

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, January 11, 2023** at the hour of 7:00 p.m. The meeting will be held in the City Council Chambers of Tooele City Hall, located at 90 North Main Street, Tooele, Utah.

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

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Hearing and Decision** on a Conditional Use Permit Request by Zach Spencer to Authorize a "Personal Storage Facility (Mini-Storage)" Use on 2.83 Acres of Property Located at 1121 Utah Avenue in the LI Light Industrial Zoning District.
4. **Public Hearing and Recommendation** on a Zoning Map Amendment Request by Mike Davey to Reassign the Zoning for Approximately 1.0 Acres of Property Located at the Northwest Corner of the 2200 North Berra Boulevard Intersection from the RR-5 Rural Residential Zoning District to the R1-8 Residential Zoning District.
5. **Public Hearing and Recommendation** on a Zoning Map Amendment Request by DR Horton to Amend the Terms of the PUD (Planned Unit Development) Zoning Overlay Assigned to the Western Acres Development on 85.4 Acres Located at Approximately 2000 North Copper Canyon Drive in the MR-16 PUD Zoning District.
6. **Decision** on a Conditional Use Permit Request by Cristian Martinez for a "Dwelling, Multi-Family" Use at 432 South Main Street in the MU-G Mixed Use General Zoning District on 1.33 Acres (*Tabled from the October 26, 2022 Planning Commission Meeting*).
7. **City Council Reports**
8. **Review and Approval** of Planning Commission Minutes for the Meeting Held on December 14, 2022.
9. **Adjourn**

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

STAFF REPORT

January 4, 2023

To: Tooele City Planning Commission
Business Date: January 11, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Utah Avenue Storage Units – Conditional Use Permit Request

Application No.: P22-1379
Applicant: Zach Spencer
Project Location: 1121 Utah Avenue
Zoning: LI Light Industrial Zone
Acreage: 2.83 Acres (Approximately 121,968 ft²)
Request: Request for approval of a Conditional Use Permit in the LI Light Industrial zone to authorize the use of “Personal Storage Facility (Mini-Storage)” on the subject property.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately 2.83 acres located at approximately 1121 Utah Avenue. The property is currently zoned LI Light Industrial. The applicant is requesting that a Conditional Use Permit be approved to authorize the use of “Personal Storage Facility” on the site which will enable the construction of a storage unit facility.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Light Industrial land use designation for the subject property. The property has been assigned the LI Light Industrial zoning classification. Properties to the north are zoned RR-1 Residential. Properties to the south are also zoned RR-1 Residential with a couple of parcels being zoned LI Light Industrial. Properties to the west are zoned LI Light Industrial and property to the east is zoned RR-1 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant is requesting a conditional use permit to authorize the construction of storage units on the property. The property is zoned LI Light Industrial and storage units within that zone require approval of the use of “Personal Storage Facility” by the Planning Commission. The use is not unique to the area as there are two storage unit facilities located immediately south of the proposed project on 1100 West.

Site Plan Layout. The applicant has not provided a site plan with this application. The site itself is currently undeveloped land.

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

- (3) Procedure. At the public hearing, testimony may be given by the applicant and all other persons either in support of or in opposition to the application. The Planning Commission may take the application under advisement, but shall render its determination within 30 days of the date of the hearing.

- (4) Approval. The Planning Commission shall approve the conditional use application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

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

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

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

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

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

REVIEWS

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

Engineering and Public Works Review. The Tooele City Engineering and Public Works Divisions have not issued any comments regarding the proposed use of “personal storage facility” on the property.

Tooele City Fire Department Review. The Tooele City Fire Department has not issued any comments regarding the proposed use of “personal storage facility” on the property.

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

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use Permit by Zach Spencer, application number P22-1379, subject to the following conditions:

1. That all requirements of the Tooele City Engineering Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Public Works Development shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. 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 findings of fact for this proposed Conditional Use Permit request have been identified and the conditions proposed are intended to mitigate the reasonably anticipated detrimental impacts, as required by Tooele City Code Section 7-5-4.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Zach Spencer, to authorize the use of “Personal Storage Facility”, application number P22-1379, based on the findings and subject to the conditions listed in the Staff Report dated January 4, 2023:”

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

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Zach Spencer, to authorize the use of “Personal Storage Facility”, application number P22-1379, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

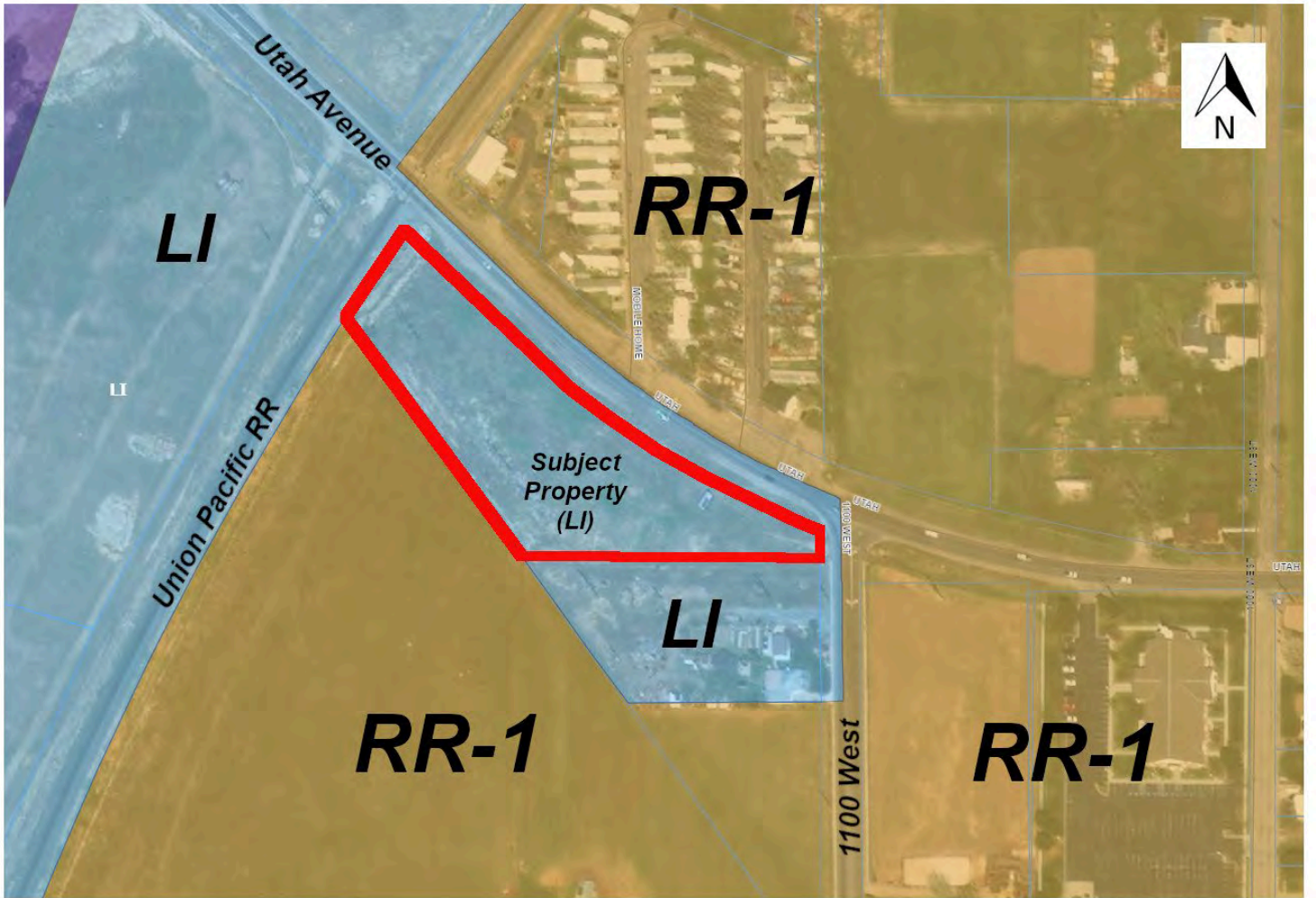
**MAPPING PERTINENT TO THE
UTAH AVENUE STORAGE UNITS CONDITIONAL USE PERMIT**

Utah Avenue Storage Units Conditional Use



Aerial View

Utah Avenue Storage Units Conditional Use



Current Zoning

EXHIBIT B


APPLICANT SUBMITTED INFORMATION

Conditional Use Permit Application

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

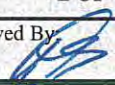


Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Conditional Use Permit applications shall be reviewed in accordance with all applicable City ordinances and requirements, are subject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

Project Information				22-1379			
Date of Submission: 12/5/22		Current Zoning: COM		Parcel #(s): 02-009-0-0013			
Project Name: 1121 UTAH AVE STORAGE UNITS				Acres: 2.83			
Project Address: 1121 UTAH AVE				Units: TBD			
Project Description: STORAGE FACILITY.							
Current Use of Property: RAW LAND							
Property Owner(s):				Applicant(s): ZACH SPENCER			
Address: 1121 UTAH AVE				Address: 620 24TH SUITE C			
City: TOOELE		State: UT	Zip: 84074	City: OGDEN		State: UT	Zip: 84401
Phone: 435-572-9330				Phone: 435-572-9330			
Contact Person: ZACH SPENCER				Address: 620 24TH ST. SUITE C			
Phone: 7				City: OGDEN		State: UT	Zip: 84401
Cellular:		Fax:		Email: ZACH@ZEPANED.UTAH.COM			
Signature of Applicant: 							
Date 12/5/22							

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

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

For Office Use Only				2221397			
Fee: \$600.00 (213)		Received By: 		Date Received: 12/20/22		Receipt #: 528654	

STAFF REPORT

January 5, 2023

To: Tooele City Planning Commission
Business Date: January 11, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Tooele Senior Seminary – Zoning Map Amendment Request

Application No.: P22-1343
Applicant: Mike Davey
Project Location: North West Corner of 2200 North Berra Boulevard
Zoning: RR-5 Residential Zone
Acreage: .85 Acres (Approximately 37,026 ft²)
Request: Request for approval of a Zoning Map Amendment in the RR-5 Residential zone to re-assign the zoning to the R1-8 Residential zoning district.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately .85 acres located at approximately the north west corner of the intersection of 2200 North Berra Boulevard. The property is currently zoned RR-5 Residential. The applicant is requesting that a Zoning Map Amendment be approved to allow for the development of the currently vacant site as a church seminary facility.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Medium Density Residential land use designation for the subject property. The property has been assigned the RR-5 Residential zoning classification, supporting one dwelling unit per five acres. The RR-5 Residential zoning designation is not identified by the General Plan as a preferred zoning classification for the Medium Density Residential land use designation. Properties located south of the subject property are currently zoned R1-8 Residential. Properties to the west, north and east are all zoned RR-5 Residential. The property to the east is currently developing as the Deseret Peak High School. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant is representing the Church of Jesus Christ of Latter Day Saints who wishes to construct a seminary building for the instruction of its youthful members that will be attending the Deseret Peak High School. It should be noted that the RR-5 zoning district does permit the construction of religious buildings such as a seminary. However, the RR-5 zoning district requires considerably increased front yard, side yard and rear yard setbacks of 20 and 30 feet. This larger setback is required in the RR-5 zoning district because of the agricultural nature of that zone and to ensure sufficient separation between agricultural and residential uses as they occur in the zone. The request to change the zoning to the R1-8 Residential district will reduce the front and rear yard building setbacks to 20 feet and the side yard setbacks to 8 feet and 20 feet on the street side.

The RR-5 zoning district also requires a minimum of 5 acres per lot. The applicant does not need 5 acres for the construction of a small seminary facility as this would be property in great excess of what is

needed. Therefore the request to change the zoning to R1-8 is also to eliminate the 5 acre lot size requirement and allow the applicant to subdivide and develop only the land that is necessary to accommodate the new seminary facility.

The RR-5 Residential zoning district is a rural residential zone with an emphasis on agriculture, very large 5 acre lots and very low densities. Often this zone is utilized as a “holding zone” and is placed on properties until the City can determine the best and highest use for the property. As mentioned above the RR-5 zone, due to the large 5 acre lot size requirement, requires greater setbacks of 30 feet on the front and rear yards and 20 feet on the side yards.

The R1-8 zoning district is a zone that falls in the medium density residential category and allows approximately 5 dwelling units per acre on lots as small as 8,000 square feet.

The Land Use Map of the Tooele City General Plan designates this area as Medium Density Residential (MDR). The MDR designation includes the R1-7, R1-8 and the R1-10 Residential zoning districts and is a zone that permits only single-family residential, two-family residential such as duplexes and Accessory Dwelling Units (ADUs). The request to change the zoning to R1-8 is in full compliance with the MDR designation of the Land Use Map.

The parcel that is being requested for the zoning change does not yet exist. A subdivision application will need to be submitted to formally create the new seminary lot. The applicant has provided a legal description and a survey document showing the exact lot configuration of the property to be rezoned to R1-8 and the zoning map will reflect this.

It should be noted that Berra Boulevard on the east side of the property does not yet exist. The applicant or developer of the seminary facility will be required to construct the necessary frontage improvements such as sidewalk, park strip, curb, gutter and necessary asphalt as a condition of development of the site. These improvements will be addressed at either the subdivision process or the site plan process.

Site Plan Layout. A site plan has not been provided.

Subdivision Layout. A survey document has been provided showing how the lot will be subdivided. This document has been included in this report for the Commission’s reference.

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 comments:

1. The property to be rezoned has not yet been created. Survey documents showing the property to be rezoned have been included and the zoning map will reflect the subdivided property once it has been formally divided.
2. Seminary buildings are permitted in both the RR-5 and R1-8 Residential zones, however, the applicant is rezoning to enjoy the less restrictive building setback requirements of the RR-5 zoning district and avoid the large 5 acre lot size requirement as such a large parcel is not necessary for the new seminary facility.
3. The R1-8 Residential zoning district does comply with the Medium Density Residential designation of the Tooele City Land Use Map.

Engineering and Public Works Division Review. Due to the legislative nature of Zoning Map Amendments, the Tooele City Engineering and Public Works Divisions have not reviewed the requested zoning change. However, staff does send notifications of the requested changes to these divisions in the case that there is feedback. No comments have been provided concerning this Zoning Map Amendment request.

Tooele City Fire Department Review. Due to the legislative nature of Zoning Map Amendments, the Tooele City Fire Department has not reviewed the requested zoning change. However, staff does send notifications of the requested changes to the department in the case that there is feedback. No comments have been provided concerning this Zoning Map Amendment request.

