

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, April 26, 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 Natsu Healthcare to authorize the use of "Residential Treatment Facility" for properties located at 491 South Main Street and 461 South Main Street on 2.5 acres in the MU-G Mixed Use General zoning district.
4. **Public Hearing and Decision** on a Conditional Use Permit request by Kim Gibson to authorize a home based day care business involving the care of 8 to 16 children at 822 Cedarview Circle in the R1-8 Residential zone on .3 acres.
5. **Public Hearing and Recommendation** on a Zoning Map Amendment request by Holly Jones to re-assign the zoning for .39 acres located at 60 South Main Street from GC General Commercial zoning district to the MU-G Mixed Use General zoning district.
6. **Public Hearing and Recommendation** on a Land Use Map Amendment request by Godelio Palomino and Juana Cruz to re-assign the land use designation for .28 acres located at 248 North Garden Street from Medium Density Residential to Community Commercial.
7. **Public Hearing and Recommendation** on a Land Use Map Amendment request by the Tooele City RDA to re-assign the land use designation for approximately 25 acres located at approximately 450 South Tooele Boulevard from Regional Commercial to Light Industrial.
8. **Public Hearing and Recommendation** on a Zoning Map Amendment request by the Tooele City RDA to re-assign the zoning for approximately 25 acres located at approximately 450 South Tooele Boulevard from the RD Research & Development zoning district to LI Light Industrial zoning district.
9. **City Council Reports**
10. **Review and Approval** of Planning Commission Minutes for the meeting held on April 12, 2023.
11. **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

April 18, 2023

To: Tooele City Planning Commission
Business Date: April 26, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Natsu Behavior Health – Conditional Use Permit Request

Application No.: P23-322 & P23-323
Applicant: Victor Garcia, representing Natsu Healthcare
Project Location: Approximately 461 & 491 South Main Street
Zoning: MU-G Mixed Use General Zone
Acreage: Approximately 2.38 Acres (Approximately 103,672 ft²)
Request: Request for approval of a Conditional Use Permit in the MU-G Mixed Use General zone regarding authorizing the use of “Residential Treatment Facilities and Programs.”

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately 2.38 acres located at approximately 461 & 491 South Main Street. The properties are currently zoned MU-G Mixed Use General. The applicant is requesting that a Conditional Use Permit be approved to authorize a “Residential Treatment Facilities and Programs” in the two existing buildings, on two separate parcels that have historically been utilized as a hotels.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Mixed Use land use designation for the subject properties. The properties have been assigned the MU-G Mixed Use General zoning classification. Properties located to the north, west and east of the subject properties are all zoned MU-G. Properties to the south, on the adjacent side of Skyline Drive are zoned R1-7 Residential but are currently occupied by legally non-conforming commercial businesses. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Anyone who knows Tooele knows that these two properties were operated as hotels for many years. They have recently been sold to Natsu Healthcare who is now wishing to convert the former hotels into a “Residential Treatment Facility and Program” where the buildings will be used to house men and women who are in the process of receiving treatment and recovery for addictions and other related issues. One building will be used to house women, the other will be used to house men though Staff is not sure which building will house one or the other. Natsu did not provide that information with their application.

Site Plan Layout. A site plan has not been provided with the application. However, these are existing buildings and sites and the aerial views provided in this report accurately depict the current conditions on the two parcels.

Parking. Staff estimates that there are 108 parking stalls available on both sites, almost equally divided between the north and south parcels. Staff does not anticipate the need for parking will be greater than what is provided as it can be deduced that those receiving assistance in this facility will not be driving an automobile. Again, the applicant did not provide information that would address this.

Fencing. There is some fencing running east to west along the northern property line as well as in between the two parcels. There is some masonry fencing along the southeast corner adjacent to Skyline Drive and then the building itself is immediately adjacent to the property line. The western and eastern frontages are largely open with only a fence enclosing a swimming pool on the west side.

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

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

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

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

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

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

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

doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's building plan review, permitted, and inspection processes.

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

REVIEWS

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

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

1. Will there be any upgrades or additions to kitchen facilities resulting in the need for additional water? Currently the hotel has a continental breakfast style of kitchen. A full kitchen may result in additional water, grease traps, upgrades to sewer lines, etc.

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. Fire Department also shares the concerns of the Engineering and Public Works Divisions. If the kitchen is upgraded fire inspectors and building inspectors need to have access to the facility to ensure the new kitchen facilities meet fire safety and building safety codes.

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 Victor Garcia, representing Natsu Healthcare, application numbers P23-322 and P23-323, subject to the following conditions:

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

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.

5. The public services in the area are adequate to support the subject development.
6. The findings of fact for this proposed Conditional Use Permit request have been identified and the conditions proposed are intended to mitigate the reasonably anticipated detrimental impacts, as required by Tooele City Code Section 7-5-4.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Victor Garcia, representing Natsu Healthcare to authorize the use of “Residential Treatment Facilities and Programs” for two parcels located at 461 and 491 South Main Street, application numbers P23-322 and P23-323, based on the findings and subject to the conditions listed in the Staff Report dated April 18, 2023:”

