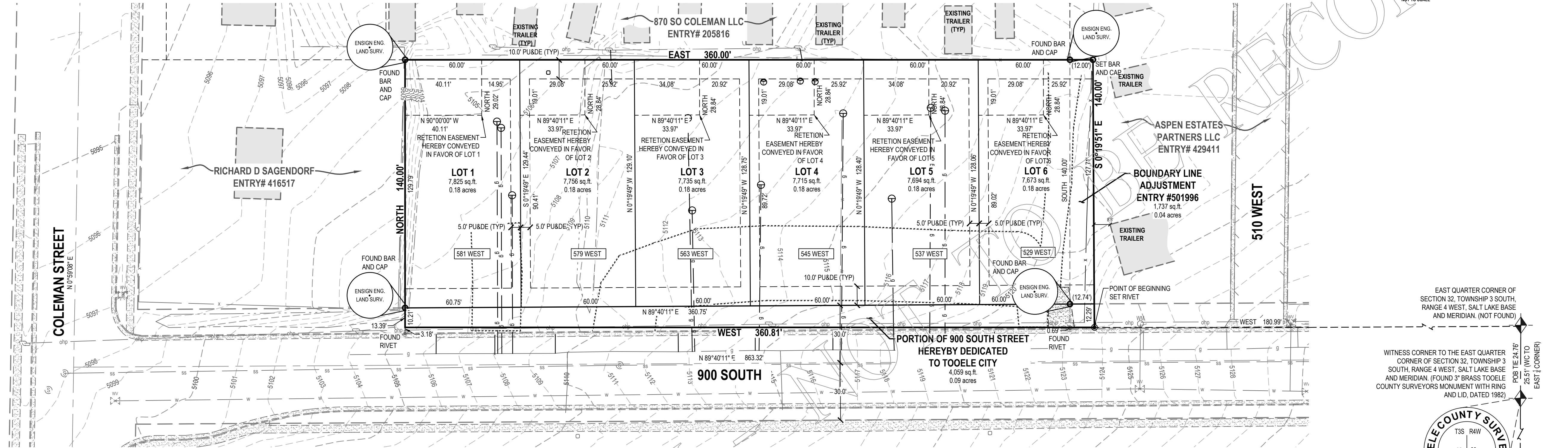
LOCATED IN THE NORTHEAST QUARTER OF SECTION 32,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE  
AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH



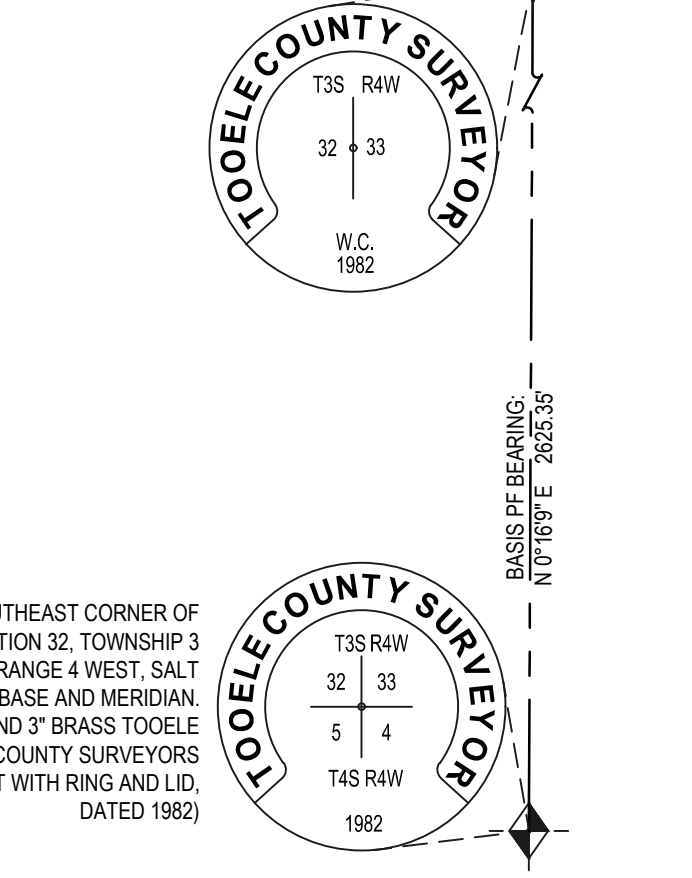
**SURVEYOR'S CERTIFICATE**  
I, Douglas J Kinsman, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 334575, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, together with easements hereafter to be known as **SETTLEMENT ACRES SUBDIVISION**, and that the same has been correctly surveyed and monumented 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 Northeast Quarter of Section 32, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:  
Beginning at a point which is located North 0°16'09" East 24.76 feet along the Section line and West 180.99 from the Witness Corner to the East Quarter corner of Section 32, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:  
thence West 360.81 feet;  
thence North 140.00 feet;  
thence East 360.00 feet;  
thence South 0°19'51" East 140.00 feet to the Point of Beginning.  
Parcel contains: 50,457 square feet or 1.16 acres, 6 lots.