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 Land Use 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 Tooele Senior Seminary Zoning Map Amendment request by Mike Davey, to re-assign the zoning from the RR-5 Residential zone to the R1-8 Residential zone, application number P22-1343, based on the findings and subject to the conditions listed in the Staff Report dated January 5, 2023:”

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 Tooele Senior Seminary Zoning Map Amendment request by Mike Davey, to re-assign the zoning from the RR-5 Residential zone to the R1-8 Residential zone, application number P22-1343, based on the following findings:”

1. List findings...

EXHIBIT A

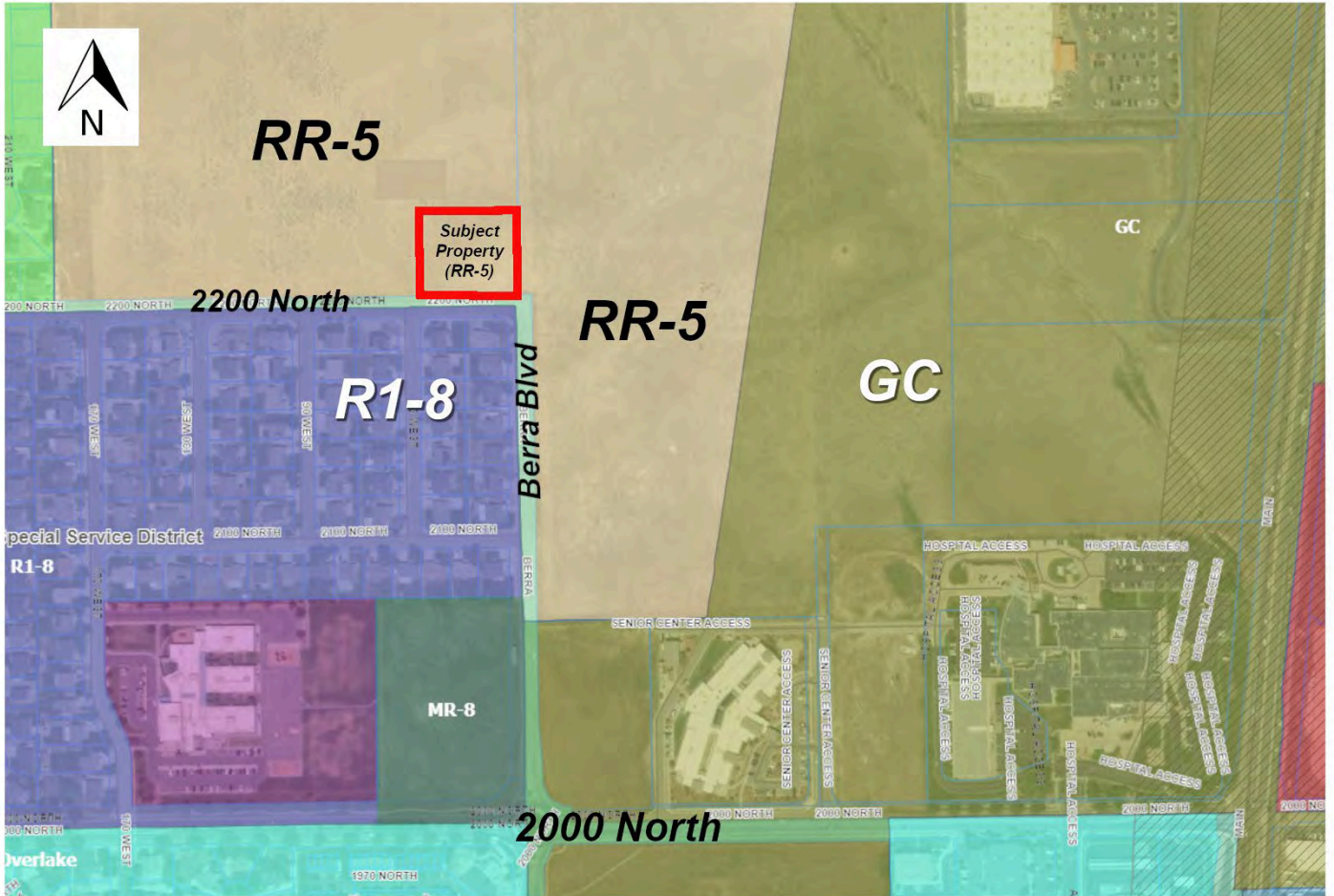
MAPPING PERTINENT TO THE TOOELE SENIOR SEMINARY ZONING MAP AMENDMENT

Tooele Senior Seminar Zoning Map Amendment



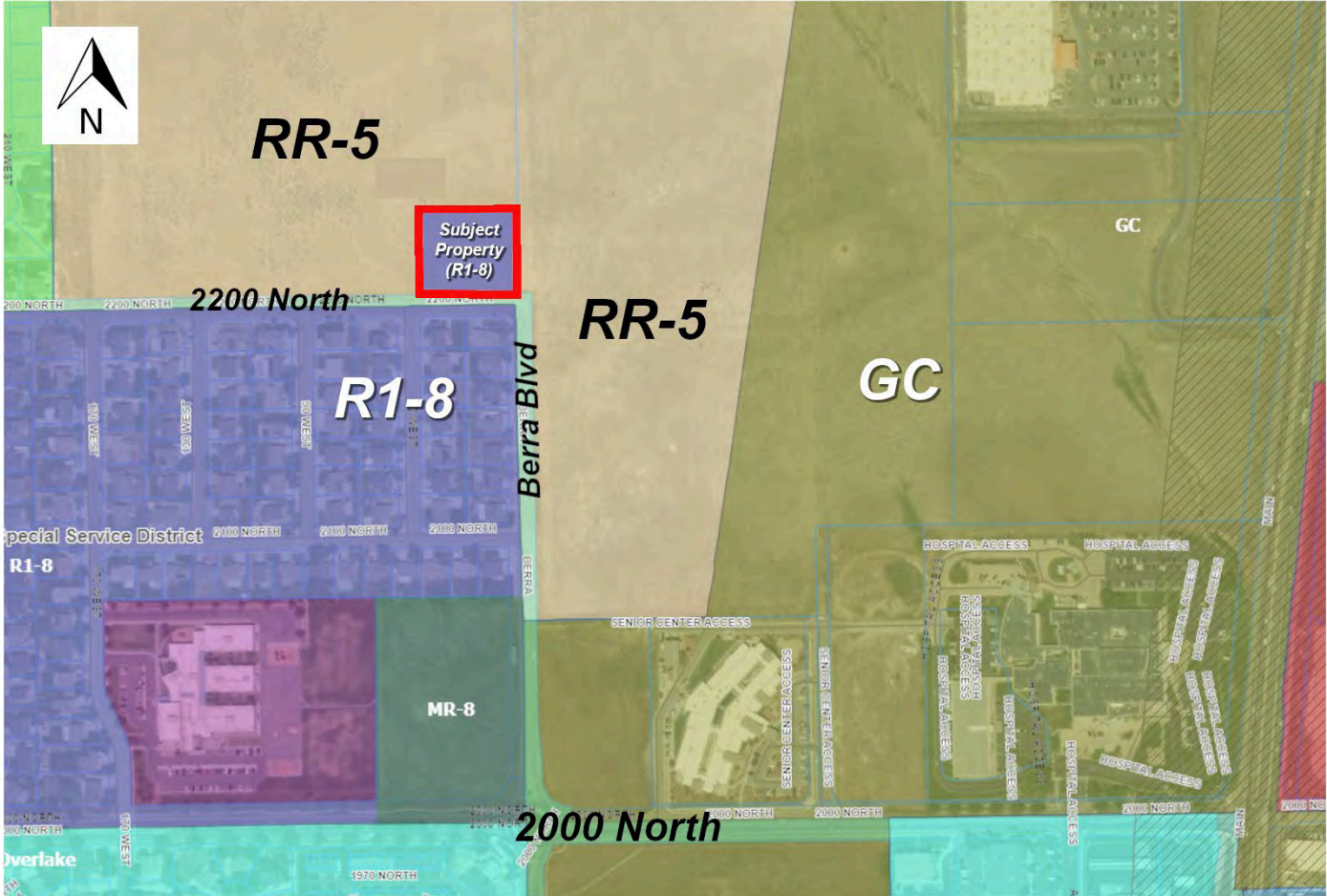
Aerial View

Tooele Senior Seminar Zoning Map Amendment



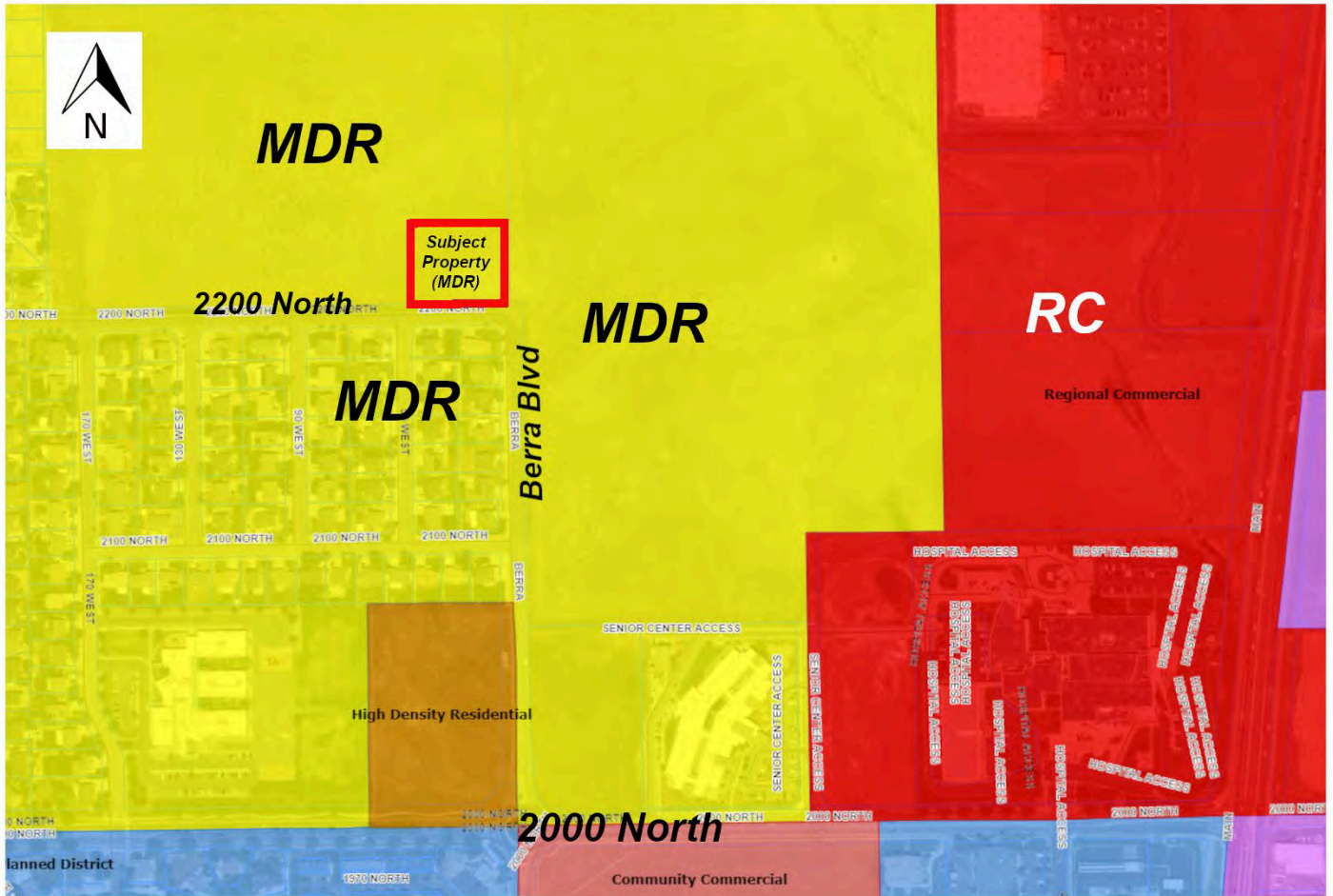
Current Zoning

Tooele Senior Seminar Zoning Map Amendment



Proposed Zoning

Tooele Senior Seminar Zoning Map Amendment



Land Use Map

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Zoning, General Plan, & Master Plan Map Amendment Application

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



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

Project Information					
Date of Submission: 30 Nov 2022		Current Map Designation: RR-5		Proposed Map Designation: R-1-8	
Project Name: Tooele UT Sr Seminary Zone Change				Parcel #(s): Portion of 02-143-0-0072	
Project Address: Northwest corner of 2200 North and Berra Boulevard				Acres: .854 acres of 23.75 acres	
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: <u>Zoning Map Amendment</u>					
Brief Project Summary: Rezone a portion of a large parcel to prepare for the Church of Jesus Christ of Latter-day Saints to purchase the property for a new seminary building.					
Property Owner(s): Eagle Landing c/o Tom Holstrom			Applicant(s): Mike Davey		
Address: 2567 West 12420 South			Address: 65 E Wadsworth Park Dr, Suite 205		
City: Riverton	State: UT	Zip: 84065	City: Draper	State: UT	Zip: 84020
Phone: 801-631-9722			Phone: 801-631-9722		
Contact Person: Mike Davey			Address: 65 E Wadsworth Park Dr, Suite 205		
Phone: 801-631-9722			City: Draper	State: UT	Zip: 84020
Cellular: 801-631-9722	Fax:		Email: mike@bhdarchitects.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.

For Office Use Only			
Received By:	Date Received: 12/2/22	Fees: \$1,100.00	App. #: 222-1362 023139



Phone 801.571.0010
Fax 801.571.0303
Toll Free 888.571.0010
bhdarchitects.com

65 East Wadsworth Park Drive
Suite 205 Draper, Utah 84020

Wed, 30 Nov 2022

Tooele City
Community Development Department
90 North Main Street
Tooele, UT 84074

Re: Parcel # 02-143-0-0072
Attention: To whom it may concern.

In connection with the application for rezoning of a portion of parcel 02-143-0-0072 to R1-8 we submit the following responses.

1. What is the present zoning of the property?
 - a. RR-5.
2. Explain how the proposed zoning is consistent with the current land use designation.
 - a. The current land use designation is Medium Density Residential. The proposed R1-8 zoning is consistent with this land use designation.
3. Explain how the proposed zoning is similar or compatible to the current zoning in the surrounding area.
 - a. There is existing R1-8 across the street to the south. There is existing R1-10 to the west of the parcel.
4. Explain how the proposed zoning is suitable for the existing uses of the subject property.
 - a. The existing use (agricultural) of the site is compatible with the R1-8 zoning designation.
5. Explain how the proposed zoning promotes the goals and objectives of Tooele City.
 - a. The proposed zoning brings the zoning designation in line with the current land use designation.

Sincerely,



Mike Davey
BHD Architects

02-143-Q-0072
EAGLE LANDING, L.C.

PROPOSED SEMINARY PARCEL AND ROW LDS PROP ID 501-3450

Surveyor's Certificate

I, Nathan B. Weber, certify that I am a Professional Land Surveyor as prescribed under the laws of the state of Utah and that I hold license no. 5152762. I further certify that a land survey was made of the property described below, and the findings of that survey are as shown hereon.

Proposed Seminary Parcel Description

A parcel of land for a seminary building located in the Southwest Quarter of Section 9, Township 3 South, Range 4 West, Salt Lake Base and Meridian described as follows:

Beginning at a point at the intersection of the north line of 2200 North Street and the west line of the proposed extension of Berra Boulevard which point is South 00°24'30" East 1222.37 feet along the North-South Quarter Section line of said Section 9 and South 89°41'35" West 65.99 feet from the Center Quarter Corner of said Section 9 and running:

thence South 89°41'35" West 185.32 feet along the North line of 2200 North Street; thence North 0°21'52" West 179.00 feet; thence North 89°41'35" East 209.00 feet, more or less, to the proposed West line of Berra Boulevard; thence South 0°21'52" East 149.65 feet along the said proposed West line of Berra Boulevard to a tangent curve to the right; thence 40.76 feet along the arc of a 30.00 foot radius curve to the right through a central angle of 77°50'46" (Long Chord bears South 38°33'32" West 37.70 feet) more or less to the point of beginning.

Parcel contains 37,234 sq. ft. or 0.854 acres.

Proposed Right-of-Way Dedication

A parcel of land for the proposed public Right-of-Way for Berra Boulevard located in the Southwest Quarter of Section 9, Township 3 South, Range 4 West, Salt Lake Base and Meridian described as follows:

Beginning at a point on the East line of the Southwest Quarter of Section 9, South 0°24'30" East 1043.37 feet from the Center Quarter Corner of Section 9 and running; thence South 0°24'30" East 179.00 feet along the East line of the Southwest Quarter of Section 9 to the north line of Sunset Estates Subdivision Phase 1; thence South 89°41'35" West 65.99 feet along the north line of Sunset Estates Subdivision Phase 1 to a point of curvature with a non tangent curve; thence 40.76 feet along the arc of a 30.00 foot radius curve to the left, center bears North 12°31'05" West, having a central angle of 77°50'46", having a chord bearing North 38°33'32" East for 37.70' to a point of tangency; thence North 0°21'52" West 149.65 feet; thence North 89°41'35" East 42.17 feet to the East line of the Southwest Quarter and the point of beginning.

NOTES:

- The basis of bearing is North 89°41'57" East (Sunset Estates Subdivision Phase 4) Between the South Quarter Corner and the Center of Section 9, Township 3 South, Range 4 West, Salt Lake Base and Meridian as shown.
- The purpose of this survey is to create a description for a parcel of land to be used for a seminary building and for the area to be dedicated as public Right-of-Way in Berra Blvd.
- This does not represent a title search by the surveyor. All title information was provided by others.
- Parcel has current access to 2200 North Street, a dedicated street or road.



R=30.00'
L=40.76'
D=77°50'46"
CH=S38°33'32"W
CH L=37.70'

BY	REVISIONS	DATE	NO.