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

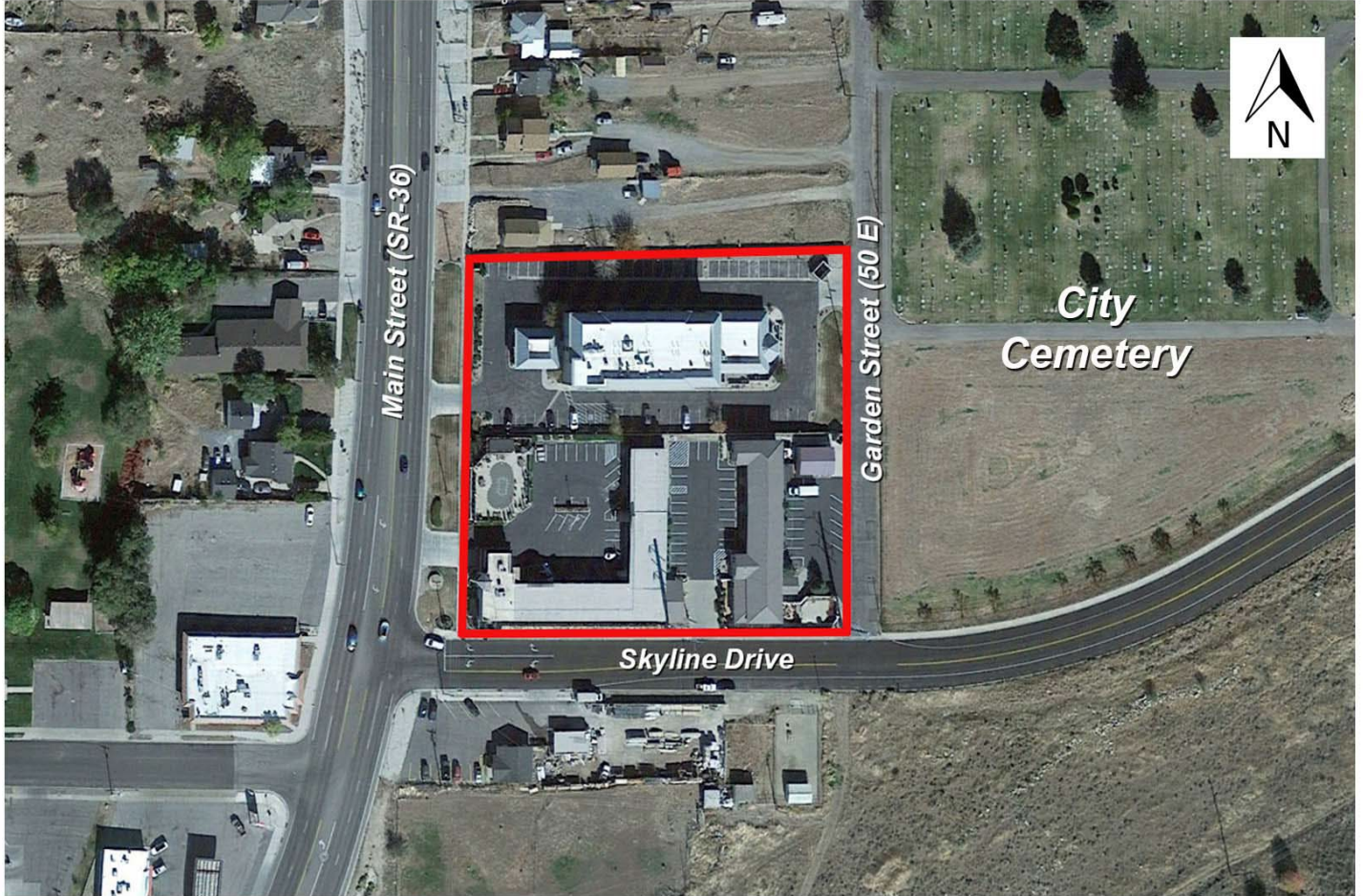
Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Victor Garcia, representing Natsu Healthcare to authorize the use of “Residential Treatment Facilities and Programs” for two parcels located at 461 and 491 South Main Street, application numbers P23-322 and P23-323, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

**MAPPING PERTINENT TO THE
NATSU BEHAVIOR HEALTH CONDITIONAL USE PERMIT**

Natsu Behavioral Health Conditional Use



Aerial View

Natsu Behavioral Health Conditional Use



Current Zoning

EXHIBIT B

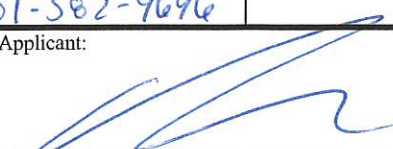
APPLICANT SUBMITTED INFORMATION

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						23-322		
Date of Submission: 4-5-23		Current Zoning:		Parcel #(s):				
Project Name: Natsu Behavioral Health (Warrior Spirit) ^{MENS FACILITY}					Acres: 1.13			
Project Address: 491 S. Main St, Tooele, UT 84074					Units:			
Project Description: Addiction recovery facility								
Current Use of Property: NOT IN USE (where hotels)								
Property Owner(s): Black Moon 2 (Skull Valley Band of				Applicant(s): Natsu Healthcare				
Address: 407 Skull Valley RD (Moshutes)				Address: 1959 N Aaron Dr. Ste C				
City: Skull Valley		State: UT	Zip: 84029	City: Tooele		State: UT	Zip: 84074	
Phone: 435-225-1819				Phone:				
Contact Person: Victor Garcia				Address: 1959 N. Aaron Dr. Ste B				
Phone: 435-714-7377		City: Tooele		State: UT	Zip: 84074			
Cellular: 801-382-9696		Fax:		Email: Victor@natsuhealth.com				
Signature of Applicant: 								
							Date 4-5-23	

*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				2230342	
Fee: 600.00	(213)	Received By: 	Date Received: 4/15/23	Receipt #: 553524	

STAFF REPORT

April 18, 2023

To: Tooele City Planning Commission
Business Date: April 26, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Kim's Kids – Conditional Use Permit Request

Application No.: P23-368
Applicant: Kim & Josh Gibson
Project Location: 822 Cedarview Circle
Zoning: R1-8 Residential Zone
Acreage: .30 Acres (Approximately 13,068 ft²)
Request: Request for approval of an Conditional Use Permit in the R1-8 Residential zone regarding authorization of a home based day care business involving the care of 8 – 16 children.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately .30 acres located at approximately 822 Cedarview Circle. The property is currently zoned R1-8 Residential. The applicant is requesting that a Conditional Use Permit be approved to authorize a home based daycare business involving the care of 8 – 16 children.

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 R1-8 Residential zoning classification, supporting approximately five dwelling units per acre. The subject property is surrounded on all sides by single-family residential properties zoned R1-8 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Tooele City Code 7-2-19: Home Occupations, requires home based daycares involving the care of 8 to 16 children to obtain a conditional use permit after a public hearing is held with the Planning Commission. The applicant is proposing to include up to 11 children in her daycare business and therefore is required to obtain the conditional use permit. The ordinance also permits one non-residential employee to work at the home, however, the applicant has not indicated if there will be any additional employees at this time. If they do desire to have one non-residential employee they will need to make that a part of this Conditional Use Permit request.

Child Drop-off and Pick-up. One of the main driving factors of the requirement for a conditional use permit for child daycares that involve 8 to 16 children is the potential for traffic disruptions and impacts to the neighboring properties due to vehicle queuing as parents drop off and pick up their children. Driveways, mail boxes, trash removal and so forth could be blocked by queuing vehicles or a nuisance could otherwise be created. The applicant has provided a traffic or parking plan and will have customers park their cars in the driveway or along the home frontage during the child exchange.

It should also be noted that child daycare businesses do have different traffic patterns than a preschool would have. Preschools often utilize sessions that begin and end at a specific time. Parents arrive at the same time to

drop-off and pick-up their children depending upon the beginning and ending of the session. Daycares are not always session oriented and the child drop-off and pick-up is more dependent upon the schedules of the guardians and thereby, more staggered which results in less queuing.

Fencing. According to aerial photographs the rear yard of the home appears to be fenced in by a 6 foot wood fence. Fencing is a typical requirement of home based daycare businesses but it is not a requirement of Tooele City's home occupation ordinance. Fencing and other in house requirements for the daycare are administered and enforced by the State of Utah.