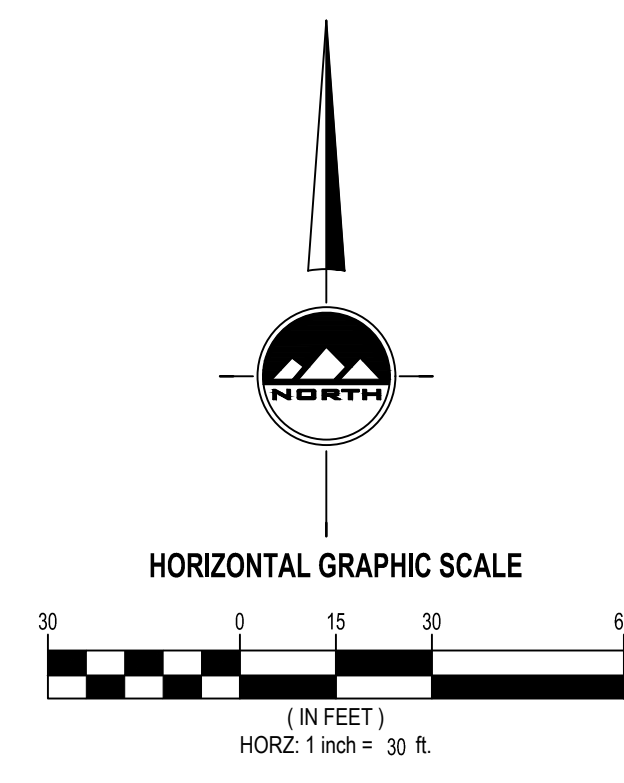
Date: JUNE 25, 2020  
Douglas J Kinsman  
License no. 334575



EAST QUARTER CORNER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, (NOT FOUND)  
WITNESS CORNER TO THE EAST QUARTER CORNER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, (FOUND 3" BRASS TOOELE COUNTY SURVEYORS MONUMENT WITH RING AND LID, DATED 1982)  
POB TIE 24.76  
24.51' (W/C TO EAST 1/4 CORNER)  
BASIS OF BEARING: N 0°16'09" E 262.35'



- LEGEND**
- SECTION CORNER
  - SET 5/8"x24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSGN ENG. & LAND SURV." WILL BE SET AT ALL LOT CORNERS.
  - RIGHT-OF-WAY MARKER
  - RIVET
  - FIRE HYDRANT
  - SANITARY SEWER MANHOLE
  - STORM DRAIN CLEAN OUT
  - SIGN
  - UTILITY POLE
  - CONCRETE
  - EXISTING BUILDING
  - ADJACENT RIGHT OF WAY
  - CENTERLINE
  - PROPERTY LINE
  - ADJACENT PROPERTY LINE
  - FENCE
  - EDGE OF ASPHALT
  - OVERHEAD POWER LINE
  - EXISTING GAS LINE
  - MINOR CONTOURS 1' INCREMENT
  - MAJOR CONTOURS 5' INCREMENT
- NOTE: MAY CONTAIN SYMBOLS THAT ARE NOT USED IN THIS SURVEY.



**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-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 ABRIGATION 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:**  
1. ZONING IS R1-7.

**DEVELOPER**  
**BRETT MASCARO**  
2892 N BELLFLOWER BLVD STE 359  
LONG BEACH, CA 90815  
562-449-5072

**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:

**PLANNING COMMISSION**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE TOOELE CITY PLANNING COMMISSION.

**SETTLEMENT ACRES SUBDIVISION  
PRELIMINARY PLAT**

LOCATED IN THE NORTHEAST QUARTER OF SECTION 32,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE  
AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

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

**SALT LAKE CITY**  
Phone: 435.251.0259

**LAYTON**  
Phone: 435.863.1533

**CEDAR CITY**  
Phone: 435.866.1863

**RICHFIELD**  
Phone: 435.866.2983

www.ensgneng.com

**SHEET 1 of 1**

PROJECT NUMBER: T1311A  
MANAGER: D. KNSMAN  
DRAWN BY: C. CHILD  
CHECKED BY: D. KNSMAN  
DATE: 6/25/20

**Tooele City Council  
Work Session Meeting Minutes**

Date: Wednesday, August 19, 2020  
Time: 5:30 p.m.  
Place: Tooele City Hall, Council Chambers  
90 North Main St., Tooele, Utah

**City Council Members Present:**

Ed Hansen, Chair  
Scott Wardle  
Melodi Gochis  
Tony Graf  
Justin Brady

**City Employees Present:**

Debbie Winn, Mayor  
Michelle Pitt, Recorder  
Jim Bolser, Community Development Director  
Darwin Cook, Parks and Recreation Director  
Ron Kirby, Chief of Police  
Shannon Wimmer, Finance Director  
Cylee Pressley, Deputy Recorder  
Roger Baker, City Attorney  
Kami Perkins, Human Resource Director  
Paul Hansen, City Attorney  
Steve Evans, Public Works Director

Minutes prepared by Michelle Pitt

**1. Open Meeting**

Chairman Hansen called the meeting to order at 5:30 p.m.