DIAMOND
LAND SURVEYING

8891 South 700 West Ste. 150
Midvale, Utah 84047
Phone (801) 266-5885 Fax (801) 266-5882
www.diamondlandsurveying.com

PROPOSED PARCEL AND RIGHT-OF-WAY
VACANT LAND
TOOELE, UTAH
LDS PROP ID 501-3450
CHURCH OF JESUS CHRIST OF LDS

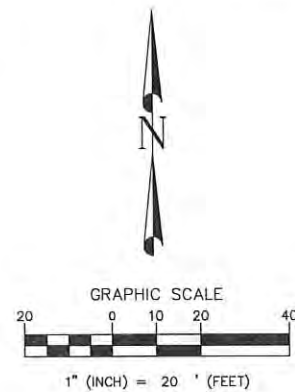
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DATE PLOTTED	8/3/22
JOB No.	22-032
SHEET	1 OF 1

LOCATED IN THE SOUTHWEST QUARTER
OF SECTION 9,
TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN

LEGEND

	Boundary Line
	Section Line
	Adjoiner Line
	Tie Line
	Easement Line
	Section Corner
	Quarter Section Corner
	Property Corner
	Found Property Corner
	Found Street Monument



SOUTHWEST CORNER OF SECTION 9, T3S, R4W, SLB&M (FOUND BRASS CAP MONUMENT)

CENTERLINE MONUMENT (FOUND BRASS CAP MONUMENT)

BASIS OF BEARING
N 89°41'57" E 2643.70'
(MEASURED/RECORD)

SUNSET ESTATES (SUB PHASE 1)

2200 NORTH

S 89°41'35" W 65.99'

CENTERLINE MONUMENT 0.18' EAST OF QUARTER SECTION LINE (FOUND BRASS CAP MONUMENT)

SOUTH QUARTER CORNER OF SECTION 9, T3S, R4W, SLB&M (FOUND BRASS CAP MONUMENT)

8 9
17 16

STAFF REPORT

January 4, 2023

To: Tooele City Planning Commission
Business Date: January 11, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Western Acres PUD – Zoning Map Amendment Request

Application No.: P22-1350
Applicant: Mike DeCarlo, representing DR Horton
Project Location: Approximately 2000 North Copper Canyon Drive
Zoning: MR-16 PUD Multi-Family Residential Zone & R1-7 Residential Zone
Acreage: 85.4 Acres (Approximately 3,720,024 ft²)
Request: Request for approval of a Zoning Map Amendment in the MR-16 and R1-7 PUD Multi-Family Residential zone regarding amendments to the PUD overlay qualifications.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 85.4 acres located at approximately 2000 North Copper Canyon Drive. The property is currently zoned R1-7 Residential and MR-16 PUD Multi-Family Residential. The property currently has a PUD overlay that changes some of the conditions of the development from standard multi-family residential design guidelines and criteria. The application is a request by DR Horton to amend one of the PUD criteria and include a new PUD criteria not included in the original PUD request.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the High Density Residential land use designation for the subject property. The property has been assigned the MR-16 Multi-Family Residential zoning classification, supporting approximately sixteen dwelling units per acre. The MR-16 Multi-Family Residential zoning designation is identified by the General Plan as a preferred zoning classification for the High Density Residential land use designation. The 85 acre development is surrounded by various zoning districts. On the east side of the property adjacent developments are zoned NC Neighborhood Commercial (built out as single-family residential), MR-16 Multi-Family Residential (built out as single-family residential during the time that the MR-16 zoning district permitted single-family residential) and R1-8 Residential. Properties to the west are zoned LI Light Industrial and GC General Commercial (built out as a legally non-conforming mobile home park). To the south of the proposed development properties are zoned R1-8 Residential and RR-5 Residential and are largely undeveloped. Properties to the north are zoned LI Light Industrial or are located in unincorporated Tooele County. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

On December 16, 2020 the Tooele City Council, upon recommendation from the Planning Commission, approved a Zoning Map Amendment encompassing the entire 85 acre development. The zoning at the time was changed to MR-16 but also included a PUD (Planned Unit Development) overlay. The PUD overlay is a tool offered by City ordinances that permits the developer changes to certain design and

configuration criteria such as building setbacks, building height, lot sizes, architectural standards and so forth in exchange for a tangible public benefit for Tooele City at large. A PUD does not allow for additional density or dwelling units. Some of these benefits, as an example, could be increased open space in exchange for smaller lot sizes. One of the greatest benefits to establishing a PUD, aside from the alterations to the configuration of a development to create some uniqueness, is that the expectation for the development project is established right from the start so that the City and the community as a whole know exactly what the project will look and feel like.

In this situation, there is the large middle canyon drainage corridor that runs southeast to northwest through the properties. The developer offered to improve the drainage corridor to enable greater flood control measures and install a trail running the entire distance of the drainage corridor as it runs through the property. During that approval process the developer also proposed to create a development that included the installation of 22 amenities for use by the development such as tot lots, pickle ball courts, and so forth, in addition to the trail improvements proposed in the Middle Canyon Drainage. It was determined at that time that the improvements proposed were substantial enough to qualify for the PUD overlay.

In exchange for these improvements proposed by the developer the City Council approved the PUD that included the following conditions, or, deviations from normal multi-family residential design and configuration guidelines:

1. Reduced lot sizes to 3,500 square feet for R1-7 portions of the development.
2. Reduced dwelling sizes to 800 square feet for R1-7 portions of the development.
3. Reduced lot width to 42 feet for R1-7 portions of the development.
4. Reduced front setback to 20 feet to house for R1-7 portions of the development.
5. Reduced side yard setbacks to 5 feet for R1-7 portions of the development.
6. Reduced dwelling sizes to 800 square feet for two story double garage townhomes in the multi-family portions of the development.
7. Reduced setbacks between buildings to 12 feet in the multi-family residential portions of the development.
8. Removed the 50% exterior brick and stone requirement for multi-family residential buildings.
9. Eliminated the requirement for a 1000 square foot interior social gathering area in favor of the additional site amenities.

This application proposed by the applicant is requesting the following amendments and additions to the PUD overlay:

1. Adding vinyl to the allowed list so they can use that too and then without the percentage requirements already removed they could potentially do nothing but vinyl.
2. Eliminating the requirement for 1 covered parking stall per multi-family residential unit.

Proposed amendment #1 will amend existing PUD criteria #8. When the PUD was originally approved DR Horton requested criteria #8 to remove the standard requirement that 50% of a buildings front façade be either brick or stone veneer. The applicant presented building elevations composed of fiber cement siding that, although not brick or stone, is still considered a masonry product. Some of their building elevations were also proposed to be stucco on side and rear facades with some stucco highlights on the front facades. The vinyl siding request will be a deviation from all masonry requirements as found in the Tooele City Multi-Family Residential design guidelines as well as a departure from what the applicant proposed for their PUD. A copy of the applicant's approved PUD proposal, which includes proposed product types, aesthetics, and desired materials, can be found in Exhibit "C" to this report.

Proposed amendment #2 will be a new PUD criteria and will increase the list to 10 total design criteria but will apply only to the multi-family residential portions of the development, particularly to the town

homes that do not include garages. Current ordinances require two parking spaces per unit. When a town home or apartment building do not include garages the two parking spaces must be included in adjacent parking areas. Of those two parking spaces one parking space is required to be covered by a garage, canopy structure or other form of covered parking. The proposed PUD criteria will eliminate the covered parking requirement and thus result in the two parking stalls required for each unit to be uncovered parking leaving both vehicles exposed to the elements.

When approving a PUD the purpose of the allowance is that there is a demonstrated tangible benefit returned to the community above and beyond what is considered a tangible benefit such as the provision of additional housing units for residents to live in or what would otherwise be created through the basic design standards in the ordinance. The original PUD was approved based upon the tangible benefit of the addition of the trail and improvements to the Middle Canyon drainage as well as the addition of 22 site amenities. As such the question must be asked regarding what additional benefits does the City receive for these new additional PUD qualifications that didn't exist when the original PUD qualifications were approved back in December of 2020? According to the application for this amendment, the applicant has not identified any additional feature, amenity, or benefit for the development. The applicant has stated that the intent behind this request for an amendment to the approved PUD is a cost saving measure in the vein of making housing units more affordable. However, little to no information has been provided as to the degree to which these changes could create housing that is affordable.

It should also be emphasized that PUD permits changes only to design guidelines. A PUD does not permit uses that are not permitted in the underlying zoning district nor does it grant an increase above and beyond what the underlying zoning district permits.

It should also be noted that two phases in the Western Acres development, Phase 1 and Phase 2A have already been approved under the existing qualifications of the PUD overlay. If the changes are accepted and approved by the City will those changes apply retroactively to the two phases that have already received approval? The existing approval of these two phases present an expectation for the City and the community as a whole regarding what the development and the housing units in those phases will be. Applying a lesser standard after those approvals and expectations are established presents the possibility of an even greater difficult perceptions of the development and the process that may not be necessary.

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 comments:

1. Should the City ultimately approve the requested amendment to the approved PUD, where Phases 1 and 2A have already been approved under the existing PUD overlay qualifications, it would be recommended that the revised PUD terms only apply to future phase applications and not Phases 1 and 2A.
2. Are there additional tangible benefits to the City in exchange for additional PUD overlay qualifications?

Engineering & Public Works Review. The Tooele City Engineering and Public Works Divisions have not issued any comments regarding the proposed changes to the Western Acres PUD overlay qualifications.

Tooele City Fire Department Review. The Tooele City Fire Department has not issued any comments regarding the proposed changes to the Western Acres PUD overlay qualifications.

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

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a Land Use 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 Western Acres PUD Zoning Map Amendment Request by Mike DeCarlo representing DR Horton to amend the qualifications of the PUD overlay as requested by the applicant, application number P22-1350, based on the findings and subject to the conditions listed in the Staff Report dated January 4, 2023:”

1. List any additional findings and conditions...

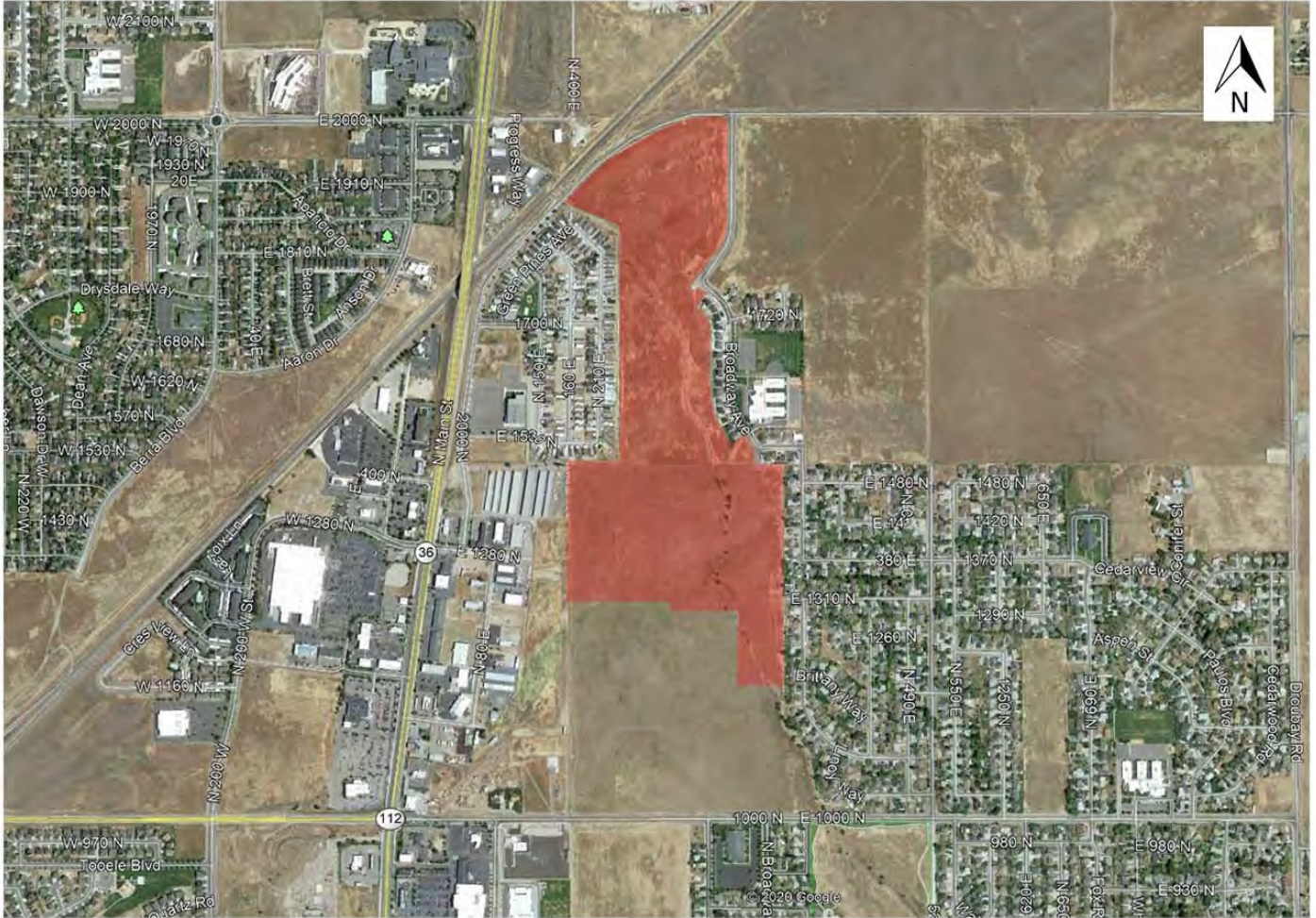
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Western Acres PUD Zoning Map Amendment Request by Mike DeCarlo representing DR Horton to amend the qualifications of the PUD overlay as requested by the applicant, application number P22-1350, based on the following findings:”