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 numerous children receiving care in the home for periods of time during the day. The safety of the children is of utmost important and safety is directly related to the facilities being used. The State of Utah requires licensure and inspections to ensure the property remains safe for those children receiving care in the home. The applicant will need to remain current on those state licensing requirements.
2. A Home Occupation is a business and as such is required to maintain a current business license. Home based businesses are inspected by the Tooele City Building Department for proper ingress and egress and by the Tooele City Fire Department for proper fire suppression instruments and so forth. These inspections ensure the safety of the occupants in the case of a fire or other emergency.

REVIEWS

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

1. The applicant needs to maintain all licenses and inspections with the State of Utah office that administers child care regulations.
2. To ensure proper safety for those involved in the business in the event of an emergency the applicant needs to maintain a Tooele City business license and receive the necessary inspections.

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

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Conditional Use Permit submission and have no issued any comments.

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 Kim & Josh Gibson, application number P23-368, subject to the following conditions:

1. That the applicant shall maintain all necessary licenses issued by the State of Utah.
2. That the applicant shall maintain an active Tooele City Business licenses.

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. It is not anticipated that this child daycare business will result in any significant or detrimental effects on the adjacent properties or roads in the area.
7. The findings of fact for this proposed Conditional Use Permit request have been identified and the conditions proposed are intended to mitigate the reasonably anticipated detrimental impacts, as required by Tooele City Code Section 7-5-4.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Kim & Josh Gibson, to authorize Kim’s Kids, a home-based daycare business involving the care of 8 – 16 children, application number P23-368, based on the findings and subject to the conditions listed in the Staff Report dated April 18, 2023:”

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

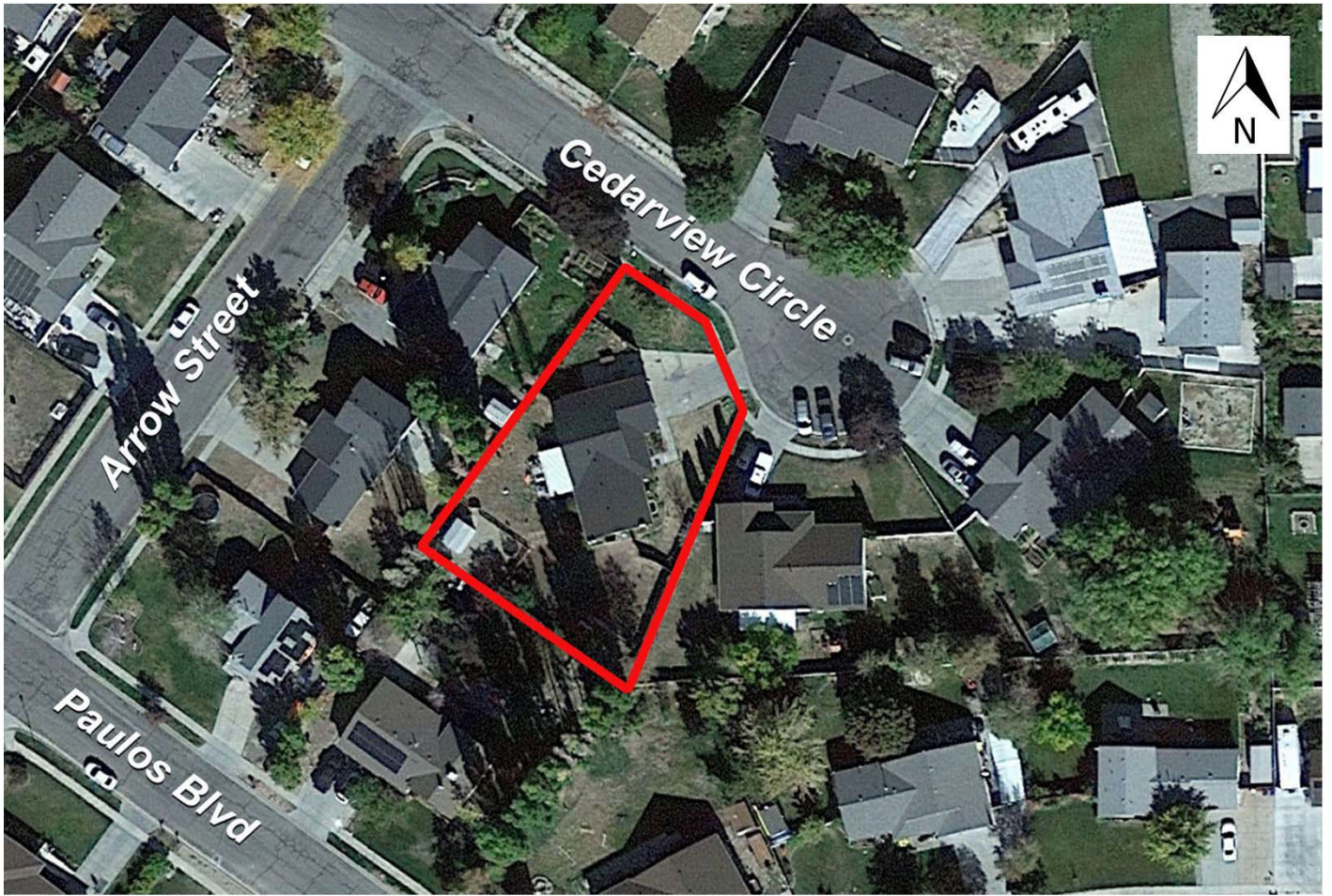
Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Kim & Josh Gibson, to authorize Kim’s Kids, a home-based daycare business involving the care of 8 – 16 children, application number P23-368, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

**MAPPING PERTINENT TO THE
KIM'S KIDS CONDITIONAL USE PERMIT**

Kim's Kids Conditional Use



Aerial View

Kim's Kids Conditional Use



Current Zoning

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Home Occupation Permit Application

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



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

Project Information						#23-368
Date of Submission:		Current Zoning: R1-B		Parcel #(s): 1209300240		
Project Name: Kim's Kids				Acres: .30		
Project Address: 822 Cedarview Circle, Tooele, UT 84074				Units:		
Project Description: Day Care						
Current Use of Property: Single Family Residence						
Property Owner(s): Kim + Josh Gibson			Applicant(s): Kim Gibson			
Address: 822 Cedarview Circle			Address: 822 Cedarview Circle			
City: Tooele	State: UT	Zip: 84074	City: Tooele	State: UT	Zip: 84074	
Phone: (435) 224-5031			Phone: (435) 224-5031			
Contact Person: Kim Gibson			Address:			
Phone: (435) 224-5031			City:	State:	Zip:	
Cellular:		Fax:		Email: giberly@gmail.com		
Signature of Applicant: Kim Gibson						
					Date 4-7-23	