**2. Roll Call**

Ed Hansen, Present  
Scott Wardle, Present  
Melodi Gochis, Present  
Justin Brady, Present  
Tony Graf, Present (arrived at 5:48 p.m.)

**3. Mayor's Report**

The Mayor updated the Council on CARES funding for small businesses. The City is planning to launch the small business grant program on September 8<sup>th</sup>, collect applications by September 18<sup>th</sup>, and award funding a week later. The Mayor reported that the county is also planning to do some small business grants. She felt that with both entities extending grants, they will be able to help a lot of businesses.

The Mayor reminded everyone to conserve water. It has been an extremely hot summer. She asked residents to not worry about their grass being yellow. She pointed out that the City's grass at the golf course and parks have yellow grass too. The grass is just going dormant and will bounce back in cooler weather.

The Mayor thanked the community for their help cleaning up their neighborhoods. She explained that for the last couple of years, she has asked staff and community to help promote her program, Take Pride Tooele. There are a couple of groups of people that have been in the northeast part of town cleaning up the double frontage lots. She said that the City advertised a cleanup night, and invited people to help clean up Smelter Highway between Overland Road and 7<sup>th</sup> Street. Although not many people were there, they were able to make a difference in a short period of time. The City will do a cleanup project on the 2<sup>nd</sup> Thursdays of each month. The next one will be on September 10th at 6:30 p.m. Everyone is invited.

#### **4. City Council Members' Reports**

Council Member Gochis reported that Glenna Empy, a member of the Tooele City Arts Council passed away. She will be missed. The arts council received a \$4,000 grant through the CARES act. The Fridays on Vine concert series was postponed until 2021, but the arts council is discussing having some virtual concerts. Council Member Gochis attended the joint City Council and Planning Commission meetin on the 12<sup>th</sup> and felt it was very informative. That meeting, where they discussed the general plan, is available on Facebook to watch. She, the Mayor and Council Member Graf met with Kevin Peterson of America West. He owns the Broadway Hotel and has approached the RDA for a loan to demolish the hotel. It is uncertain as to whether that funding will be granted. Today, she participated in interviews for the economic administrator position. She said she was pleased with the applicants. She reported that the August COG meeting was postponed.

Council Member Brady had nothing to report.

Council Member Wardle asked some questions about the small business grant policy and the amounts that would be awarded. The Mayor answered that the amounts would be between \$1,000 and \$10,00 for the initial phase. The City will start with \$100,000, but the transfer that the City is asking for in the next meeting is for \$300,000, and \$75,000 for training. The Mayor said they would like to get an idea of the need of businesses. She indicated that administration will report back to the Council when they know the demand.

Chairman Hansen said that he met with Switch Pointe. Switch Pointe is still proceeding to accomplish their goal to get a building and some other temporary things running. He said he would have more information later.

Chairman Hansen said that with so many items to discuss during this meeting, he will try to keep each item at 7-8 minutes.

## 5. Discussion:

- Attainable Housing  
Presented by Council Member Scott Wardle and Jim Bolser

Council Member Wardle stated that he has been participating with staff members, realtors, and home builders to see how the City can address a gap in the community, at the type of housing we have, and how we can improve to provide needed housing. Mr. Bolser said that the first facet has been provided in the Council's packets. The City has been examining the minimum threshold for unit sizes in multi-family dwellings. The goal is to make housing affordable for new families, younger families, or elderly families.

Council Member Wardle added that they have the ability to bring the rent down from \$900 to \$700, and maybe provide opportunities to graduate from smaller housing to larger housing within the community.

Council Member Gochis said that it is difficult when renters have to pay an additional fee for parking. It forces people to park on the street. Mr. Bolser said that Code 7-4 addresses that point, but that it is difficult to enforce when it's private property.

- Sign Ordinance  
Presented by Council Member Tony Graf

Council Member Graf indicated that in March he talked about looking at the sign ordinance. Since that time, he has met with members of the public, administration, and business owners to talk about what changes could be made to make the sign ordinance more business friendly, keep the sign ordinance in place, and regulate businesses.