1. List any additional findings...

EXHIBIT A

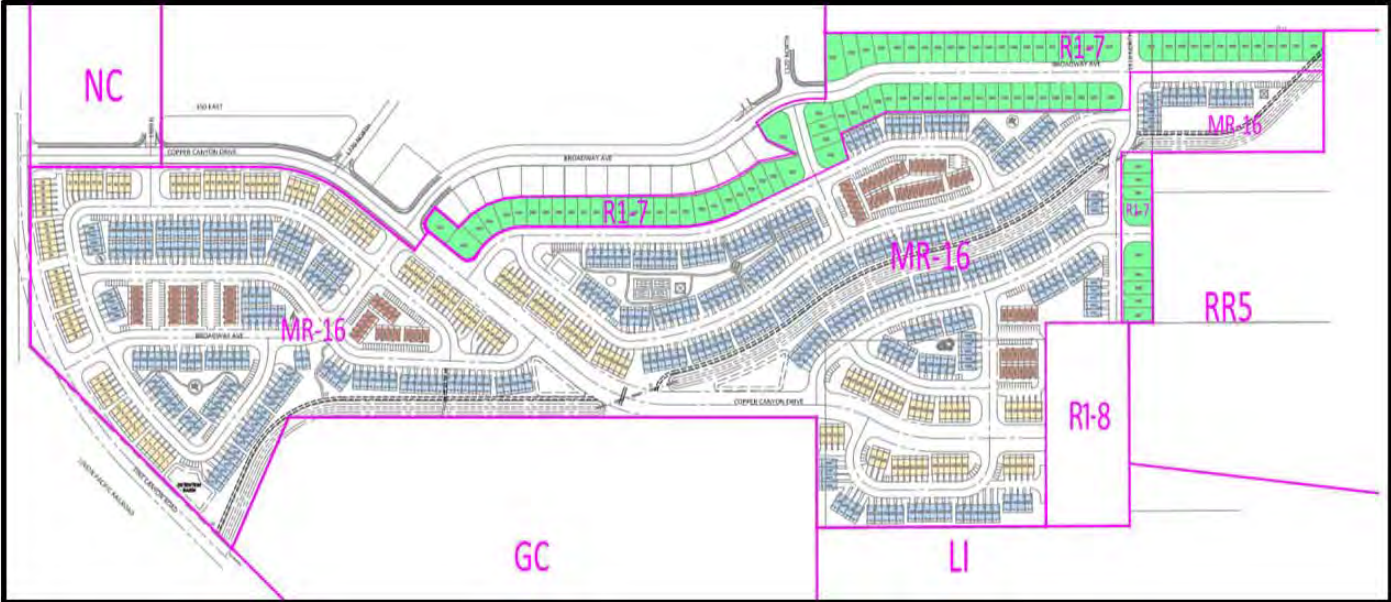
MAPPING PERTINENT TO THE WESTERN ACRES PUD ZONING MAP AMENDMENT

Western Acres Planned Unit Development



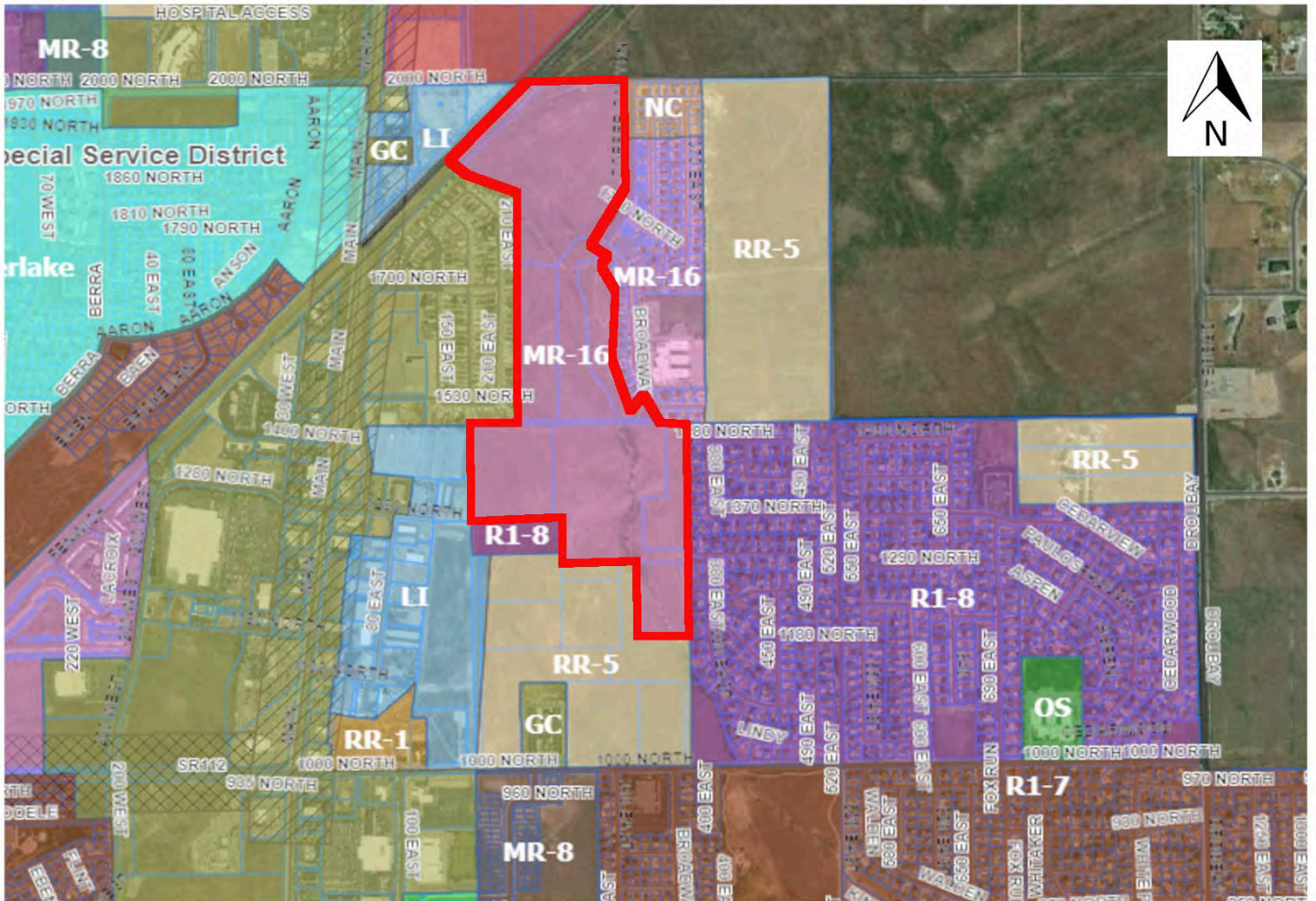
Aerial View

Western Acres Planned Unit Development



Proposed Zoning

Western Acres Plan Unit Development



Current Zoning

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Zoning, General Plan, & Master Plan Map Amendment Application

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



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

Project Information			
Date of Submission: 11/28/22	Current Map Designation: MR-16	Proposed Map Designation: MR-16	Parcel #(s): 02-123-0-0043
Project Name: Western Acres			Acres: 85.4
Project Address: 2000 N Copper Canyon Dr			
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Project Summary: 1. Propose change to exterior siding to include new premium vinyl siding product that eliminates the negative aspects of traditional vinyl (including cracking, fading and wind). It is a tough, durable and beautiful siding composed of materials that prevent ultraviolet degradation, chemical stabilizers to help prevent heat degradation and impact resistance to prevent denting and dinging. The color is the same throughout. So, it will NOT need to be painted in the future like fiber cement board. 2. Propose eliminating the covered parking for our carport product.			
Property Owner(s): DR Horton		Applicant(s): DR Horton	
Address: 12351 Gateway Park Place, Suite D-100		Address: 12351 Gateway Park Place, Suite D-100	
City: Draper	State: UT	Zip: 84020	City: Draper State: UT Zip: 84020
Phone: 801-571-7101		Phone: 801-571-7101	
Contact Person: Mike De Carlo		Address: 12351 Gateway Park Place, Suite D-100	
Phone: 801-571-7101		City: Draper	State: UT Zip: 84020
Cellular: 801-631-2305	Fax:	Email: mrdecarlo@drhorton.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.

For Office Use Only			
Received By: KSS	Date Received: 12/7/22	Fees: \$6,000.00	App. #: 2221369

Receipt
524337

EXHIBIT C

ADOPTED ORDINANCE 2020-50 WITH PUD PROPOSAL

TOOELE CITY CORPORATION

ORDINANCE 2020-50

AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE MR-16 MULTI-FAMILY RESIDENTIAL AND R1-7 RESIDENTIAL ZONING DISTRICT AND CREATING A PLANNED UNIT DEVELOPMENT ZONING OVERLAY ON 86.7 ACRES OF PROPERTY LOCATED IN THE AREA GENERALLY AT 1600 NORTH 300 EAST

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); 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 a “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, Tooele City Code Chapter 7-6 constitutes Tooele City’s Planned Unit Development (PUD) overlay zoning district, the purposes of which are stated in §7-6-1, incorporated herein by this reference, and which include, among others, to create opportunities for flexible site planning, to encourage the preservation of open space areas and critical natural areas, and to encourage the

provision of special development amenities by the developer; and,

WHEREAS, the 86.7 acres are owned by various individuals and corporations consisting of Sean Hogan, Western Acres LLC, Mark Gressman, Robin Parsons, Mario Cruz and Mountain Vista Development Incorporated; and,

WHEREAS, by Rezone Petition received March 4, 2020, DR Horton requested that the Western Acres development be reassigned to the MR-16 Multi-Family Residential and R1-7 Residential zoning districts and receive a Planned Unit Development (“PUD”) overlay zone designation for the purpose of decreasing lot sizes for the single-family sections, reducing minimum required dwelling unit sizes, reducing lot width, reducing building setbacks, decreasing exterior material requirements and reducing clubhouse social area requirements; and,

WHEREAS, the properties bear a mix of zoning districts starting with NC Neighborhood Commercial in the north east corner, LI Light Industrial near the south west corner, RR-5 Residential in the southern properties and R1-8 Residential towards the south east of the proposed development (see map attached as **Exhibit A**); and,

WHEREAS, the Western Acres development is anticipated to contain 714 town house style residential units, 97 single-family residential units, 21 acres of open space, and numerous public amenities, including stabilization and improvement of the Middle Canyon drainage channel and floodplain, an eight-foot wide asphalt trail running the length of the channel, a four-court pickleball complex, a 60-foot by 100-foot swimming pool, exercise equipment, pavilions, playgrounds and to lots, terra parks and hammock parks (see **Exhibit B**); and,

WHEREAS, the properties to the west are zoned GC General Commercial and LI Light Industrial and properties to the east are zoned MR-16 Multi-Family Residential and R1-8 Residential; and,

WHEREAS, the properties to the north are located in unincorporated Tooele County and properties to the south are zoned RR-5 Residential; and,

WHEREAS, the Western Acres Development will contain front loaded town house units, alley (rear loaded) town house units, garage less town house units and detached single-family units; and,

WHEREAS, the structures within the Western Acres Development will comply with the Tooele City Design Guidelines for multi-family and single-family residential structures except as otherwise listed in this ordinance (*reference* Tooele City Code §7-11a, *et seq.* and §7-11b, *et seq.*); and,

WHEREAS, the Planned Unit Development standards and qualifications requested by DR Horton for the PUD, are as follows:

<i>R1-7 Residential Zone</i>	
<i>Current Requirements</i>	<i>Proposed Changes with PUD</i>
Lot size – 7,000 Square Feet	Lot Size – 3,500 Square Feet
Dwelling Size - 1,100 Square Feet	Dwelling Size – 800 Square Feet

Lot Width – 60 Feet	Lot Width – 42 Feet
Front Setback – 20’ to house, 25’ to garage	Front Setback – 20’ to house, 20’ to garage
Side Setback – 6 feet	Side Setback – 5 feet

<i>MR-16 Multi-Family Residential Zone</i>	
<i>Current Requirements</i>	<i>Proposed Changes with PUD</i>
Dwelling Size , Two Story with Double Garage – 1,100 square feet	Dwelling Size , Two Story with Double Garage – 800 square feet
Setback Between Buildings – 15 Feet	Setback Between Buildings – 12 Feet
Exterior Materials – 50% of the entire façade shall be brick or stone.	Exterior Materials – Eliminate the 50% brick or stone requirement in favor of stucco, fiber cement siding, wood, masonry block, brick, and stone.
Clubhouse – 1000 square foot interior social area	Clubhouse – Substitute 1000 square foot interior social area requirement with additional site amenities.

WHEREAS, with the exception of the development requirement changes enumerated above, development within the proposed PUD must comply with all adopted Tooele City development codes and policies; and,

WHEREAS, Utah Code §10-9a-501 and §10-9a-503 provide for the municipal legislature to consider Planning Commission recommends for amendments to the land use ordinances and zoning map, and to approve, revise, or reject the recommended amendments; and,

WHEREAS, the City Council finds that, subject to the reasonable and appropriate conditions outlined below, the proposed PUD overlay rezone is consistent with the General Plan and is not adverse to the best interest of the City; and,

WHEREAS, because the City is under no obligation to approve a PUD, it is appropriate for the City to require DR Horton to comply with the conditions listed below; and,

WHEREAS, on December 9, 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 December 16, 2020, the City Council convened a duly-noticed public hearing:

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

Section 1. Amendment. The Tooele City Zoning Map is hereby amended to indicate that the Western Acres development is a Planned Unit Development, the underlying zone of which shall be reassigned to the MR-16 Multi-Family and R1-7 Residential zoning districts; and,

Section 2. Rational Basis. The City Council finds that approving this ordinance and the Western Acres PUD is in the best interest of Tooele City and its residents because it will provide

increased housing options in the lower price-point range, helping to address the housing gap in Utah, will provide important health- and safety-related improvements to the Middle Canyon drainage channel, and will provide numerous amenities for the increased quality of life of PUD residents and others.

Section 3. Development Standards. The Western Acres Planned Unit Development standards and qualifications shall be as follows. All standards not expressly addressed herein shall default to Tooele City standards and specifications contained in City-adopted codes and policies existing at the time of complete land use application (e.g., subdivision, site plan, building permit).

<i>RI-7 Standards with PUD</i>
Lot Size – 3,500 Square Feet
Dwelling Size – 800 Square Feet
Lot Width – 42 Feet
Front Setback – 20’ to house, 20’ to garage
Side Setback – 5 feet

<i>MR-16 Standards with PUD</i>
Dwelling Size , Two Story with Double Garage – 800 square feet
Setback Between Buildings – 12 Feet
Exterior Materials – Eliminate the 50% brick or stone requirement in favor of stucco, fiber cement siding, wood, masonry block, brick, and stone.
Clubhouse – Substitute 1000 square foot interior social area requirement with additional site amenities.

Section 4. No Vesting. Approval of this Ordinance 2020-50, together with its exhibits, shall not be construed to imply or constitute any vesting or entitlement as to intensity of use (i.e., density) or configuration (i.e., lots, units, roads).

Section 5. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 6. Effective Date. 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 _____, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y Pitt, City

Recorder S E A L

Approved as to Form:

Roger Baker, Tooele City Attorney

WESTERN ACRES TOWNHOMES - REZONE AND PUD APPLICATION

UTAH DIVISION
D·R·HORTON®
America's Builder



**D.R. HORTON IS PROPOSING A PLANNED UNIT DEVELOPMENT (PUD)
OF 86.7 ACRES, WITH 811 HOMES, AND A REZONE OF THE
UNDERLYING ZONES TO ALLOW FOR OUR PROPOSED SITE PLAN.**



PROJECT OVERVIEW: Middle Canyon Creek has been a long-term problem in the area, with occasional flooding throughout the neighborhood during serious rain storms. D.R. Horton is proposing an engineered alteration of the creek's path to protect the development and the surrounding property.

The Western Acres community will have private and public amenities. The private pavilions, tot lots, terra parks, hammock grottoes and pickle ball courts will be attractive assets to its residents. The trail along Middle Canyon Creek will give the public an option to take walks along the banks with several exercise apparatus along the way.

The community will offer five townhome plans and five single-family detached plans.

Common areas and amenities will be professionally managed by a homeowner's association.



PURPOSE OF THIS APPLICATION

As America's number one homebuilder and one of the top builders in Utah, D.R. Horton will deliver excellent product selections and a beautiful new community.

D.R. Horton is asking for approximately 50 acres of property to be rezoned according to the included zoning map. We believe the plan gives the community a logical transition between single-family detached (SFD) homes, townhomes and the existing mobile homes. D.R. Horton does not propose an increase in the current overall density, rather spreading the density in a way that makes sense for the neighborhood and gives options to Tooele City residents.