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

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

2230357


For Office Use Only			
Fee: 150.00 (213)	Received By: Jessi	Date Received: 555074	Receipt #: 4/10/23

↖ ↗

Traffic Plan

Traffic plan for Kim's Kids

Legend

 822 Cedarview St

ARROW

Pick Up/
Drop Off
Zone

 822 Cedarview St



100 ft

Kim's Kids

Hours of operation

Monday - Friday

6 am- 5 pm

Number of Children in Care

11 Children under the age of 14

STAFF REPORT

April 17, 2023

To: Tooele City Planning Commission
Business Date: April 26, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Beacon House – Zoning Map Amendment Request

Application No.: P23-333
Applicant: Holly Jones
Project Location: 60 South Main Street
Zoning: GC General Commercial Zone
Acreage: .39 Acres (Approximately 16,988 ft²)
Request: Request for approval of a Zoning Map Amendment to re-assign the zoning from GC General Commercial to MU-G Mixed Use General.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately .39 acres located at approximately 60 South Main Street. The property is currently zoned GC General Commercial. The applicant is requesting that a Zoning Map Amendment be approved to re-assign the property from the GC General Commercial zoning district to the MU-G Mixed Use General zoning district.

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 GC General Commercial zoning classification. The GC General Commercial zoning designation is not identified by the General Plan as a preferred zoning classification for the Mixed Use land use designation. All properties surrounding the subject property are currently zoned GC General Commercial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant completed a Land Use Map amendment in March of 2023 where the subject property’s land use designation was changed from Community Commercial to Mixed Use. This Zoning Map amendment is the follow-up to that application and proposes to re-assign the zoning to MU-G Mixed Use General.

The applicant is requesting the zoning be re-assigned in order to conduct the use of “Residential Treatment Facility” inside of the existing structure. Facilities such as this are not permitted in the GC General Commercial zone but are permitted as a conditional use in the MU-G zone. It is the applicant’s intention to convert the upper two floors of the building into a facility that provides residential treatment to those needing care related to addiction recovery and other related issues.

The GC zoning district is a zone that is specific to local commercial activities and uses. Typical uses in this zone are retail, business and professional offices, food services, entertainment, and personal services. Residential uses are extremely limited, usually to situations of a caretaker apartment associated with a hotel or similar use.

The MU-G zone is a hybrid of the GC zone and all residential zones. The MU-G zone permits many, though not all, of the commercial uses currently permitted in the GC zone. However, almost all commercial uses in the MU-G zone require a conditional use permit. The MU-G zone also permits single family residential, duplexes and multi-family residential permitting a maximum unit density of up to 16 units per acre for multi-family.

The property also currently has an overlay attached to it known as the Downtown Overlay. The Tooele City Downtown Overlay District (DO) is formulated to encourage and provide opportunities for various retail, service and other uses within the existing Main Street “downtown” area of the City. This area is generally characterized and recognized by two story buildings constructed to the front property line. It is the goal of the Downtown Overlay to recognize the existing development pattern of the area and allow for the strengthening of the character, vitality and amenities of the Downtown area through specific downtown site planning and building standards and requirements. The Downtown Overlay District (DO) allows and requires the establishment of uses that work to reinforce the existing Main Street through special standards for building location, parking, uses, signage and other considerations. Please note that the Downtown Overlay does not have any bearing on the uses permitted in the zoning district. Uses are determined by the GC General Commercial zoning district or by the Mixed Use General zoning district if approved, not by the overlay itself. The downtown overlay will not be affected if the zoning is changed and will remain in tact as is.

It should be noted and emphasized that when a zoning is re-assigned that all uses permitted within that zone then become entitled for that property. If the zoning is changed to MU-G all uses, including residential, would be entitled for this property. The applicant as the property owner has the right to change the plans, sell the property or convert to a different use permissible in the MU-G zone.

The question of spot zoning may come to the Commission’s minds as, if the zoning is changed, the property would be a single parcel of MU-G surrounded on all sides by properties zoned GC. Yes, this is a spot zone. However, spot zoning is not illegal and, contrary to popular belief, spot zoning is a valuable tool that City’s have to limit uses to some areas and permit other uses in other areas that need them or that can benefit from them. Don’t look at the spot zone as a problem but try to see it as a tool in your tool belts for molding certain areas of a City to specific land use types.

Site Plan Layout. A site plan has not been submitted as this is an existing structure and site. The aerial view provided in this staff report provides details for the site.

Subdivision Layout. This is an existing parcel of record and is not included in a subdivision plat.

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. This request is a spot zone, but, spot zones are not illegal and can be utilized by City’s to determine where they want to put specific land uses.
- 2. The MU-G zoning district permits all forms of residential housing.
- 3. This is an existing built out site so there is not any new external development proposed on the site.

Engineering and Public Works Review. The Tooele City Engineering and Public Works Divisions have completed their review of the Zoning Map Amendment submission and have not issued any comments.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Zoning Map Amendment submission and has not issued any comments.

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 Beacon House Zoning Map Amendment request by Holly Jones, re-assigning the zoning for .39 acres from the GC General Commercial zone to the MU-G Mixed Use General zone, application number P23-333, based on the findings and subject to the conditions listed in the Staff Report dated April 17, 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 Beacon House Zoning Map Amendment request by Holly Jones, re-assigning the zoning for .39 acres from the GC General Commercial zone to the MU-G Mixed Use General zone, application number P23-333, based on the following findings:”