He said he sent copies of the proposed amendments to the sign ordinance to the Council. He pointed out some of the notable changes:

Electric signs – instead of using a formula to measure light, it would be changed to large blocks of light and colors.

Allowing banner signs,

Allowing non-profits and schools to put up temporary signs for fundraising events,

Allowing residential properties signs for advertising of home businesses,

Allowing business owners to have one day notice for a non-conforming sign before it is seized, but if it is in the public right-of-way, it can be taken right away.

Council Member Gochis felt that the ordinance would be hard to monitor. She asked if a friendly fact sheet could be posted on the City's website.

Council Member Brady asked why the time of 10:00 p.m. was chosen as the time required for the A-frame sign to be removed. Council Member Graf indicated that it was because of feedback that he received. It gives businesses that close at 9:00 p.m. some extra time to get their signs in. Council Member Wardle indicated he would like the time to be amended to 9:30 p.m., or one-half hour after closing time. Mr. Baker said that allowing various times makes it difficult to enforce: each business might have its own closing time, which the officer would not know. Council Member Wardle asked if the City's code enforcement officer worked at night. Chief Kirby answered that she is currently working Monday through Friday during daytime hours.

After the discussion, Council Member Graf said he would like the ordinance to be sent through the process, which is to go to the Planning Commission next. Council Member Wardle asked that the ordinance be sent out again to the Chamber and ambassadors before it goes to the Planning Commission.

- Budget Amendments  
Presented by Shannon Wimmer

Ms. Wimmer said that this budget amendment will move the \$375,000 to the expense account so that the City can start spending those funds as the grants from small businesses come in. The resolution will be presented at the 7:00 meeting.

- Notices of Intent to Petition for Annexation in to Tooele  
Presented by Paul Hansen

Chairman Hansen explained that the City received a lot of Notices of Intent and so he asked Mr. Hansen to create a map to help them understand where all the properties are. He further explained that this was just a discussion about the various Notices, and not to make a decision about annexations. Mr. Baker stated that he and Mr. Hansen would not talk about a certain Notice of Intent to Petition for Annexation over another, but just let the Council know what was received. Mr. Baker said that the Notices were in response to a new law from the legislature requiring that Notices of Intent to File a Petition for Annexation be filed by August 5<sup>th</sup>.

Mr. Hansen stated that the notices were not solicited by Tooele City. The City received the requests from property owners, or sponsors or representatives for the property owners. Mr. Hansen explained that as he was mapping the areas on the Notices of Intent, he mapped the information contained in the Notice, but didn't verify legal boundaries. The map also showed the current City limits.

Mr. Baker stated that some of the properties in the Notices are quite some distance from the City, and removed from the annexation expansion area map. He said that these areas cannot be annexed in to the City because they are not in our annexation area plan. Also, some of these Notices are not connected to each other. Council Member Gochis asked if it was appropriate to annex something that was an island. Mr. Baker answered that the areas need to be contiguous to Tooele City.

Mr. Hansen said that four of the annexations lie within the annexation growth plan, but that doesn't mean that the City will automatically move forward with an annexation. Earlier, administration sent to the Council a list of items that need to happen for an annexation to happen. Each annexation application needs to be able to stand on their own. Some of these annexations may need to be looked at with more depth, because of water, sewer, transportation and economic impact issues.

Mr. Baker said that there were recently two changes to state law that affected annexations. One law was specific to First Class counties, prohibiting property in an unincorporated area to annex in to an incorporated area if an incorporation petition was pending. That reference to First Class Counties was stricken, making the prohibition applicable in all counties. When that was brought to the attention of the legislature, the remedy was to create an opt out provision which says that if property owners file a Notice of Intent to File a Petition to Annex, then their property opts out of that incorporation. He said that he thought the state created a difficult situation for both parties. Council Member Wardle asked if some of the Notices we received were just property owners wanting to opt out of the Erda incorporation. Mr. Baker said that they could be. Mr. Baker added that the Notice of Intent is just a letter and a map. If an applicant really wants to submit a petition to annex, there is more of an investment in the process.

- Request for Establishment of a Special Improvement District for Perpetual Open Space Maintenance in the Lexington Greens Development  
Presented by Roger Baker

Mr. Baker stated that in Lexington Greens, the developer has proposed some green spaces that won't be given to the City to be used for parks. They will remain privately owned and maintained, to be enjoyed by the property owners. The developer suggests that the HOA (home owners association) maintaining those green spaces may not be the best way to maintain them long-term. The developer is suggesting to create a special assessment area more commonly known as a special improvement district, which would tax the residents that live in this development to create a fund to maintain those green spaces. The tax wouldn't be for construction, but would be for maintenance only. This would be collected as an entry on a tax notice, which has a better rate of collection than an HOA. The City would then contract with the HOA to pay to maintain those areas on behalf of the City.