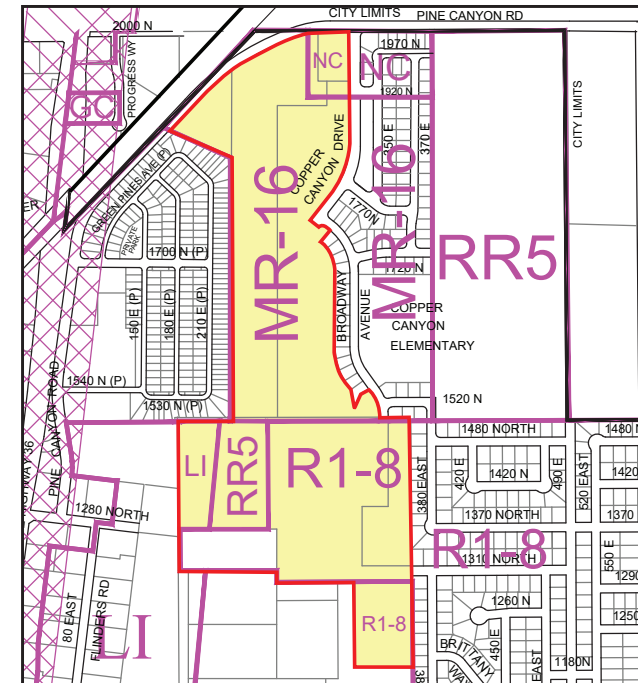


PRESENT ZONING

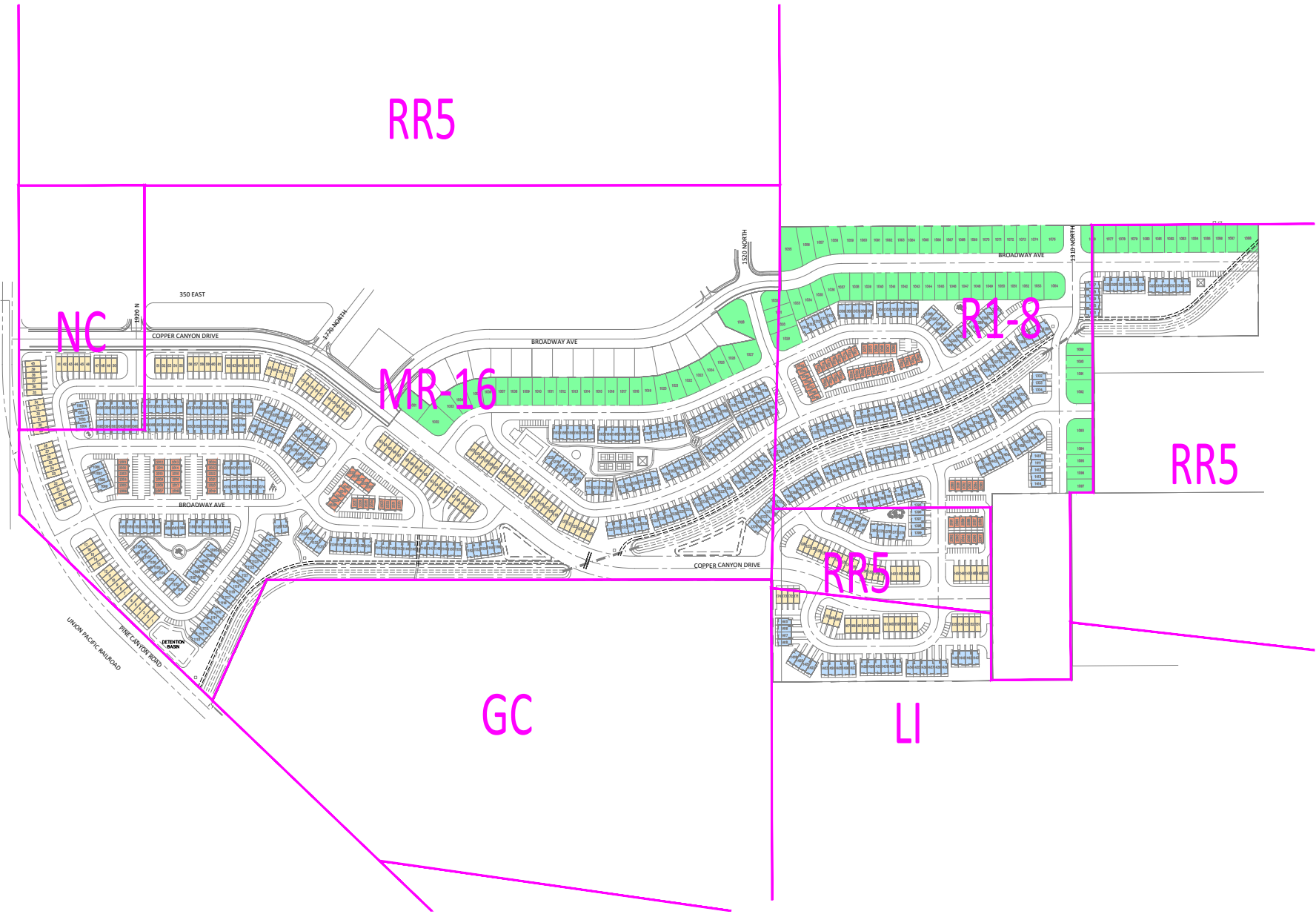
The present zoning designation of the 86.7 acres can be seen below:

UNITS PER ZONE			
ZONING	ACRES	RESIDENTIAL UNITS/AC	RESIDENTIAL UNITS
LI	4.8	0	0
NC	1.7	0	0
MR-16	45.7	16	731
RR5	10.2	0.2	2
R1-8	23.6	4	94
Drainage Area	.7	0	0
TOTALS	86.7	N/A	827

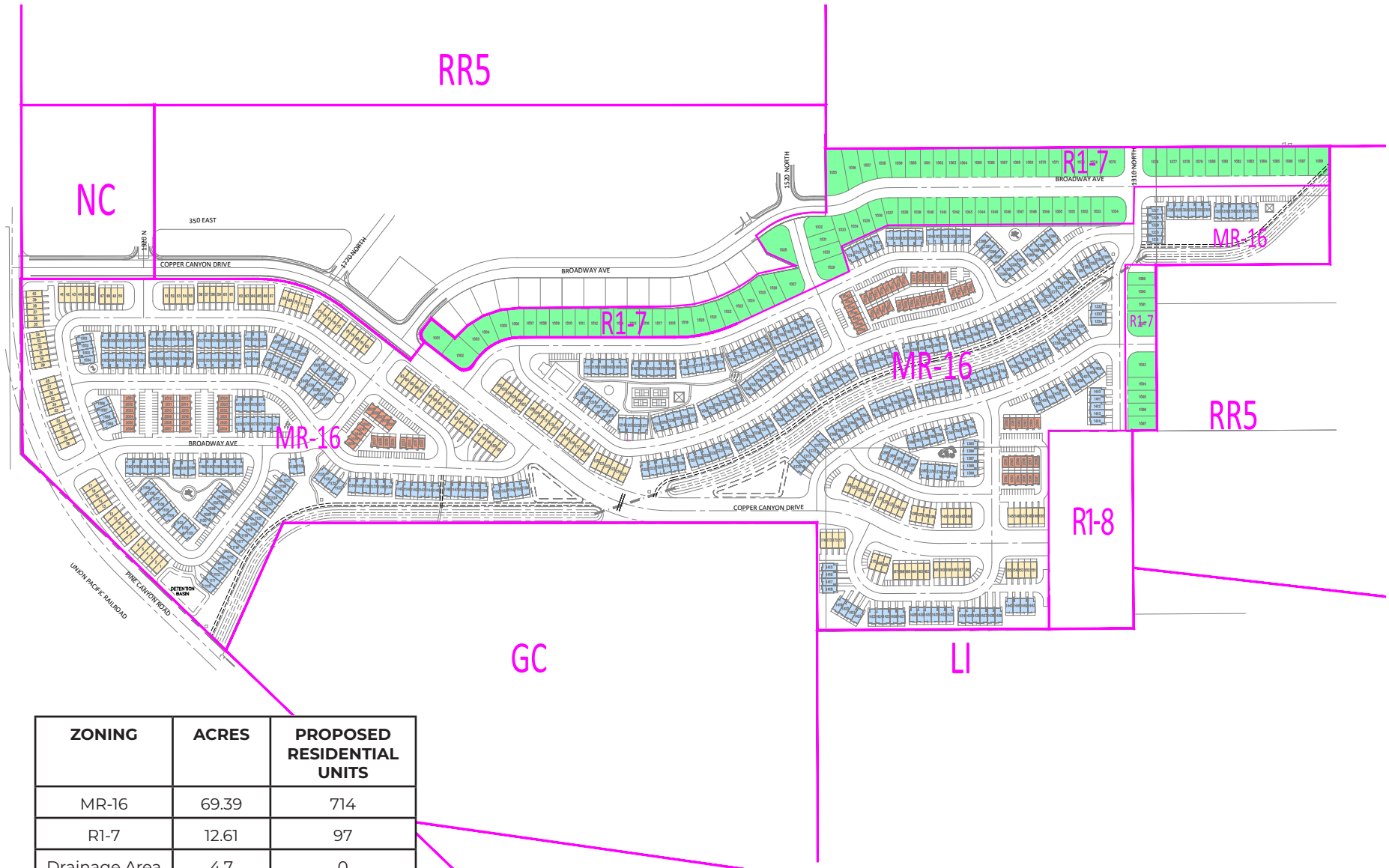
The total density allowed with current zoning is 827 units, which is a higher density than we are requesting within the site plan after the rezone.



CURRENT ZONING

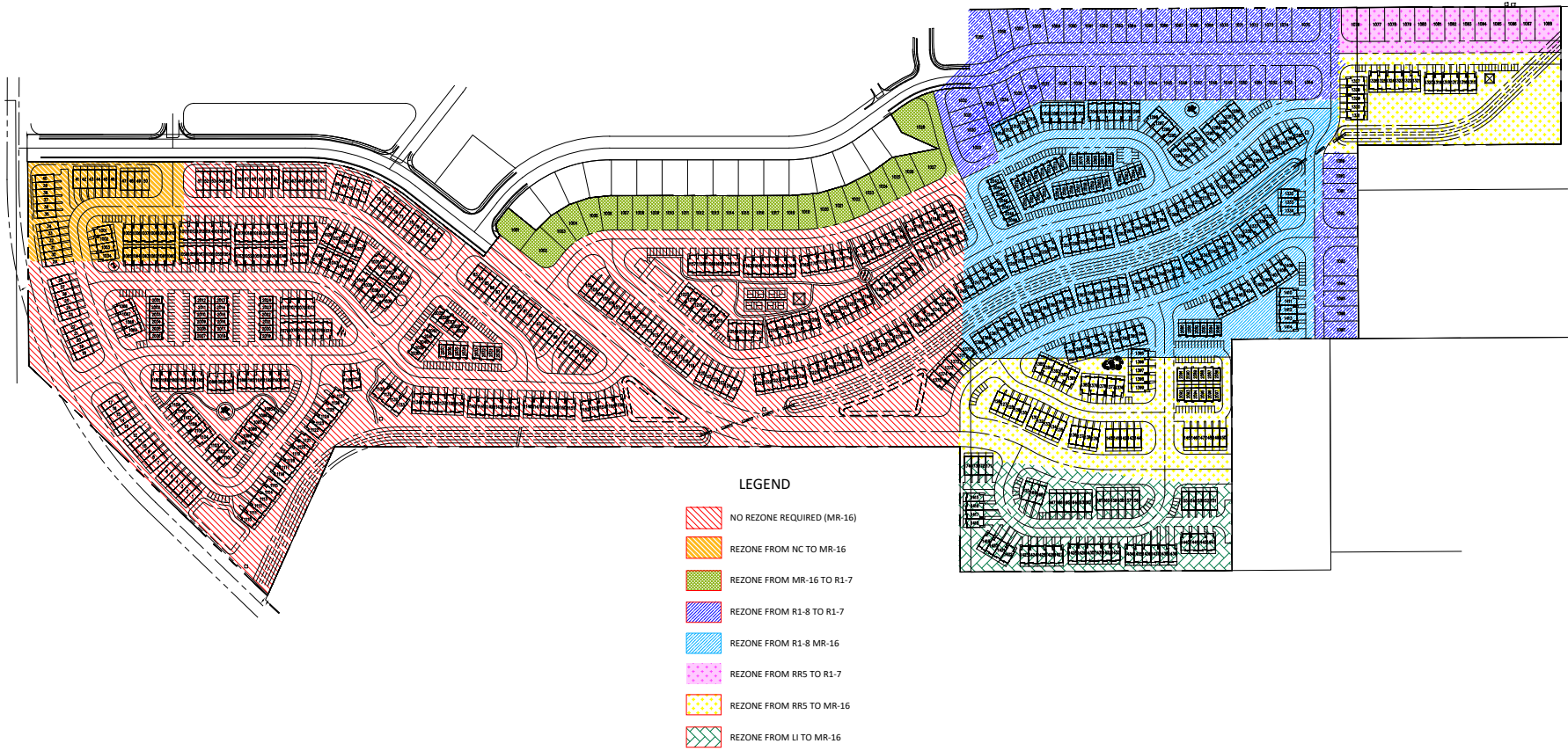


PROPOSED ZONING



ZONING	ACRES	PROPOSED RESIDENTIAL UNITS
MR-16	69.39	714
R1-7	12.61	97
Drainage Area	4.7	0
TOTALS	86.7	811

CURRENT ZONING AND PROPOSED ZONING



WHY THE PUD DESIGNATION IS APPROPRIATE

The Middle Canyon Creek divides the property of the entire proposed rezone and PUD. A coordinated plan to address the creek is needed to fix some sections drainage issues; this will add value to the community by taking some existing homes out of the flood plain. D.R. Horton will build a public trail along the newly constructed creek bed.

In addition, Tooele City's Transportation Master Plan has a collector road designed to bisect the property north and south. Our design would aid in the progress of Tooele City's long-term traffic plan.



In 7-6-1 of the Tooele City code, it states that “the purpose of the Planned Unit Development Overlay District, when used in conjunction with the requirements of the base, or underlying zoning district is to permit flexibility in subdivision and site planning, to promote the efficient utilization of resources, and to preserve and protect valuable site features and to add desired amenities for the neighborhood or area”.

Under 7-6-2 the definition of a Planned Unit Development (PUD) is “a site plan or subdivision

layout technique allowing building and structures with some or all the lots reduced below the minimum lot sizes and/or differing setback standards than required by the base zoning district, but where the overall project or site area meets the density standard of the zoning district”. Again, our plan conforms to the current density. To reiterate, D.R. Horton does not propose an increase in the current overall density, rather spreading the density in a way that makes sense for the neighborhood and gives options to Tooele City residents.



PROPOSED PROVISIONS

- Replace 7-11a-10 (6) with, “All multi-family dwelling units that include front-facing attached garage shall have the garage door a minimum of two feet differential from the front façade.” (Eliminates requiring the garage door to be **recessed** five feet from the front façade.)
- Replace 7-11a-18 (1) with, “Exterior Finishes. Exterior building materials shall be the following materials brick, stone, stucco, cementitious fiber siding, wood, or block/masonry, or any combination.” (The 50% minimum of natural or cultured brick or stone of the entire building façade requirement eliminated.)

- The setback between multi-family buildings reduced from 15’ to 12 feet.
- Exception to 7-11a-22 6(c) Substitution of inside social area with increased amenities. D.R. Horton has found that the utilization of clubhouses create challenges with holiday use in high demand, but empty much of the time. Clubhouses are expensive to maintain and become a burden on the homeowners. We propose the money we would have used to construct a clubhouse be reallocated to a variety of amenities. D.R. Horton will construct bathrooms and pool equipment facilities which will be ideal for outdoor gatherings.

HOW THE PROPOSED ZONE IS CONSISTENT WITH THE GENERAL PLAN

The current zoning would allow **827** homes to be built on the subject property. The proposed plan decreases the density from 827 to **811** homes, which would allow the community a better flow through the different housing types.

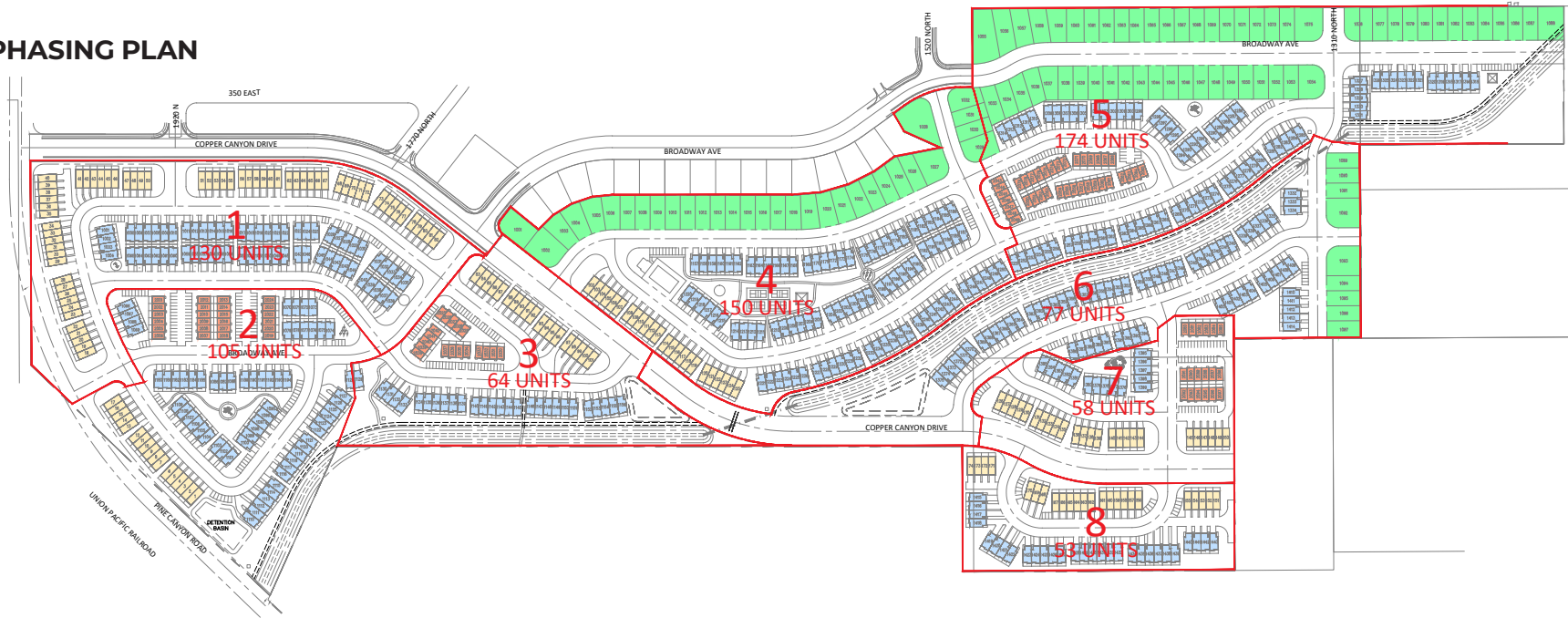
WHY THE PROPOSED ZONE IS COMPATIBLE WITH THE SURROUNDING AREA

The west side of the subject property is adjacent to a mobile home park, with townhome and single-family detached developments to the east. There is an asphalt path across the subject property used by children in the mobile home park to walk to school. We will maintain a path as pedestrian access to and from the school.