1. List findings...

EXHIBIT A

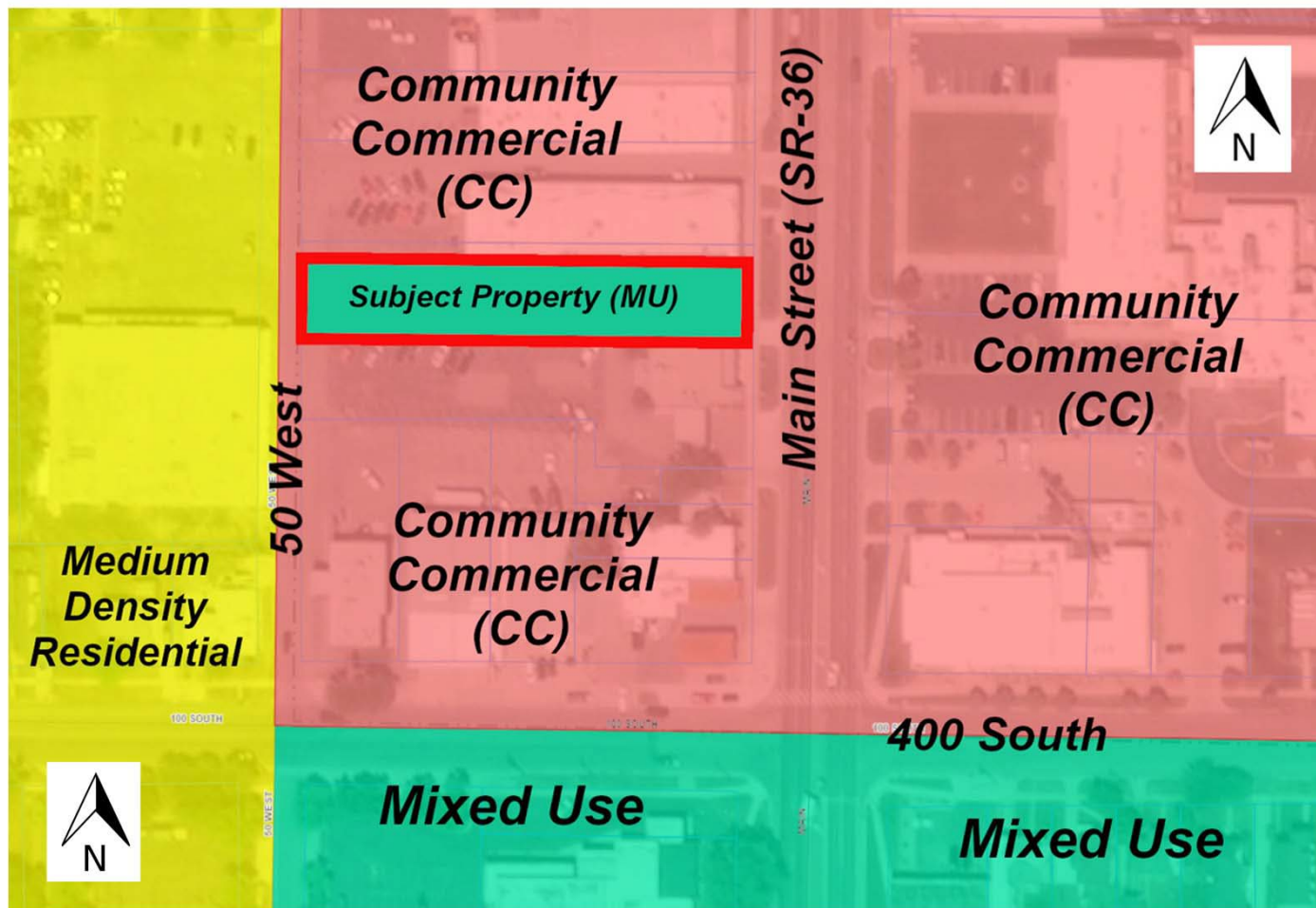
MAPPING PERTINENT TO THE BEACON HOUSE ZONING MAP AMENDMENT

Beacon House Zoning Map Amendment



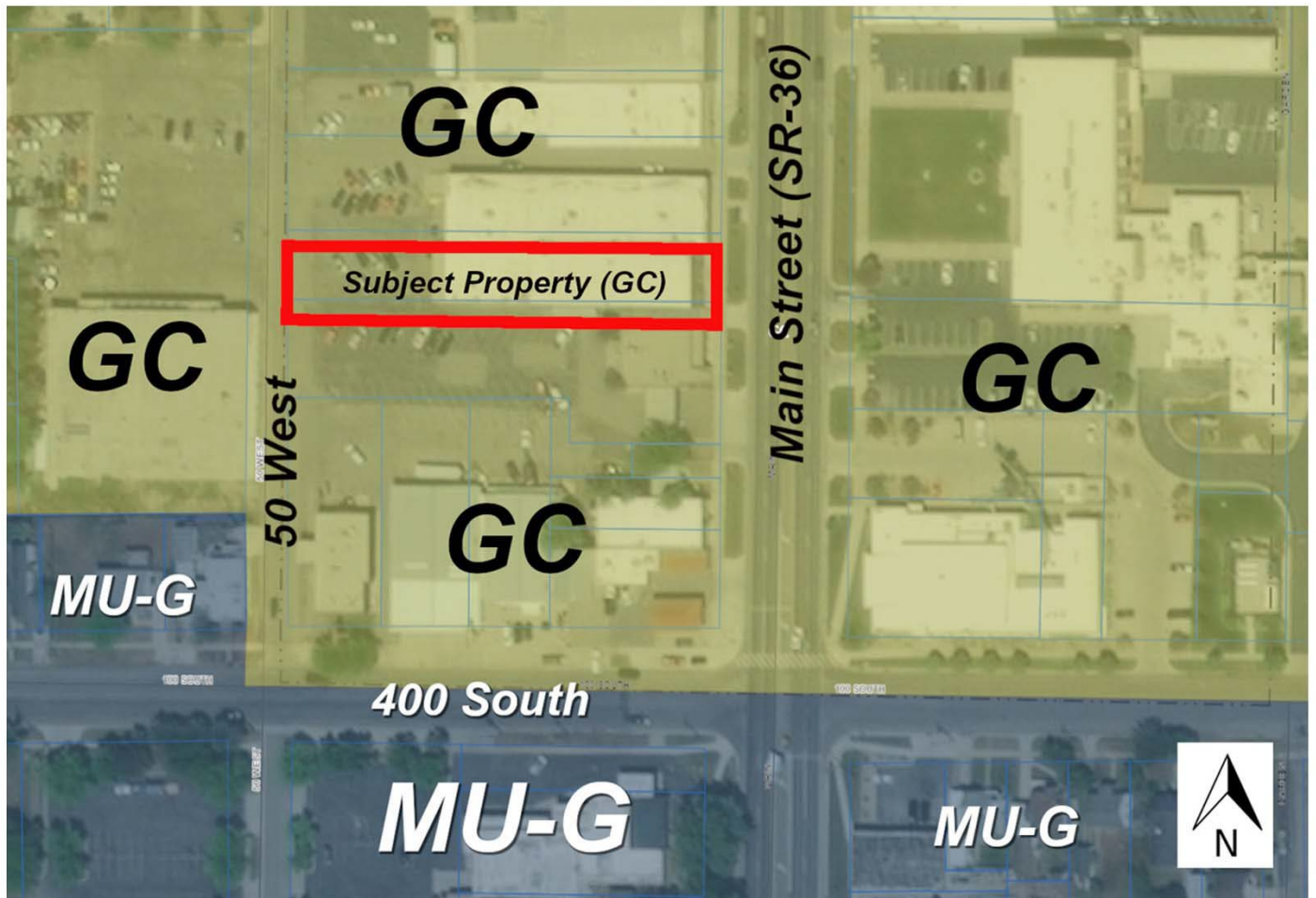
Aerial View

Beacon House Zoning Map Amendment



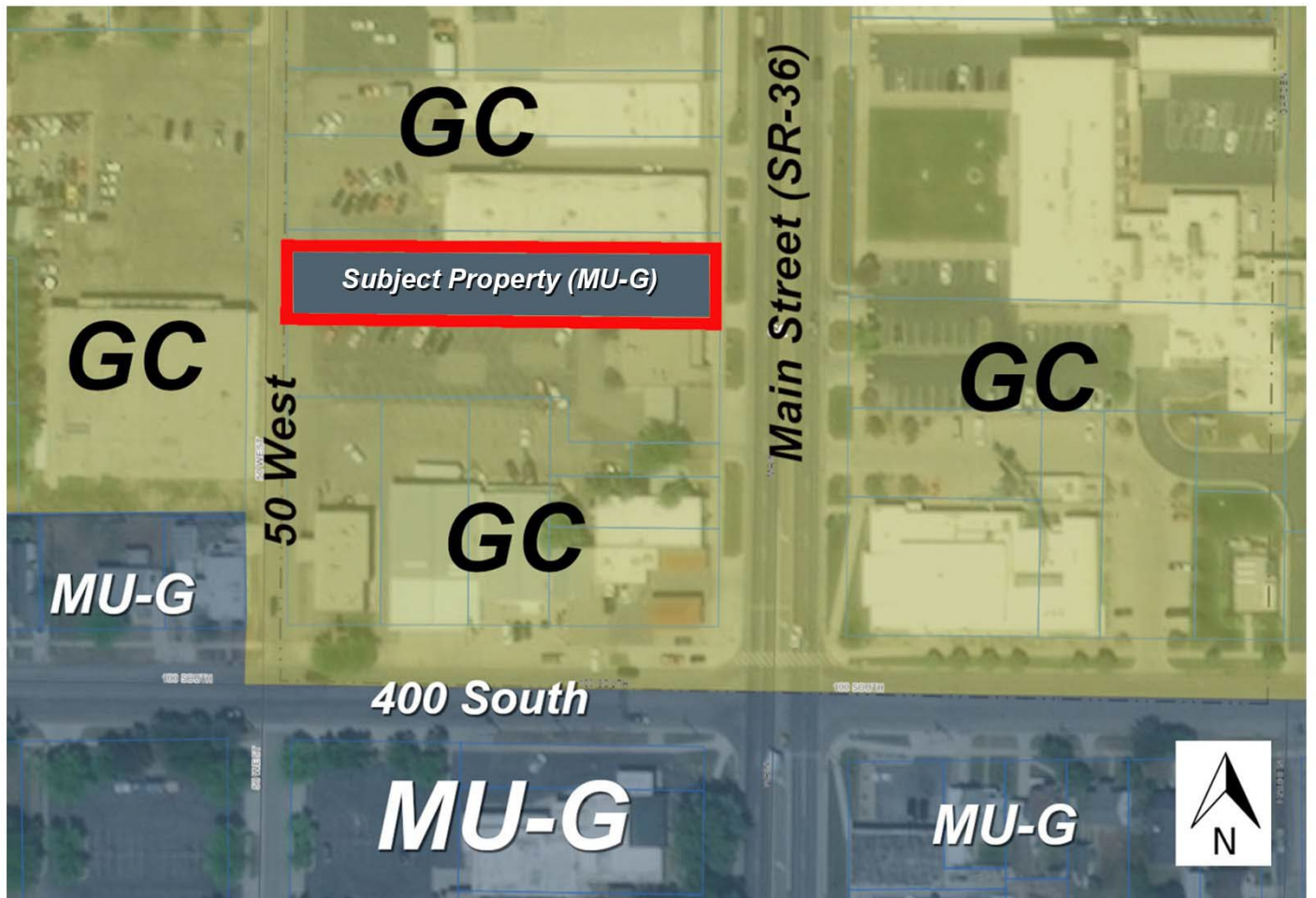
Aerial View

Beacon House Zoning Map Amendment



Current Zoning

Beacon House Zoning Map Amendment



Current Zoning

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Zoning, General Plan, & Master Plan Map Amendment Application

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



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

Project Information						23-333		
Date of Submission: 4/10/2023		Current Map Designation: General Commercial		Proposed Map Designation: Mixed-Use General		Parcel #(s): 02-028-0-0010		
Project Name: Beacon House		MIXED USE				Acres: 0.39		
Project Address: 60 south Main St. Tooele Utah 84074								
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____								
Brief Project Summary: Residential Treatment Facility for the Recovery of Substance use disorder and/or Behavioral health disorders.								
Property Owner(s): Holly Jones				Applicant(s): Holly Jones				
Address: PO 443				Address: PO 443				
City: Grantsville		State: UT	Zip: 84029		City: Grantsville		State: UT	Zip: 84029
Phone: 435-840-2602				Phone: 435-840-2602				
Contact Person: Holly Jones				Address: PO 443				
Phone: 435-840-2602				City: Grantsville		State: UT	Zip: 84029	
Cellular: 435-840-2602		Fax:			Email: hollyjoneshomes@gmail.com			

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

Note to Applicant:

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

For Office Use Only				2230359	
Received By: 4/10/23		Date Received: 4/10/23		Fees: 1100.00	App. #: _____

RECEIPT # 555077