Mr. Baker asked if the City was interested in a special tax just for these residents. He further explained that it would be similar to the North Tooele City Special Service District. But in this case, the money would come to the City, and the City would pay to have the green spaces maintained. The residents would have an opportunity to appeal their taxation before the a board of equalization formed by members of the Council. Mr. Baker asked the Council if that was a role they would like to assume.

Council Member Brady said that the North Tooele City Special Service District (NTSSD) is already in that area. He asked if the developer was given an opportunity to join the NTSSD. He added that there is already a revenue for them to maintain those areas and felt that this would be a better option.

Council Member Gochis said that while she served on the NTSSD, Mr. Akerlow was asked if he wanted to join the SSD and he said no. She thinks that it's confusing for homeowners to have a special tax. There are other amenities that the residents could enjoy under the NTSSD. She stated that she is not in favor of the special improvement district.

Council Member Wardle said that the NTSSD has asked why others should enjoy their amenities but not have to pay for them. We have seen some parks that have not been taken care of in the past. He said that there is a way to create the special improvement district and have the tax collected. It can be included as a note on the title report. Expanding the NTSSD map may not be a good thing. Council Member Wardle said he thought this was a good idea as a way to maintain these amenities.

Council Member Brady said that he sits on the NTSSD. They are overwhelmed because they are maintaining areas that have been added, without revenue. Council Member Gochis added that this had been discussed before. The reason to implement an SSD is because there aren't amenities there. She felt that since those amenities are already there through the NTSSD, and that this development should join the SSD.

Mr. Baker said that when Lexington Greens first came to Tooele City, they submitted a proposal to create a local district to construct sewer, water, and transportation infrastructure; that was abandoned. A special assessment area is not a local district. This is a completely different tax revenue to provide maintenance of just the green space. There are many kinds of districts and it can become confusing. Council Member Graf said that the City already has a mechanism in place to address this. The overwhelming feeling of the SSD can be addressed within their organization.

Council Member Wardle asked what would happen if the HOA failed to take care of the green spaces. Mr. Baker answered that the community could decide that it is not in their interest to maintain them and stop paying their assessments, and they try to give them to the City. The special assessment area gives the City the authority. There are questions to consider as to how far the City is willing to go to maintain the parks and how much are you willing to use general funds. The development would create an HOA and determine what the assessment should be. The HOA would collect those assessments. Council Member Wardle said that there was an HOA on 7<sup>th</sup> Street, but it was never implemented. The City is now maintaining that area. Mr. Baker agreed that there are some HOAs that work very well, some that don't, and everything in between.

Chairman Hansen said that this will be discussed at another work meeting.

- Amendments to Fee Schedule  
Presented by Jim Bolser and Darwin Cook

Mr. Bolser said that the packet included proposed fees for land use items. These are fees the City currently doesn't have for applications, such as:

Petitions for annexation,



Inclusion in to a Special Service District (SSD)  
Amendments to the annexation policy plan  
Vacations, such as easements and public rights-of-way

Council Member Brady asked about the \$500 fee for inclusion in to a SSD. Mr. Bolser answered that this is an annexation process. Council Member Brady said that inclusion in to a SSD benefits the City because it keeps areas well maintained. He said he was not in favor of this fee because it could cause developers to not want to join SSDs, such as the NTSSD. Mr. Bolser said that other cities are charging fees for these types of services. He passed out information he had gather about what other cities along the Wasatch front and outside of the Wasatch front charge for fees.

Council Member Gochis said that she felt that the fees were reasonable and knows that it doesn't come close to reimburse the employees' time.

Mr. Cook said that the fee adjustments for parks were for camping locations and for the golf course pull cart rental. He explained that the City owns some decent property that campers use. There currently isn't a fee on the fee schedule for camping. He proposed a \$10 fee for each camp site. He added that it would be a dry camp, but a port-a-potty would be put there during the summer season. Mr. Cook stated that the property at the wigwam has an opportunity for individual camp sites, has an amphitheater, and could be developed as a group site in the future.

He would like the fees to be put in place now for both camping areas, and a fee for a key deposit.

The proposed fee for the golf pull carts is \$4.00 for 9 holes, and \$8.00 for 18 holes.

Council Member Wardle asked if employees were exempt from this fee, and how people reserve these areas. Mr. Cook answered that the information has been put online. Ms. Perkins said that employees can receive a 20% discount, or the Council can decide that employees be exempt from the fee. Council Member Gochis asked if the \$10.00 fee covered the cost of the port-a-potties. Mr. Cook felt that the City would break even.