The planning and development of the Middle Canyon Creek channel will take some of the subject property and the mobile home park out of the flood plain, providing added safety to the existing community and allowing most of subject property to be developed.



PHASING PLAN



HOW THE PROPOSED ZONE IS SUITABLE FOR THE EXISTING USE OF SUBJECT PROPERTY

This development would be a natural transition in housing from the mobile home park to townhomes to single-family detached homes.

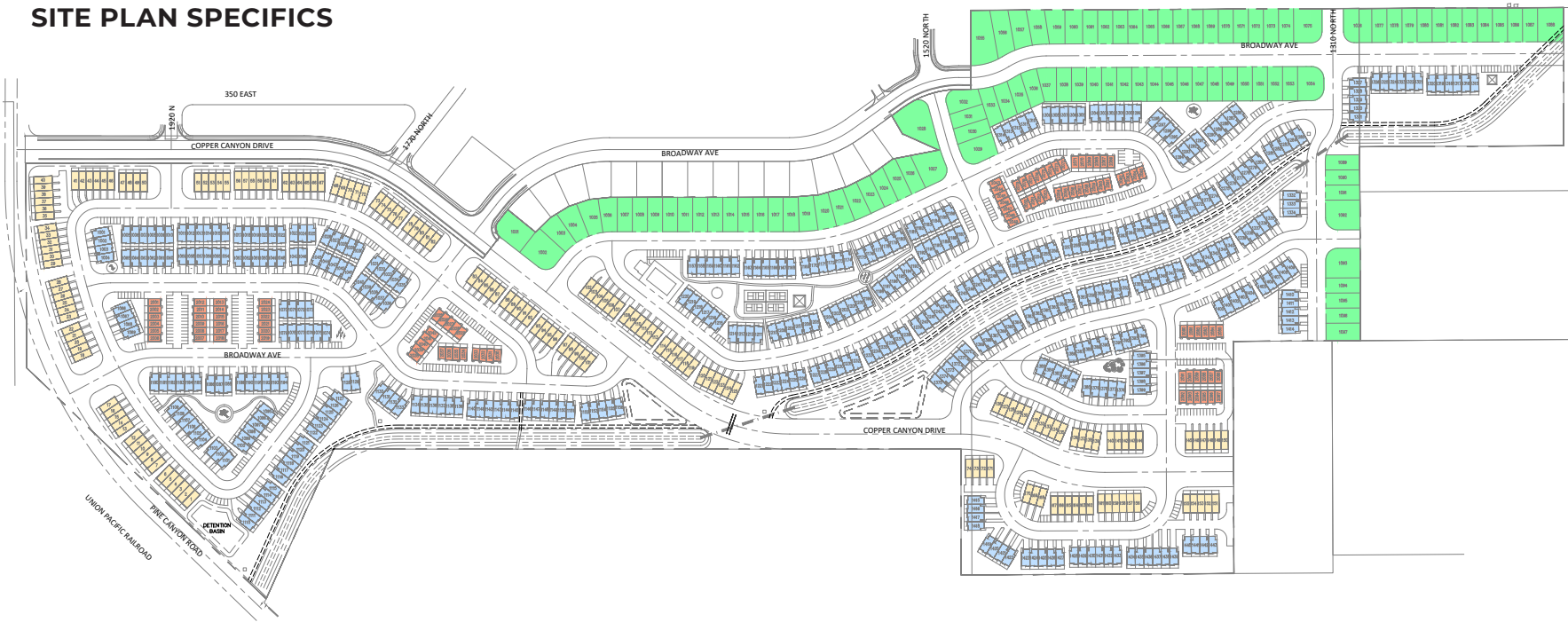
HOW THE PROPOSED ZONE PROMOTES THE GOALS AND OBJECTIVES OF TOOELE CITY

Article 1, Section 1-01 of the Tooele City charter states that the city exists to “promote the general health, welfare, and protection of its citizens”. This is done by anticipating the needs of current and future residents of Tooele, then providing for those needs in an organized, thoughtful manner.

As leaders planning for Tooele City’s future, it is important to anticipate and allow for the development of a variety of housing alternatives. As lifestyles and housing needs change, the city will have the options needed to add new residents and retain the citizens that helped build the community.

This project will also provide new housing options for those who may otherwise rent, buy existing homes or move to another city. The development will also attract families and individuals looking to live in a safe, affordable and active community.

SITE PLAN SPECIFICS



Total Acres: **86.9**
 Total Number of Units **811**

Townhomes

- 443 FL 2-story
- 174 2-Story Alley
- 97 Pioneer
- 97 Single Family Detached

Townhome Parking Requirement:
 2 for each unit, satisfied by the
 driveway, (20' min.) Plus 1 for every
 4 units.

TOTAL ACREAGE: 86.7 acres

DENSITY: 9.2 units per acres

PRIVATE AMENITIES: Pavilions, tot lots, pickle ball courts, hammock grottoes & terra parks

PUBLIC AMENITIES: Paved trail north and south along riverbed with apparatus along the trail and a path from the mobile home park over the channel to Copper Canyon Elementary School

OPEN SPACE: Over 21 acres, 26.54% of project is open space

GARAGES: Two-car garage on each unit, other than Pioneer Units, which have carports

SETBACKS: Following Tooele City Code for R1-7, and provisional MR-16 to 12'.

DETENTION PONDS: Two detention basins are incorporated in the drainage plan

Design and relocation of channel done by Hansen, Allen and Lase, submitted to Tooele City



AMENITIES PLAN



UTAH DIVISION

D·R·HORTON®

America's Builder

STAFF REPORT

January 6, 2023

To: Tooele City Planning Commission
Business Date: January 11, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Breezeway Apartments – Conditional Use Permit Request

Application No.: P22-1172
Applicant: Cristian Martinez
Project Location: 432 South Main Street
Zoning: MU-G Mixed Use General Zone
Acreage: 1.33 Acres (Approximately 57,934 ft²)
Request: Request for approval of a Conditional Use Permit in the MU-G Mixed Use General zone authorizing the use of “Dwelling, Multi-Family” to occur on the property.

BACKGROUND

This item was tabled from the October 26th Planning Commission meeting for the applicant to perform a traffic impact study to determine the impacts the proposed apartment buildings will have on 50 West street and what improvements, if any, will be required. The study has been completed.

This application is a request for approval of a Conditional Use Permit for approximately 1.33 acres located at approximately 432 South Main Street. The property is currently zoned MU-G Mixed Use General. The applicant is requesting that a Conditional Use Permit be approved to permit the use of “Dwelling, Multi-Family” to occur on the property. This Conditional Use Permit will facilitate the construction of residential apartment buildings.

ANALYSIS

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

The MU-G Mixed Use General zoning district is a zone that permits both residential and commercial uses to occur and that is demonstrated in the area as there are commercial uses on properties closer proximity to the subject properties. There are hotels, restaurants, convenience stores and gas stations in the same zoning district. The MU-G zone also permits multi-family residential units as well as single-family, however, multi-family residential units require a Conditional Use Permit approved by the Planning Commission after a public hearing in order to be authorized. The purpose of this hearing is to try and identify any potential impacts to adjacent properties that a multi-family dwelling development on this property may create and then identify conditions of approval specific to resolving those identified impacts.

This item is not a site plan approval. Site plan design review will be coming to the Planning Commission as this

project progresses through the review process. During the site plan review process issues such as parking, landscaping, building appearance, fencing, lighting, etc, are reviewed in greater detail. The purpose of this application is to approve the use, identify impacts, and assign conditions to resolve or mitigate those impacts.

Site Plan Layout. The application is also currently undergoing site plan design review and the plans are being reviewed extensively by City Staff. The site plan application still has some issues or matters that are being worked through with the applicant and was not ready to be on the same agenda as the Conditional Use Permit. The site plan has been included in the staff report for the Conditional Use Permit as a reference for the Planning Commission to understand the applicant's intentions for developing apartment buildings on the site.

The site is proposing two separate apartment buildings with 21 residential units between the two of them for a total density of just less than 16 units per acre. Parking areas exist between the buildings and east of the buildings adjacent to SR-36.

The property is literally sandwiched between two roads, SR-36 to the east and 50 West street to the west. 50 West street is a sub-standard public right-of-way maintained by Tooele City and can be used to access the proposed development. SR-36 is a state highway and all connections and access to that highway are approved and granted by the Utah Department of Transportation.

Traffic Impact Study. A traffic impact study was conducted by the developer for the property. The study has been included with this staff report. The conclusions of the traffic study are:

- The proposed development includes apartments. It is anticipated that the project will have two accesses, one on Main Street (S.R. 36) and one on 50 West.
- It is anticipated that the proposed project will generate approximately 210 trips on an average weekday, including 30 trips during the morning peak hour, and 30 trips during the evening peak hour.
- To accommodate for firetrucks, 50 West may need to be widened to have a width of 20 feet between the project access and 400 South.
- Based on UDOT guidelines for Access Category 6 roadways and the anticipated project traffic, no auxiliary lanes are recommended on Main Street. Though, there is an existing two-way left-turn lane to accommodate northbound left-turn movements.

In short, the traffic study indicates a need for improvements to 50 West for appropriate emergency and fire apparatus access. However, the traffic study also indicates that improvements to the traffic lanes on SR-36 are not necessary.

Fire Protection. In the context of the project, the Tooele City Fire Department has indicated that the project will impact Tooele City by requiring fire response, including large fire apparatus response, in the event of a fire at the project, a multi-story apartment project. The current improved surface on 50 West fronting the project is substantially less than the 26 feet required by the IFC. The Hales Engineering traffic report provided for the project indicates that fire apparatus access to the project will need to include 50 West: "50 West will still have to accommodate fire trucks unless there is an on-site turnaround. Since there is no on-site turnaround and Utah follows International Fire Code (IFC) requirements (Utah Fire Code, 2018), 50 West may need to be widened to have a width of 20 feet between the project access and 400 South, assuming no shoulders or on-site parking (IFC Section 503.2.1, 2018)." (The 20-foot requirement is increased to 26 feet with the presence of a fire hydrant.)

However, the 50 West pavement width cannot accommodate a staging fire apparatus with outriggers engaged to stabilize the apparatus. See the photo included with this staff report, taken by Fire Chief Matt McCoy, on 50 West at the project site. The traffic report and photo are sufficient to convince a reasonable mind that inadequate improved fire access width is a detrimental effect (i.e., an impact) to the City caused by the project because fire apparatus would not need to stage on 50 West but for the project. City staff suggest that a mitigating condition be imposed on the project to include an improved 50 West cross-section at the project

frontage of at least 26 feet. The City Engineer and City Fire Chief recommend that pavement width to be at least 30 feet.

UCA Section 10-9a-507 requires that conditions imposed be “in accordance with applicable standards.” TCC Section 7-5-9 sets forth those standards. More specifically, TCC Section 7-5-9(1)(a)(vi) anticipates “the construction of curbs, gutters, drainage culverts, sidewalks, **streets**, fire hydrants, and street lighting” as mitigating conditions, related to protecting the health, safety, and general welfare of the community (emphasis added).

City Staff is also looking into whether as a condition of the conditional use permit the City can require off-site improvements to 50 West Street. Staff reached out to the City Attorney with the question and received a response via email. Rather than try and paraphrase what the City Attorney said the main body of the email has been inserted below and reads:

“That is a difficult question to answer, and the answer depends on the facts and circumstances of each case. For an off-site exaction (any exaction, actually), the City needs to answer two threshold questions. 1. Is there a rational nexus between the project’s impact and the off-site exaction? 2. Is the exaction proportional to the impact? In Utah, the second question is rephrased thus: Is the value of the exaction roughly equivalent to the cost to mitigate the impact to the City? In this case, I believe there is a nexus because 50 West is one of two primary accesses to the project and is the principal access for emergency apparatus responding to a situation within the project, particularly its west end. The question of proportionality is trickier. The Ombudsman’s Office has generally supported partial-width road improvements to a project frontage. On a typical street, this would be the half-width. On an atypical street like 50 West, improving only the half-width is meaningless. I think a proportional width would be that minimum width necessary to facilitate emergency apparatus response and staging: 30 feet. For off-site exactions, the nexus is attenuated, and the costs increase and may become disproportionate. If the portions of 50 West connecting 400 South to the project boundary are in too poor a condition to allow emergency apparatus travel, the City should repair (e.g., overlay) the road from Road C funds—this is a maintenance item. The most difficult question is whether the City can require new improvements all the way to 400 South, for example, five additional improved feet of road cross-section. So, my answer is “maybe.” We would have to do a cost analysis. If the cost is \$10,000, proportionality is probably present. \$1,000,000, on the other hand, is clearly disproportionate.”

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

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

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

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

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

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

1. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's engineering plan review, permitted, and inspection processes.
2. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely, particularly for connection into the City's public infrastructure, for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Public Works Department plan review, permitted, and inspection processes.
3. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's building plan review, permitted, and inspection processes.
4. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Fire Department plan review, permitted, and inspection processes.
5. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with all requirements of the geotechnical report.
6. This application creates the need of construction of an access connecting to SR-36. SR-36 is a state controlled highway and only UDOT has authority to approve connections to its roadway. The applicant has not, at the date of the staff report, submitted anything from UDOT granting approval to connect to and access SR-36 for a multi-family residential development.
7. This application creates the need of additional fire protection, as determined by the traffic study and images of the fire apparatus, for the apartment units proposed for construction on the property. Currently there is not adequate fire apparatus access road with the necessary staging width or the necessary turn around for the apparatus. In the event of a fire this will create access issues for emergency vehicles of various types due to the lack of width, access, turn around and so forth.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional

Use Permit submission and has issued a recommendation for approval for the request with the following proposed condition:

1. Demonstrate approvals to connect to and access SR-36 from the Utah Department of Transportation (UDOT) as a multi-family residential development.