To: Tooele City Planning Commission Business Date: April 10, 2023

From: Beacon House
60 South Main ST. Tooele, UT 84074

Prepared By: Holly, Jones, Owner

Re: Residential Treatment Facilities and Programs – MAP Amendment Application

Application No.: P22-1178 Applicant: Holly Jones

Request: Request for approval of a MAP Amendment regarding the permissibility of Spot Zoning parcel 02-028-0-0010 from Community Commercial (GC) to Mixed-Use-General (MU-G).

BACKGROUND

The Spot Zoning request of Parcel 02-028-0-0010 has been brought before the City Council Meeting Dated 2/15/2023, as well as The Planning & Zoning Meeting Dated 3/15/2023 in which both meetings voted & approved the spot zoning of the parcel from Community Commercial (GC) to Mixed-Use General (MU-G). The intended purpose is to open a Residential Treatment Facility to serve the public.

ZONING MAP

1. What is the present zoning of the property?
 - a. Community Commercial (GC)
2. Explain how the proposed zoning is consistent with the current land use designation.
 - a. The Downtown area buildings contain commercial & residential mixed-use facilities.
3. Explain how the proposed zoning is similar or compatible to the zoning in the surrounding area.
 - a. The proposed MU-G spot zoning parcel is 150 LF to the nearest MU-G zoning area.
4. Explain how the proposed zoning is suitable for the existing uses of the subject property(s).
 - a. The existing building has a conditional mixed-use permit. The existing mixed-use permit does not allow Residential Treatment Facilities labeled on the Table of Use Charts. The proposed MU-G zoning does allow Residential Treatment Facilities.
5. Explain how the proposed zoning promotes the goals and objectives of Tooele City.
 - a. The proposed new zoning brings new services to Tooele City and surrounding areas.