- Purchasing Policy and City Code Amendments  
Presented by Michelle Pitt

Ms. Pitt stated that a lot of the proposed amendments are minor housekeeping items. However, there are two proposed amendments that warranted more discussion:

1. the amounts that administration would be required to bring to the Council for approval, and

The current policy requires administration to bring invoices or contracts to the Council for approval if they are \$20,000 and over. The amendment would change that amount to \$50,000.

She further explained that each year, the Council approves departmental budgets. Each department head is responsible to monitor their budgets, and to only spend what has been approved by the Council.

There have been times when this \$20,000 amount has been a little restrictive. Here is an example:

One of our departments was in the need of a vehicle. They informed our fleet manager, Scott. Scott was able to find a great deal on a truck that fit the needs of that department. However, many other governmental entities were also looking at this great deal, and this vehicle was in demand. We needed to move quickly in order to get this low price. The amount was over \$20,000 and needed to go to a council meeting for approval. There was no time. I then emailed you all for approval so that we could move forward with the purchase, then brought the invoice to you for ratification. Luckily I was able to reach enough of you to get a majority approval for the purchase.

Another example of how this change would affect purchasing: tonight 5 invoices will be brought to you:

Chairs	\$72,518.51	
Dispatch fees	\$80,078.00	
<b>Lawrence waterline loop</b>	<b>\$40,000</b>	<b>- with this change these</b>
<b>Garbage cans</b>	<b>\$40,420.18</b>	<b>3 invoices wouldn't</b>
<b>Water meters &amp; supplies</b>	<b>\$21,424.37</b>	<b>come to the Council</b>

Increasing the amount to \$50,000 would allow us to make these types of purchases without the need to get Council approval beforehand.

2. The amount that requires competitive sealed bids. The current policy requires us to get competitive sealed bids on projects over \$20,000. We are requesting that this amount be increased to \$100,000.

Almost all of the public works projects are over \$20,000.

It is timely: Our policy requires public notice for at least 14 days. It takes some time to prepare the bid information, to collect the bids, open them, and analyze them. Most of our bid information, including purchase description and contractual terms and conditions, (see page 5, #2) are prepared by our City Engineer, Paul Hansen. Mr. Hansen is the best at preparing these, but there are some times when Paul is not able to prepare the bids. In those cases, we would contract that service out. We have found that for a \$20,000 project, we could be paying up to \$7,000 for an outside agency to prepare this bid information for us.

These changes also require changes to City Code, Title 1, Chapters 5, 6, 14, and 22, which Mr. Baker has done. Those proposed changes have been included in your packets.

The state does not mandate the amounts required to be brought before the council, nor the amount that needs to be bid out. However, the state does require that an amount be set; and that once it is set, that we follow it.

Ms. Pitt stated that she believes that the reason an amount is set at all, is to ensure that the City continues to be transparent and open to the public while conducting its business.

This amendment has been given to the department heads who have reviewed it. Some of them have suggested changes, so she reminded the Council that this a draft.

The Council had questions regarding the change from \$20,000 to \$50,000. Council Member Wardle stated that he was not comfortable with this large of a change. Ms. Pitt explained that the change in the amount would allow invoices to be paid quicker, rather than to have to wait for the next Council meeting for approval.

Chairman Hansen stated that this will be discussed further in a future meeting.

- Industrial Zoning  
Presented by Jim Bolser

Chairman Hansen moved this item to be discussed in a future meeting.

- Facebook Live

Chairman Hansen moved this item to be discussed in a future meeting.

#### **6. Close Meeting to Discuss Litigation, Property Acquisition, and Personnel**

There was not a closed meeting.

#### **7. Adjourn**

**Council Member Brady moved to close the meeting.** Council Member Gochis seconded the motion. The vote was as follows: Council Member Gochis “Aye,” Council Member Brady “Aye,” Council Member Wardle “Aye,” Council Member Graf “Aye,” and Chairman Hansen “Aye.”

The meeting adjourned at 6:57 p.m.

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this \_\_\_\_\_ day of September, 2020

DRAFT

**Tooele City Council  
Business Meeting Minutes**

**Date:** Wednesday, August 19, 2020

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

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

**City Council Members Present:**

Justin Brady  
Tony Graf  
Ed Hansen  
Scott Wardle  
Melodi Gochis

**City Employees Present:**

Mayor Debbie Winn  
Jim Bolser, Community Development Director  
Chief Ron Kirby, Police Department  
Steve Evans, Public Works Director  
Paul Hansen, City Engineer  
Roger Baker, City Attorney  
Darwin Cook, Parks and Recreation Director  
Shannon Wimmer, Finance Director  
Michelle Pitt, City Recorder  
Cylee Pressley, Deputy City Recorder

Minutes prepared by Kelly Odermott

Chairman Hansen called the meeting to order at 7:03 p.m.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Mr. Paul Hansen, City Engineer.