Engineering and Public Works Review. The Tooele City Engineering and Public Works Divisions have completed their review of the Conditional Use Permit submission and issued the following recommendations:

1. The applicant shall provide 30' of pavement on 50 West across the project frontage.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Conditional Use Permit submission and has issued the following comments:

1. The First department supports and agrees with the Engineering Department's recommendations.

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

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use Permit by Cristian Martinez, representing the , application number P22-1172, subject to the following conditions:

1. That all requirements of the Tooele City Engineering Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Public Works Development shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. 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.
6. Shall provide approvals from the Utah Department of Transportation (UDOT) to construct an access for this residential apartment development connecting to and accessing SR-36.
7. The full length of project frontage along 50 West Street shall be widened to 30 feet of asphalt.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.
6. The findings of fact for this proposed Conditional Use Permit request have been identified and the conditions proposed are intended to mitigate the reasonably anticipated detrimental impacts, as required by Tooele City Code Section 7-5-4.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Cristian Martinez to authorize the use of “Dwelling, Multi-Family” to occur at 432 South Main Street, application number P22-1172, based on the findings and subject to the conditions listed in the Staff Report dated October 19, 2022:”

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

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Cristian Martinez to authorize the use of “Dwelling, Multi-Family” to occur at 432 South Main Street, application number P22-1172, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

**MAPPING PERTINENT TO THE
BREEZEWAY APARTMENTS CONDITIONAL USE PERMIT**

Breezeway Apartments Conditional Use



Aerial View

Breezeway Apartments Conditional Use



Current Zoning

MEMORANDUM

To: Tooele City Planning Commission
From: Jim Bolser, AICP, Director
Date: December 22, 2022
Re: Breezeway Apartments Conditional Use Permit and Traffic Study

Subject:

During the Planning Commission meeting of November 9, 2022, the Commission heard a Conditional Use Permit request regarding a multi-family residential development proposal in the MU-G Mixed-Use – General zoning district at 432 South Main Street. This application entailed a new apartment project that would be located on a parcel of property that extends through the block to 50 West and would have vehicle access onto both 50 West and Main Street with Main Street providing the primary access. During the hearing the Commission expressed concerns for the condition and amount of improvements existing along this stretch of 50 West and eventually continued the application until a traffic study could be performed and analyzed. That report was completed and provided to the City on November 28, 2022, see attached. In the time since, City staff, including the Community Development, Engineering, Public Works, Fire, and City Attorney Departments, has been reviewing that report as well as conducting evaluations and discussions regarding a somewhat unusual and complex variety of statutory and legal factors that play into the analysis of this application in order to advise the Planning Commission as to the procedural considerations to be weighed as this project comes back for further review. Those issues and their analyses are as follows:

Street Improvements on 50 West Street

Several laws address the question of installing street improvements on 50 West Street in association with this project.

Exactions under LUDMA. Utah Code (UCA) Section 10-9a-508, in the Municipal Land Use, Development, and Management Act (LUDMA), addresses the subject of development exactions, and provides “(1) A municipality may impose an exaction...on development proposed in a land use application...if: (a) an essential link exists between a legitimate governmental interest and each exaction; and (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.” Street improvements fronting the project would be lawful exactions because of the essential link of direct frontage and because they are proportional to the project’s impact on that frontage, and improvements beyond the frontage are not being required.

Road Cross-Sections. Tooele City Code (TCC) Section 4-8-2(3)(d) sets forth the cross-section improvement requirements for local streets, of which 50 West Street is an example. The local street cross-section requires a 34-foot asphalt width.

City In-Fill Exemption. Despite state exaction authority and City-required cross-sections, the City Council approved Ordinance 2017-27 on November 1, 2017, enacting TCC Section 4-8-2.1, which exempts secondary local class streets within the In-Fill Overlay District from certain street improvements, as follows: “Asphalt, curb and gutter, parkstrips, and sidewalk improvements shall not be required.” Absent other controlling law, this exemption applies to the project.

International Fire Code. In contravention of the Section 4-8-2.1 exemption, Section D103.1 of the International Fire Code (IFC) (2018 ed.) requires all streets fronting projects, where a fire hydrant is present, to have 26 feet of unobstructed improved street: “Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.” Tooele City has adopted the IFC as City law (see TCC Section 3-3-1.)

Conditional Use Permit. The project is located in the Mixed Use-Commercial (MU-C) zoning district, and therefore is a conditional use requiring a conditional use permit. Conditional uses are regulated generally by LUDMA Section 10-9a-507. That section allows the Planning Commission to impose mitigating conditions if the Commission first finds substantial evidence of anticipated detrimental effects of the proposed use. Conditional uses are regulated in greater detail in TCC Chapter 7-5. A conditional use must be approved if reasonable conditions can be imposed to mitigate the detrimental effects. (UCA Section 10-9a-507(2)(a); TCC Section 7-5-3(4).)

In the context of the project, the Tooele City Fire Department has indicated that the project will impact Tooele City by requiring fire response, including large fire apparatus response, in the event of a fire at the project, a multi-story apartment project. The current improved surface on 50 West fronting the project is substantially less than the 26 feet required by the IFC. The Hales Engineering traffic report provided for the project indicates that fire apparatus access to the project will need to include 50 West: “50 West will still have to accommodate fire trucks unless there is an on-site turnaround. Since there is no on-site turnaround and Utah follows International Fire Code (IFC) requirements (Utah Fire Code, 2018), 50 West may need to be widened to have a width of 20 feet between the project access and 400 South, assuming no shoulders or on-site parking (IFC Section 503.2.1, 2018).” (The 20-foot requirement is increased to 26 feet with the presence of a fire hydrant.)

However, the 50 West pavement width cannot accommodate a staging fire apparatus with outriggers engaged to stabilize the apparatus. See the photo included with this staff report, taken by Fire Chief Matt McCoy, on 50 West at the project site. The traffic report and photo are sufficient to convince a reasonable mind that inadequate improved fire access width is a detrimental effect (i.e., an impact) to the City caused by the project because fire apparatus would not need to stage on 50 West but for the project. City staff suggest that a mitigating condition be imposed on the project to include an improved 50 West cross-section at the project frontage of at least 26 feet.

UCA Section 10-9a-507 requires that conditions imposed be “in accordance with applicable standards.” TCC Section 7-5-9 sets forth those standards. More specifically, TCC Section 7-5-9(1)(a)(vi) anticipates “the construction of curbs, gutters, drainage culverts, sidewalks, **streets**, fire hydrants, and street lighting” as mitigating conditions, related to protecting the health, safety, and general welfare of the community (emphasis added).

Conclusion 1. The exemption contained in Section 4-8-2.1 cannot be construed to nullify the International Fire Code or to preempt Utah and Tooele City conditional use law. Were Section 4-8-2.1 the only regulation on the issue of improved street width in the In-Fill Overlay (i.e., on 50 West), the exemption would apply. The exemption, however, does not nullify other laws that require the installation of the otherwise exempted street improvements.

Conclusion 2. Having established the detrimental effect of an inadequate fire apparatus access road and staging width, it is appropriate for the Planning Commission to impose a reasonable condition requiring the project to include a 26-foot improved width on the project’s entire 50 West Street frontage. IFC Section D103.1 provides further authority for requiring the improvements.

Conclusion 3. The 50 West Street improvements are lawful exactions under UCA Section 10-9a-508 in that a nexus to the project exists and the improvements are proportional to the project's impact on the City's fire response and public safety services.

As always, should you have any questions or concerns please feel free to contact me at any time.



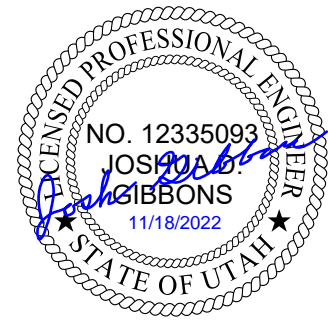


EXHIBIT B

**PROPOSED DEVELOPMENT PLANS &
APPLICANT SUBMITTED INFORMATION**

MEMORANDUM

Date: November 18, 2022
To: Tooele City
From: Hales Engineering



Subject: Tooele Breezeway Apartments Trip Generation Study

UT22-2381

Introduction

This memorandum discusses the trip generation study completed for the proposed Breezeway Apartments development in Tooele, Utah. A vicinity map of the proposed development is shown in Figure 1.



Figure 1: Vicinity map of the proposed development in Tooele, Utah

Background

The proposed development is located at 432 South Main Street in Tooele, Utah. The project includes apartments. A site plan for the proposed development is included in Appendix A.

The proposed land use for the development has been identified as follows:

- Multifamily Housing (Low-Rise) 21 units

Trip Generation

Trip generation for the development was calculated using trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation (11th Edition, 2021)*. Trip generation for the proposed project is included in Table 1.

As shown in Table 1, it is anticipated that the proposed development will generate approximately 210 trips on an average weekday, including 30 trips during the morning peak hour, and 30 trips during the evening peak hour.

Table 1: Trip Generation

Trip Generation Tooele - Breeze Apartments								
Land Use ¹	# of Units	Unit Type	Trip Generation			New Trips		
			Total	% In	% Out	In	Out	Total
Weekday Daily								
Multifamily Housing (Low-Rise) (220)	21	DU	210	50%	50%	105	105	210
TOTAL			210			105	105	210
AM Peak Hour								
Multifamily Housing (Low-Rise) (220)	21	DU	30	24%	76%	7	23	30
TOTAL			30			7	23	30
PM Peak Hour								
Multifamily Housing (Low-Rise) (220)	21	DU	30	63%	37%	19	11	30
TOTAL			30			19	11	30

1. Land Use Code from the Institute of Transportation Engineers (ITE) *Trip Generation*, 11th Edition, 2021.
SOURCE: Hales Engineering, November 2022

Trip Distribution and Assignment

Project traffic is assigned to the roadway network based on the type of trip and the proximity of project access points to major streets, high population densities, and regional trip attractions. Existing travel patterns observed during data collection also provide helpful guidance to establishing these distribution percentages, especially near the site. The resulting distribution of project generated trips during the morning and evening peak hours is shown in Table 2.

Table 2: Trip Distribution

Direction	% To/From Project
North	80%
South	20%

These trip distribution assumptions were used to assign the morning and evening peak hour trip generation at the study intersections to create trip assignment for the proposed development. Trip assignment for the development is shown in Figure 2.



Figure 2: Trip Assignment for the (a) morning and (b) evening peak hours

Approximately 10% of the north distribution of new trips are anticipated to access the site using 50 West during the morning and evening peak hours. This is anticipated to be about 2 trips in the morning peak hour and 2 trips in the evening peak hour.

While this is minimal additional traffic, 50 West will still have to accommodate fire trucks unless there is an on-site turnaround. Since there is no on-site turnaround and Utah follows International Fire Code (IFC) requirements (Utah Fire Code, 2018), 50 West may need to be widened to have a width of 20 feet between the project access and 400 South, assuming no shoulders or on-site parking (IFC Section 503.2.1, 2018).

Auxiliary Lanes

Auxiliary lanes are deceleration (ingress) or acceleration (egress) turn lanes that provide for safe turning movements that have less impact on through traffic. These lanes are sometimes needed at accesses or roadway intersections if right- or left-turn volumes are high enough.

UDOT Administrative Rule R930-6 outlines minimum peak hour turn volumes to warrant auxiliary lanes on UDOT roadways. Main Street (S.R. 36) is a state-maintained roadway (classified by UDOT access management standards as a “Regional – Urban Importance” facility, or access category 6 roadway). Therefore, the following are the minimum requirements for auxiliary lanes on Main Street (S.R. 36)

- Left-turn Deceleration (Ingress): 25 left-turn vehicles per hour
- Right-turn Deceleration (Ingress): 50 right-turn vehicles per hour

Based on these guidelines and the anticipated project traffic, no auxiliary lanes are recommended. Though, there is an existing two-way left-turn lane to accommodate northbound left-turn movements.

Conclusions

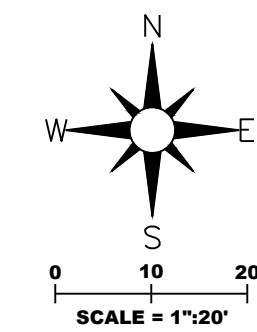
The findings of this study are as follows:

- The proposed development includes apartments. It is anticipated that the project will have two accesses, one on Main Street (S.R. 36) and one on 50 West.
- It is anticipated that the proposed project will generate approximately 210 trips on an average weekday, including 30 trips during the morning peak hour, and 30 trips during the evening peak hour.
- To accommodate for firetrucks, 50 West may need to be widened to have a width of 20 feet between the project access and 400 South.
- Based on UDOT guidelines for Access Category 6 roadways and the anticipated project traffic, no auxiliary lanes are recommended on Main Street. Though, there is an existing two-way left-turn lane to accommodate northbound left-turn movements.

If you have any questions regarding this memorandum, please contact us at 801.766.4343.

APPENDIX A

Site Plan



1246 E Driggs Ave
SLC, UT 84106
isaac@irecivil.com (801) 860-2191



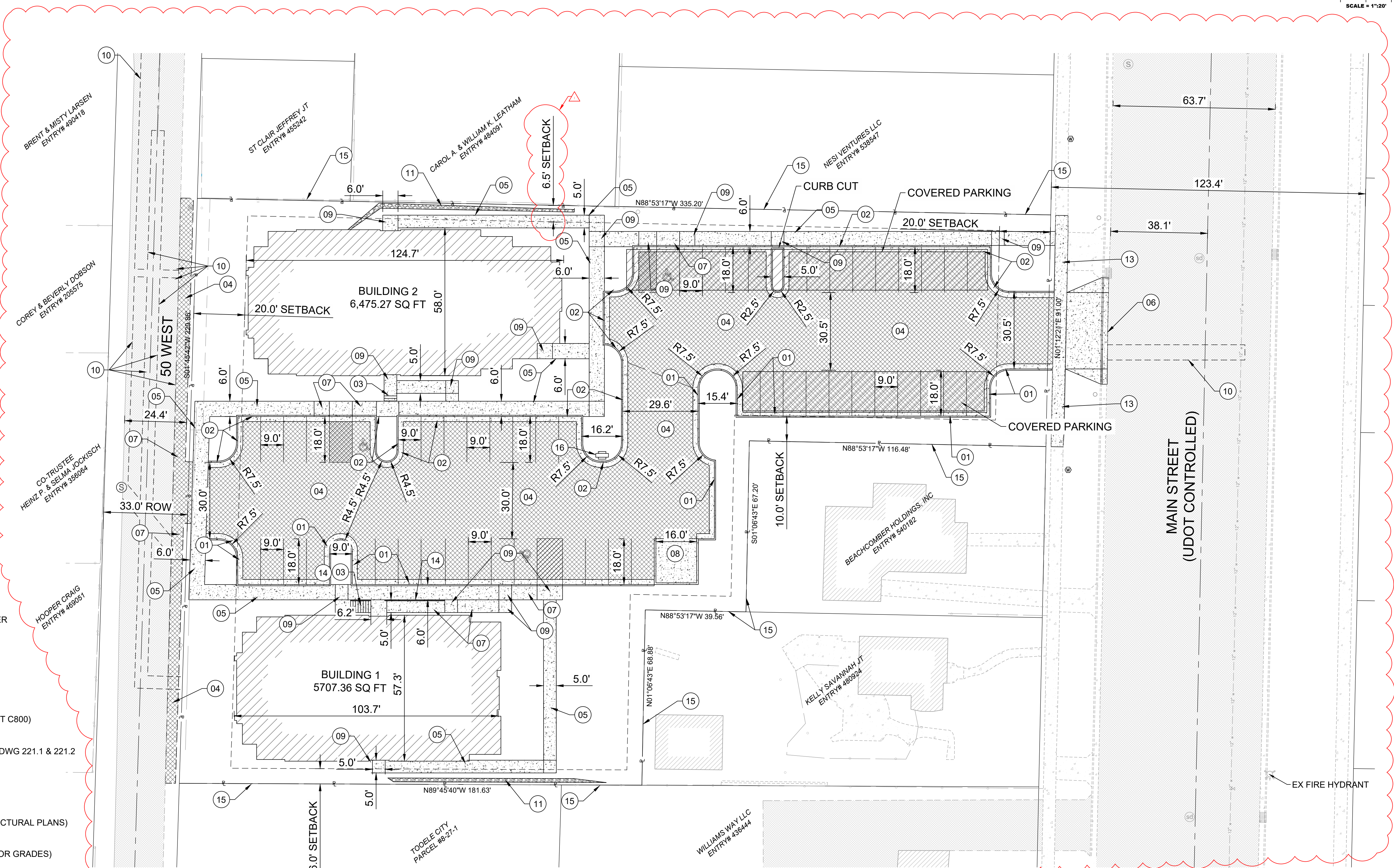
BREEZEWAY APARTMENTS
432 MAIN STREET
TOOELE, UTAH 84074

CLIENT CONTACT
NAME: CHRISTIAN MARTINEZ
ADDRESS: 7432 SOUTH 5765 WEST
WEST JORDAN, UTAH 84081
PHONE: (801) 712-3812
EMAIL: EXTRAMT@GMAIL.COM

REV	COMMENT
△	PLANNING DEPT COMMENTS 8.17.2022

SHEET NO.