EXHIBIT A
RESIDENTIAL TREATMENT FACILITIES AND PROGRAMS CITY CODE TEXT AMENDMENT
UTAH CODE

Title 62A. Utah Human Services Code
Chapter 2. Licensure of Programs and Facilities

62A-2-101. Definitions.

- (41) (a) "Residential treatment" means a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.
- (b) "Residential treatment" does not include a:
 - (i) boarding school;
 - (ii) foster home; or
 - (iii) recovery residence.
- (42) "Residential treatment program" means a program or facility that provides:
 - (a) residential treatment; or
 - (b) intermediate secure treatment.

TOOELE CITY CODE

Chapter 16. Zoning District Purpose and Intent. Mixed Use, Commercial, Industrial and Special Purpose Districts

TABLE 1
TABLE OF USES

DEVELOPMENT REQUIREMENT	DISTRICT								
	Mixed Use - Broadway (MU-B)	Mixed Use - General (MU-G)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial Service (IS)	Industrial (I)	Research & Development (RD)
<i>Residential Treatment Facilities and Programs</i>		<u>C</u>							

STAFF REPORT

April 17, 2023

To: Tooele City Planning Commission
Business Date: April 26, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Palomino - Cruz – Land Use Map Amendment Request

Application No.: P23-337
Applicant: Godelio Palomino & Vilchez Cruz
Project Location: 248 North Garden Street
Zoning: R1-7 Residential Zone
Acreage: .28 Acres (Approximately 14,113,440 ft²)
Request: Request for approval of a Land Use Map Amendment in the R1-7 Residential zone regarding re-assigning the land use designation for .28 acres.

BACKGROUND

This application is a request for approval of a Land Use Map Amendment for approximately .28 acres located at approximately 248 North Garden Street. The property is currently zoned R1-7 Residential. The applicant is requesting that a Land Use Map Amendment be approved to re-assign the land use designation from Medium Density Residential (MDR) to Community Commercial (CC).

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 R1-7 Residential zoning classification, supporting approximately dwelling units per acre. The R1-7 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Medium Density Residential land use designation. Properties to the north, east and west are all zoned R1-7 Residential. Property to the west is zoned GC General Commercial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant is requesting the Land Use Map amendment in order to facilitate a change in the zoning of the property to a commercial zone. In order to accomplish the commercial zoning the Land Use Map must first be approved as City ordinance requires that all zoning changes must first comply with the Land Use Map. The applicant wishes to eventually develop the property as a laundry and beauty salon facility and needs the commercial zoning to do so.

The current Land Use Designation is MDR. MDR is a residential designation that requires the R1-7, R1-8 or the R1-10 zoning districts. The property as it is currently zoned is in compliance with the Land Use Map and as such the property owner is limited to developing the property as single-family residential.

The applicant is requesting the CC land use designation. The CC designation includes or requires the GC General Commercial zoning district or the NC Neighborhood Commercial zoning district. The CC land

use designation is oriented strictly for commercial development and does not permit residential.

Currently Garden Street is the boundary between the GC zoning district and the R1-7 zoning district and extends all the way from Utah Avenue to 700 North. Garden Street is also the boundary between the CC Land Use and the MDR Land Use designations. The subject property is currently surrounded by residential zones but the homes on the adjacent properties front onto and access 100 East.

The issue that needs to be discussed with this application is whether this property is more appropriately utilized as a commercial property or as a residential property and where the City should limit the expanse of commercial zoning into designated residential areas. As of today the property sits vacant and undeveloped occasionally storing trailers or vehicles. Is development of this property with a contributing business better than what exists there currently?

Site Plan Layout. A site plan has not been provided. This application is only looking at the use of the property as either residential or as commercial.

Subdivision Layout. This is an existing parcel of record and is not located within a subdivision.

Criteria For Approval. The criteria for review and potential approval of a Land Use Map Amendment request is found in Section 7-1A-3 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) In considering a proposed amendment to the Tooele City General Plan, 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 General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
 - (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
 - (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
 - (e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and
 - (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Land Use Map Amendment submission and has issued the following comments concerning this application:

1. The property is surrounded by residential zones but will access Garden Street which fronts onto commercially zoned and utilized property.
2. Adjacent residential uses front onto and access 100 East.
3. Is commercial the highest and best use for this property compared to what is currently being done on the property?
4. Is the City comfortable with expanding commercial land use beyond the established commercial boundary of Garden Street?

Engineering and Public Works Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Land Use Map Amendment submission and have not issued any comments

on this application.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Land Use Map Amendment submission and has not issued any comments on this application.

Noticing. The applicant has expressed their desire to re-assign the land use 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 Palomino - Cruz Land Use Map Amendment request by Godelio Palomino and Vilchez Cruz, to re-assign the land use for .28 acres from Medium Density Residential to Community Commercial, application number P23-337, based on the findings and subject to the conditions listed in the Staff Report dated April 17, 2023:”