**2. Roll Call**

Justin Brady, Present  
Tony Graf, Present  
Ed Hansen, Present  
Scott Wardle, Present  
Melodi Gochis, Present

**3. Public Comment Period**

Chairman Hansen opened the public hearing.

Mr. Jared Hamner, Executive Director of the Tooele Chamber of Commerce thanked the City staff Shannon Wimmer and Shilo Baker for their efforts with the CARES Act business loans. He stated he has spoken with a few businesses and the committee is going down the right path and will hopefully continue. The businesses are struggling right now. He thanked the Mayor for the committee and for her efforts.

Chairman Hansen closed the public comment period.

#### **4. Public Hearing**

##### **a. Public Hearing and Motion on Resolution 2020-67 A Resolution on the Tooele City Council Approving Budget Amendments for Fiscal Year 2020-2021**

Presented by Shannon Wimmer

Ms. Wimmer stated the public hearing is for an amendment to the current budget which will allow the CARES Act funds which are currently in a trust fund to be moved into the expense account for the covid programs that have been approved.

Chairman Hansen asked the Council if there were any comments or questions, there were none.

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

**Council Member Graf motioned to approve Resolution 2020-67.** Council Member Brady seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Hansen, "Aye." The motion passed.

Council Member Graf stated he is excited to see the program move forward.

#### **5. Second Reading Items**

##### **a. Ordinance 2020-33 An Ordinance of Tooele City Amending Tooele City Code Title 6 (Animal Control) to Comply with Utah House Bill 202 Regarding Criminal Penalties.**

Presented by Roger Baker

Mr. Baker stated the purpose of the ordinance is to comply with state law requiring certain misdemeanors relating to pet cats and dogs, to reduce them to infractions. Some

have been reduced and some misdemeanors it is recommended that related to things other than pet cats and dogs, to stay at the current levels in the ordinance.

**Council Member Gochis motioned to approve Ordinance 2020-33.** Council Member Brady seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Hansen, "Aye." The motion passed.

## 6. First Reading Items

### a. **Resolution 2020-68 A Resolution of the Tooele City Council Approving a Modification to the Third-Party Public Improvement Inspection Requirements for Overlake 2A Phase 1**

Presented by Roger Baker

Mr. Baker stated that the settlement agreement between Tooele City and Perry companies, provides that they can outsource public works inspections of their new subdivisions to a third party company. They pay for the inspections in addition to paying Tooele City its cost of supervising the results of the third party inspections. With the recent phase of Overlake, they have requested that Tooele City provide the inspection services. It would be more economical and practical for both parties. There has to be a formal process due to the settlement agreement as a temporary amendment for Tooele City to perform the inspections.

Chairman Hansen asked if this amendment has to be done for each time Perry Homes decides they would like Tooele City to perform the inspection.

Mr. Baker stated yes, because the settlement agreement provided the right for Perry Homes to use third party inspectors. This preserves flexibility.

**Council Member Wardle motioned to approve Resolution 2020-68.** Council Member Gochis seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Hansen, "Aye." The motion passed.

### b. **Ordinance 2020-34 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the R1-7 Residential Zoning District for Approximately 1.08 Acres of Property Located at 133 East 700 North.**

Presented by Jim Bolser

Mr. Bolser stated this is a relatively straight forward amendment. The subject property is on the north side of 700 North and east of 100 East. The current zoning is MR-16, Multi-

Family Residential. The property to the north and north east are also MR-16, Multi-Family Residential. The entire block of property was rezoned in 2018 for the purpose of developing the larger back area for a multi-family development. A townhome project there is still pending. The piece fronting 700 North has an existing single family home that has been there for many years. Prior to the rezone in 2018, the frontage along 700 North was zoned GC General Commercial. The proposal is to reassign the area that has been split off for the single-family home into the R1-7 Residential zone, which matches the zoning across the street. There is a desire by the property owners to put on an expansion on the home. In the City Code there is a provision that if there is a nonconforming use, the buildings cannot be expanded. Within the MR-16 Multi-Family Residential zone, single family residences are not allowed and this was a nonconforming residence and therefore not allowed to expand. Under the prior commercial zoning the same issue would exist. They are requesting the R1-7 Residential zone for an expansion of the single family home. This would need to come back with a public hearing. Planning Commission has heard this, held a public hearing and forwarded a positive recommendation.

Chairman Hansen stated that he grew up in the area and asked why the street is GC General Commercial. Mr. Bolser stated he has not been able to find out, but it has been GC General Commercial since before he was with the City.

Chairman Hansen moved it to a second reading.