C300
SITE PLAN



KEYNOTES:

- 01 30" RELEASE CURB AND GUTTER (SEE DETAIL 2 SHEET C800)
- 02 30" COLLECTION CURB AND GUTTER (SEE DETAIL 1 SHEET C800)
- 03 STAIRS (SEE DETAIL 5 ON SHEET C800)
- 04 ASPHALT (SEE DETAIL 3 SHEET C800)
- 05 SIDEWALK (SEE DETAIL 4 ON SHEET C800)
- 06 DRIVE APPROACH PER APWA STD DWG 221.1 & 221.2
- 07 ADA RAMP (SEE GRADING ON SHEET C500)
- 08 TRASH ENCLOSURE (SEE ARCHITECTURAL PLANS)
- 09 ADA LANDING (SEE SHEET C500 FOR GRADES)
- 10 SAWCUT AND REPAIR PER APWA STD DWG 255
- 11 RETAINING WALL (SEE SHEET C500 FOR SIZE AND ELEVATIONS)
- 12 NOT USED
- 13 SIDEWALK PER TOOELE CITY STD DWG 231R
- 14 HANDRAIL (SEE DETAIL 6 ON SHEET C800)
- 15 6 FT VINYL FENCE PER TOOELE CITY CODE 7-11a-17
- 16 MAILBOX

LAND USE TABLE

PROPERTY ZONE: MR-16

TOTAL GROSS ACREAGE (ACRES)	58,057 SQ FT (1.33 ACRES)	100%
BUILDING FOOTPRINTS	15,959.40 SQ FT	27.5%
TOTAL NUMBER OF UNITS	21 UNITS	
LANDSCAPING	14,500.0 SQ FT	25.0%
HARDSCAPING	27,597.60 SQ FT	47.5%

REQUIRED PARKING CALCULATIONS TOOELE CITY CODE 7-4-4

TOTAL PARKING PER MULTI FAMILY UNIT = 2 SPACES/UNIT
TOTAL VISITOR PARKING REQ'D = 1 SPACE PER 2 UNITS
CALCULATIONS
TOTAL NUMBER OF UNITS = 21 (UNITS) * 2 (SPACES/UNIT) STALLS = 42 SPACES
TOTAL VISITOR SPACES = 21 UNITS * 1/2 (SPACES/UNIT) = 10.5 = 11 SPACES
TOTAL REQ'D SPACES = 42 SPACES + 11 SPACES = 53 SPACES
PROVIDED SPACES = 54 PARKING SPACES (25 COVERED + 3 ADA)



THE CONTRACTOR IS TO CALL BLUE STAKES PRIOR TO ANY CONSTRUCTION.

CAUTION: NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. IF A CONFLICT IS IDENTIFIED, THE ENGINEER OF RECORD SHOULD BE CONTACTED IMMEDIATELY, PRIOR TO ANY FURTHER WORK BEING DONE RELATED TO THE ISSUE. CONTRACTOR IS TO BEGIN CONSTRUCTION AT LOW SIDE OF ALL GRAVITY LINES.

Conditional Use Permit Application

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



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

Project Information						22-1172		
Date of Submission:		Current Zoning: MIXED USE MU-G		Parcel #(s): 02-064-0-0016				
Project Name: BREEZEWAY APARTMENTS					Acres: 1.33			
Project Address: 432 S MAIN STREET, TOOELE, UTAH 84074					Units: 21			
Project Description: 21 UNIT APARTMENT PROJECT: (1) 2-STORY AND (1) 3-STORY BLDG, 54 PARKING STALLS, DUMPSTER ENCLOSURE, AND AMENITY AREA								
Current Use of Property: VACANT								
Property Owner(s): ROSA MARTINEZ				Applicant(s): CRISTIAN MARTINEZ				
Address: 7432 SOUTH 5765 WEST				Address: 7432 SOUTH 5765 WEST				
City: WEST JORDAN		State: UT	Zip: 84081	City: WEST JORDAN		State: UT	Zip: 84081	
Phone: 801-712-3812				Phone: 801-712-3812				
Contact Person: CRISTIAN MARTINEZ				Address: 7432 SOUTH 5765 WEST				
Phone:				City: WEST JORDAN		State: UT	Zip: 84081	
Cellular: 801-712-3812		Fax:		Email: EXTRAMT801@GMAIL.COM				
Signature of Applicant:								
Date								

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

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

For Office Use Only				222 1103		
Fee: \$600.00 (213)		Received By: Hunter	Date Received: 10/6/22		Receipt #: 570490	

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, December 14, 2022

Time: 7:00 p.m.

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

Commission Members Present:

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

Commission Members Excused:

Alison Dunn

City Council Members Present:

Ed Hansen
Maresa Manzione

City Employees Present:

Andrew Agard, City Planner
Jim Bolser, Community Development Director
Paul Hansen, City Engineer

Minutes prepared by Katherin Yei

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Robinson.

2. Roll Call

Melanie Hammer, Present
Matt Robinson, Present
Tyson Hamilton, Present
Weston Jensen, Present
Chris Sloan, Present
Melodi Gochis, Present
Jon Proctor, Present

Mr. Smith is resigning from the Planning Commission.

3. Public Hearing and Decision on a Conditional Use Permit Request by Tim Ryan Representing Bout Time Pub and Grub for a “Private Club / Bar” Use on Property Located at 615 North Main Street on 0.80 Acres in the GC General Commercial Zoning District

Mr. Aagard presented information on a Conditional Use Permit for the restaurant located near Phil’s Glass. It is zoned GC, General Commercial. The applicant is requesting the permit for a sports bar and pub. Staff is recommending approval with the conditions listed in the staff report.

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

Commissioner Hamilton motioned to approve a Conditional Use Permit Request by Tim Ryan Representing Bout Time Pub and Grub for a “Private Club / Bar” Use on Property Located at 615 North Main Street on 0.80 Acres in the GC General Commercial Zoning District based on the findings and subject to the conditions in the staff report.

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

4. Public Hearing and Recommendation on a Zoning Map Amendment Request by Wag staff Investments, LLC to Re-Assign the Zoning for Approximately 2.0Acres Located at the Northeast Corner of Franks Drive and 1000 North fromtheMR-16 Multi-Family Residential Zoning District to the RC Regional Commercial Zoning District

Mr. Aagard presented information on a Zoning Map Amendment for the property located near Franks Drive and 1000 North. The Land Use was recently approved by the City Council to RC, Regional Commercial. It is zoned MR-16, Multi-Family Residential. The applicant is requesting it to be rezoned to RC, Regional Commercial to facilitate a Holiday Oil. Public notices were sent out and some comments were received via email.

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

Commissioner Proctor motioned to forward a positive recommendation on a Zoning Map Amendment Request by Wag staff Investments, LLC to Re-Assign the Zoning for Approximately 2.0Acres Located at the Northeast Corner of Franks Drive and 1000 North fromtheMR-16 Multi-Family Residential Zoning District to the RC Regional Commercial Zoning District based on the findings and subject to the conditions in the staff report.

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

5. Public Hearing and Recommendation on Ordinance 2022-40 An Ordinance of the Tooele City Council Amending Tooele City Code Section 7-1-5 and Chapter 7-15 Regarding Fair Housing and Residential Facilities for Persons with a Disability

Mr. Baker presented an ordinance on amending Tooele City Code Section 7-1-5 and Chapter 7-15. The number of people that can live in one home is defined in the City Code. A family is defined as an individual, two or more people related by blood or marriage, or up to four unrelated people. The Americans with Disabilities Act and Federal Fair Housing Act do state that they have the right to housing on an equal basis with non-disabled people, and the government may have to allow a reasonable accommodation. The science has shown for a group of disabled people to provide for each other, the clinically effective level of support is about eight people. For homes like this, they have asked the City for special accommodations allowing more than four unrelated disabled people to live together as a family. If there is a need and it is demonstrated, the City must allow it. Ordinance 2022-40 is to amend the definition of the word family and add up to eight disabled unrelated persons. The staff is also recommending amendments to the chapter to supplement and fill in gaps in the ordinance.

The Planning Commission had the following questions and concerns.

Does the eight include staff or caretakers on site?

Does there need to be a code or amendment to have a business be a part of this ordinance?

Is there consideration for parking of this many people in one home?

Is there anything in this ordinance that clashes with the ADU Ordinance?

Mr. Baker addressed the Planning Commission. Due to this not being a business, there will not be any staff. This is a group of unrelated people living as a family in a home. The Commission and Council recently approved an Ordinance for residential treatment center in the Mixed Use-General zoning district, but a treatment center is not a home. Many of the people that are living in a home like this is because they are addicts that need support from a larger group. Due to the group being identified as a family, additional parking is not required, just as it would not be for any other large family. The ADU Ordinance requires for detached or attached accessory dwelling units, one additional parking space per bedroom. Internal dwelling units are not required to provide additional parking, per state code.

The public hearing was opened.

Steve Valerio shared concerns of how this may affect the neighborhood and community.

The public hearing was closed.

Mr. Baker addressed the Commission. Both South Ogden and Sandy group home ordinances were drafted by the same Attorney, who is an expert in federal fair housing law. In Sandy, the city code does not include an automatic reasonable accommodation for up to eight disabled people in one home. Each case requires an application and a hearing before an attorney versed in fair housing law, who issues a decision on the application. The process costs Sandy about \$5,000 per application. South Ogden has chosen to codify an automatic reasonable

accommodation of up to eight disabled people with an application or hearing, recognizing that most such applications would be approved anyway, and thus saving on the cost. By enacting this in the City Code, it is saving money in the budget. This is a group home scenario. A group home is a single-family dwelling occupied by up to eight people. Notice is not required to be given to the neighborhood because of the laws that are in place to protect those that are disabled. It is legally and socially questionable and unkind thing to subject disabled people to the process of requiring notice to neighbors or going through a public hearing.

Commissioner Sloan motioned to forward a positive recommendation. Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

6. Recommendation on a Subdivision Plat Amendment Request by Cook Builders to Amend Lots 2, 3, and 4 of the Existing Oristruts Subdivision Amended Plat for Property Located at Approximately 600 East 2400 North Affecting 4.5 Acres in the GC General Commercial Zoning District

Mr. Aagard presented information on a Subdivision Plat Amendment for the property located Approximately 600 East 2400 North. It is zoned GC, General Commercial. Lot 2, 3, and 4 are the effected lots. The applicant is asking those lines to be combined, allowing them to be compliant when they build.

Commissioner Hamilton motioned to forward a positive recommendation on a Subdivision Plat Amendment Request by Cook Builders to Amend Lots 2, 3, and 4 of the Existing Oristruts Subdivision Amended Plat for Property Located at Approximately 600 East 2400 North Affecting 4.5 Acres in the GC General Commercial Zoning District based on the findings and subject to the conditions listed in the staff report. Commissioner Gochis seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

7. Decision on a Site Plan Design Review Request by DR Horton for the Western Acres Phase 2A Townhome Development Located at Approximately 1800 North 300 East on Approximately 11.4 Acres in the MR-16 PUD Multi-Family Residential Zoning District

Mr. Aagard presented information on a site plan design review by DR Horton for the property located near 1800 North and 300 East. This is phase two of the Western Acres townhome development. It is zoned MR-16 PUD. There are no new road connections, picking up where phase one stops. There will be construction of three types of townhomes; rear-loaded, front-loaded, and no garage townhomes. Six new amenities are proposed for this phase. Solid view fencing is required where the project is adjacent to overpass point or different zoning. A condition is to address the fencing. In the South-west corner, there are 10 units without garages.

There is no covered parking proposed for that location. With the conditions, staff is recommending approval.

Commissioner Sloan motioned to approve a Site Plan Design Review Request by DR Horton for the Western Acres Phase 2A Townhome Development Located at Approximately 1800 North 300 East on Approximately 11.4 Acres in the MR-16 PUD Multi-Family Residential Zoning District based on the findings and subject to the conditions listed in the staff report with the additional solid view fencing is added and the non-garage units have covered parking. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

8. Recommendation on a Preliminary Subdivision Plan Request by DR Horton for the Western Acres Phase 2A Subdivision Located at Approximately 1800 North 300 East on Approximately 11.4 Acres Creating 121 Residential Lots in the MR-16 PUD Multi-Family Residential Zoning District.

Mr. Aagard presented information on a preliminary subdivision plan request for the property located near 1800 North 300 East. This is a follow up application to the following item. The application establishes lot lines. There is not lot size requirement. Common area is owned and maintained by the HOA. They do conform to the site plan. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Proctor motioned to forward a positive Recommendation on a Preliminary Subdivision Plan Request by DR Horton for the Western Acres Phase 2A Subdivision Located at Approximately 1800 North 300 East on Approximately 11.4 Acres Creating 121 Residential Lots in the MR-16 PUD Multi-Family Residential Zoning District based on the findings and subject to the conditions listed in the staff report. Chairman Robinson seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

9. Decision on a Site Plan Design Review Request by Franks Apartments, LLC, for the Slatewood Apartments Proposed to be Located at 1201 North Franks Drive on Approximately 4.8 Acres in the MR-16 Multi-Family Residential Zoning District.

Mr. Aagard presented information on a site plan design for the property located near Berra Boulevard. It is zoned MR-16. The proposed applications show three apartment buildings having 72 units and a clubhouse. Franks drive along the frontage will be finished. Along with improvements to Berra boulevard. The applicant will need to provide updated building elevations. Staff is recommending approval with the conditions listed in the staff report.

The Planning Commission had the following questions and concerns:
Does the apartment charge for the covered parking?

Who will maintain landscape and snow removal?

Mr. Aagard addressed the Planning Commission. The development is responsible to maintain the frontage on Frank's Drive. Snow Removal on the road is done by the City.

Mr. Bolser addressed the Commission. There is a statement in the Ordinance that states they are not allowed to charge for required parking. If there was an issue, the City could make an effort to visit with the complex.

Commissioner Sloan motioned to approve a on a Site Plan Design Review Request by Franks Apartments, LLC, for the Slatewood Apartments Proposed to be Located at 1201 North Franks Drive on Approximately 4.8 Acres in theMR-16 Multi-Family Residential Zoning District based on the findings and subject to the conditions listed in the staff report.

Commissioner Hamilton seconded the motion. The vote was as follows:

Commissioner Hammer, "Aye", Commissioner Proctor, "Aye", Commissioner Sloan, "Aye" Chairman Robinson, "Aye" Commissioner Hamilton, "Aye", Commissioner Jensen, "Aye", and Commissioner Gochis, "Aye". The motion passed.

10. Setting Dates, Time, and Place for Regular Planning Commission Meetings for the 2023 Calendar Year

Mr. Bolser addressed the Planning Commission in regards to setting the meeting schedule for 2023. Those meetings are proposed to be held on the second and fourth Wednesday of every month at 7:00pm.

Commissioner Hammer motioned to approve the dates, time and places for the Planning Commission meetings. Chairman Robinson seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Proctor, "Aye", Commissioner Sloan, "Aye" Chairman Robinson, "Aye" Commissioner Hamilton, "Aye", Commissioner Jensen, "Aye", and Commissioner Gochis, "Aye". The motion passed.

11. Nomination and Election of Planning Commission Chair and Vice-Chair for the 2023 Calendar Year.

The Planning Commission bylaws state a nomination for Chair and Vice-chair happen yearly.

Chairman Robinson nominated Commissioner Hamilton. Commissioner Sloan seconded that motion. Commissioner Hamilton accepted the position.

Commissioner Hamilton nominated Commissioner Sloan as Vice-Chair. Commissioner Sloan accepted the position.

12. Discussion Regarding Planning Commissioner Assignments to Pre-Development Meetings for the 2023 Calendar Year.

Mr. Bolser presented the assignment of having a representative from Planning Commission, City Council, and staff at pre-development meetings. A tentative schedule had been provided to the Commission. The Commission volunteered for the following months:

Commissioner Sloan, January
Commissioner Jensen, February
Chairman Robinson, March
Commissioner Hamilton, April
Commissioner Gochis, May
Commissioner Sloan, June

13. City Council Reports

Council Member Manzione shared the following approved items during the City Council meeting. They include the following: franchise agreement with all west for fiber throughout Tooele, a Water Reclamation master plan update, and an increase in pool fees. The annexation petition did not pass.

14. Review and Approval of Planning Commission Minutes for the Business Meeting

No changes to the minutes.

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

15. Adjourn

Chairman Robinson adjourned the meeting at 8:07 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 January, 2022

Tyson Hamilton, Tooele City Planning Commission Chair