**c. Ordinance 2020-35 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the RR-1 Residential Zoning District for Approximately 1 Acre of Property Located at Approximately 77 North 1100 West**  
Presented by Jim Bolser

Mr. Bolser stated this is a piece of property along 1100 West. It is associated with the existing storage facility. The zoning of the property is LI Light Industrial, as are the properties to the north, west, and south. To the east is RR-1 Residential. The nature of the application is to take the 1 acre and reassign it to the RR-1 Residential zone. The intent is to construct a single family home on the property to serve as a manager and caretaker residence for the existing storage unit facility, with the potential option in the future to sell the property as an independent residence. There was discussion during the Planning Commission public hearing, regarding the property immediately to the south, which is vacant. There is an application to develop that property as a separate storage unit facility and whether or not there would be setback complications with this project. From that discussion, there has been discussions with Mr. Baker and the neighboring property is believed to be vested in the setbacks as they are today and prior to the rezone.



The Planning Commission has heard this and forwarded a unanimous positive recommendation.

Council Member Graf stated that this is unique. Are there any recent examples of other properties doing this. It seems to mess with the integrity of the LI Light Industrial and it is a management property, but the long term intent sounds like a private residence. It is odd that for a private residence to be between two storage units. Mr. Bolser stated that he did not know the intent, but the idea had been expressed. It is not too uncommon. With the RR-1 zoning and setback requirements would give the home room from the neighboring properties.

Council Member Wardle asked if there was property to the south that has a residence? Mr. Bolser stated there is a home to the south in front of the neighboring storage units but that residence would be a non-conforming use.

Council Member Graf stated that with RR-1 it is allowing animals and LI Light industrial does not have the provision for animals.

Chairman Hansen moved it to a second reading.

## 7. Minutes

**Minutes include August 8, 2020 Work Session and City Council Business Meetings.**

**Council Member Graf motioned to adopt minutes.** Council Member Brady seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Hansen, "Aye." The motion passed.

## 8. Approval of Invoices

Presented by Michelle Pitt

An invoice in the amount of \$40,720.18, to Rehrig Pacific Company, for 702 garbage cans.

An invoice in the amount \$21,424.37, to MSSl Mountain Land Supply, for water meters and cables.

An invoice in the amount of \$40,000, to Charles and Crystal Lawrence for the golf course waterline loop.

An invoice in the amount of \$72,518.51 to The Hon Company c/o Desk Inc of Utah, for the new chairs at City Hall.

An invoice in the amount of \$80,078.00, to Tooele County Sheriff's Office for the third quarter dispatch fees.

An invoice in the amount of \$25,727, to Ken Garth Valley, for F150 truck for the streets department.

An invoice in the amount of \$25,893, Ken Garth West Valley, for 2020 F150 from the storm drain fund.

An invoice in the amount of \$44,029, Ken Garth West Valley, for a F350 paid for from Road C funds.

Chairman Hansen asked if there were a lot of chairs that were being bought? Ms. Pitt stated that the Council Chamber rooms and every suite in City hall. These will be cleanable chairs. Council Member Brady asked if the chairs in Council Chambers will be stackable. Ms. Pitt stated that they will stack when needed. The chairs will have wheels on them for movability. Council Member Wardle stated that he was impressed the City was able to get them, because he has seen a delay on chairs. Ms. Pitt stated they are ordering 268 with the wheels and 55 without the wheels.

**Council Member Wardle motioned to approve invoices.** Council Member Gochis seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Hansen, "Aye." The motion passed.

## 9. Adjourn

**Council Member Brady motioned to adjourn the meeting at 7:30 pm** Council Member Wardle seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Hansen, "Aye." The motion passed.

The meeting adjourned at 7:30 p.m.

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this 2nd day of September, 2020

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Ed Hansen, Tooele City Council Chair

DRAFT

TOOELE CITY CORPORATION  
FISCAL NOTE TO PROPOSED EXPENDITURE

08/24/20

**DESCRIPTION OF EXPENDITURE:**

**VENDOR:** GRANTSVILLE CITY V# 01375

PAYMENT #8 LIBRARY BOND

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REVENUE LINE ITEM:	ACCOUNT NUMBER	CURRENT BUDGET	RECEIPTS TO DATE	ADDITIONAL FUNDING	TOTAL FUNDING
					0.00

EXPENDITURE LINE ITEM	ACCOUNT NUMBER	ADJUSTED BUDGET	Y. T. D. EXPENSES	PROPOSED EXPENSE	BUDGET BALANCE
XFR TO GRANTSVILLE LIBRARY	75 4821 911039	116,700.00	0.00	116,875.00	(175.00)

REQUESTED LA \_\_\_\_\_  
DEPARTMENT HEAD

REVIEWED Sharon Wimmer \_\_\_\_\_  
FINANCE DIRECTOR

APPROVED \_\_\_\_\_  
MAYOR

APPROVED \_\_\_\_\_  
COUNCIL CHAIRMAN