1. List any additional findings and conditions...

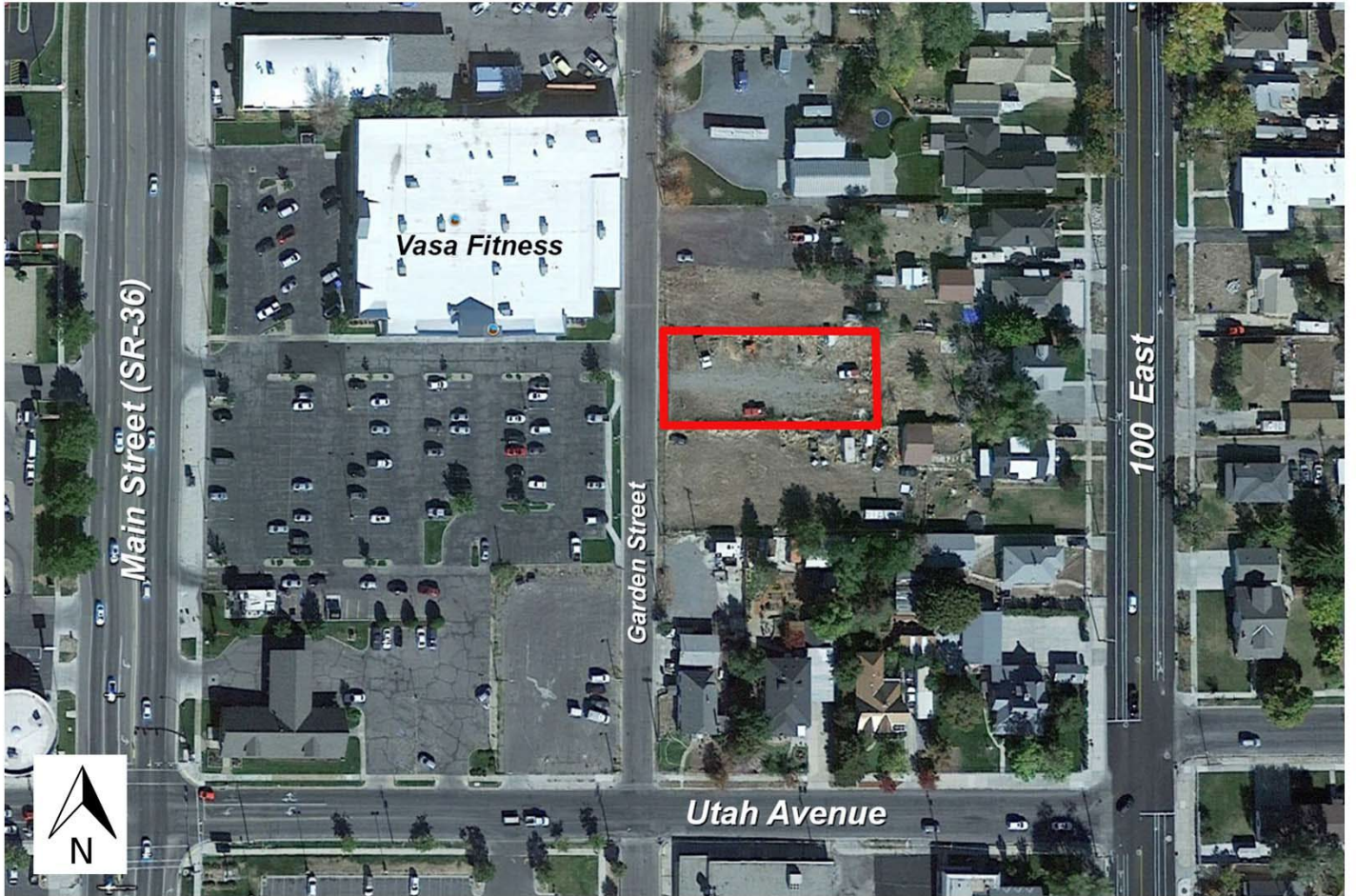
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Palomino - Cruz Land Use Map Amendment request by Godelio Palomino and Vilchez Cruz, to re-assign the land use for .28 acres from Medium Density Residential to Community Commercial, application number P23-337, based on the following findings:”

1. List findings...

EXHIBIT A

MAPPING PERTINENT TO THE PALOMINO - CRUZ LAND USE MAP AMENDMENT

Palomino - Cruz Land Use Map Amendment



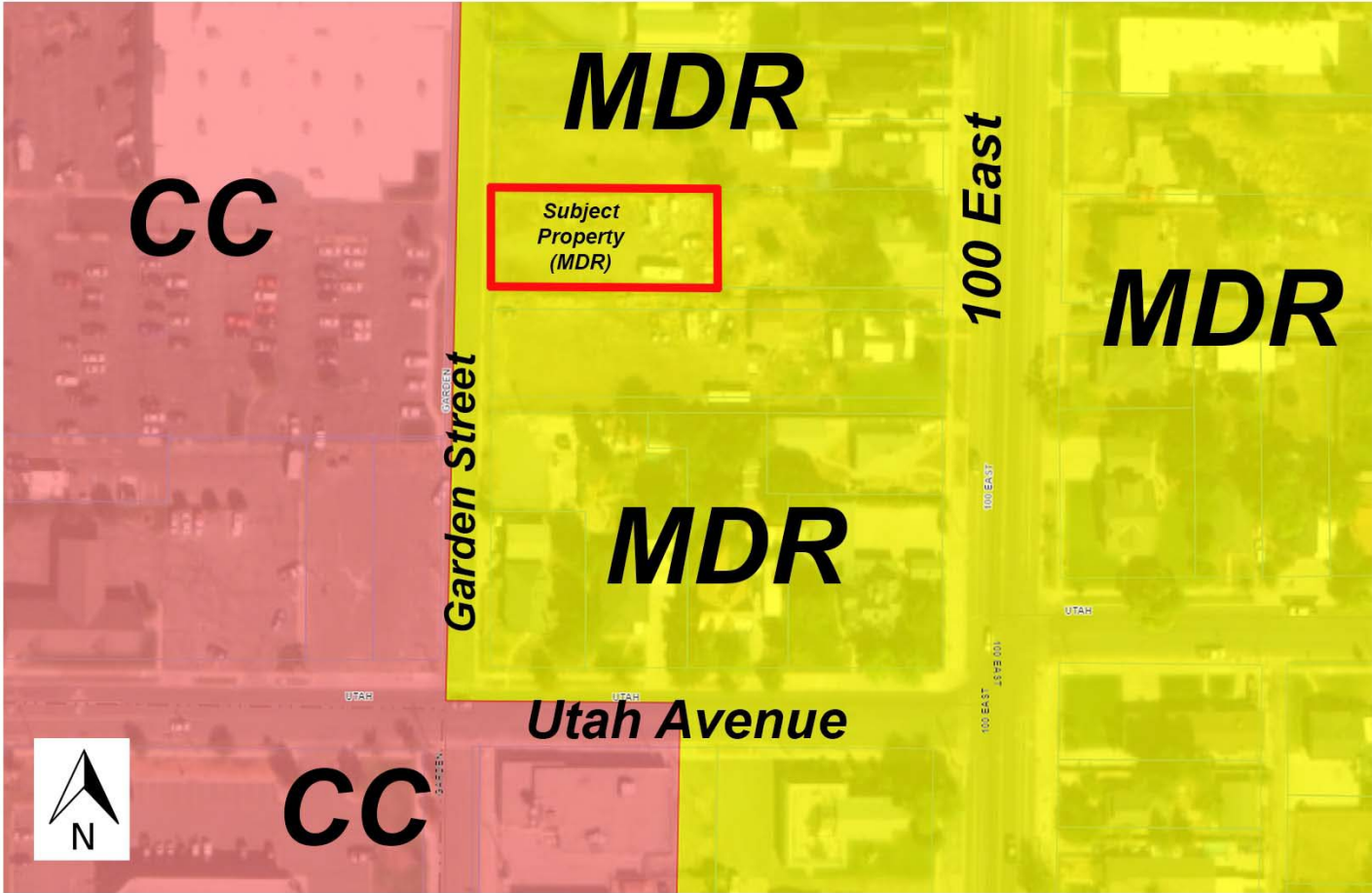
Aerial View

Palomino - Cruz Land Use Map Amendment



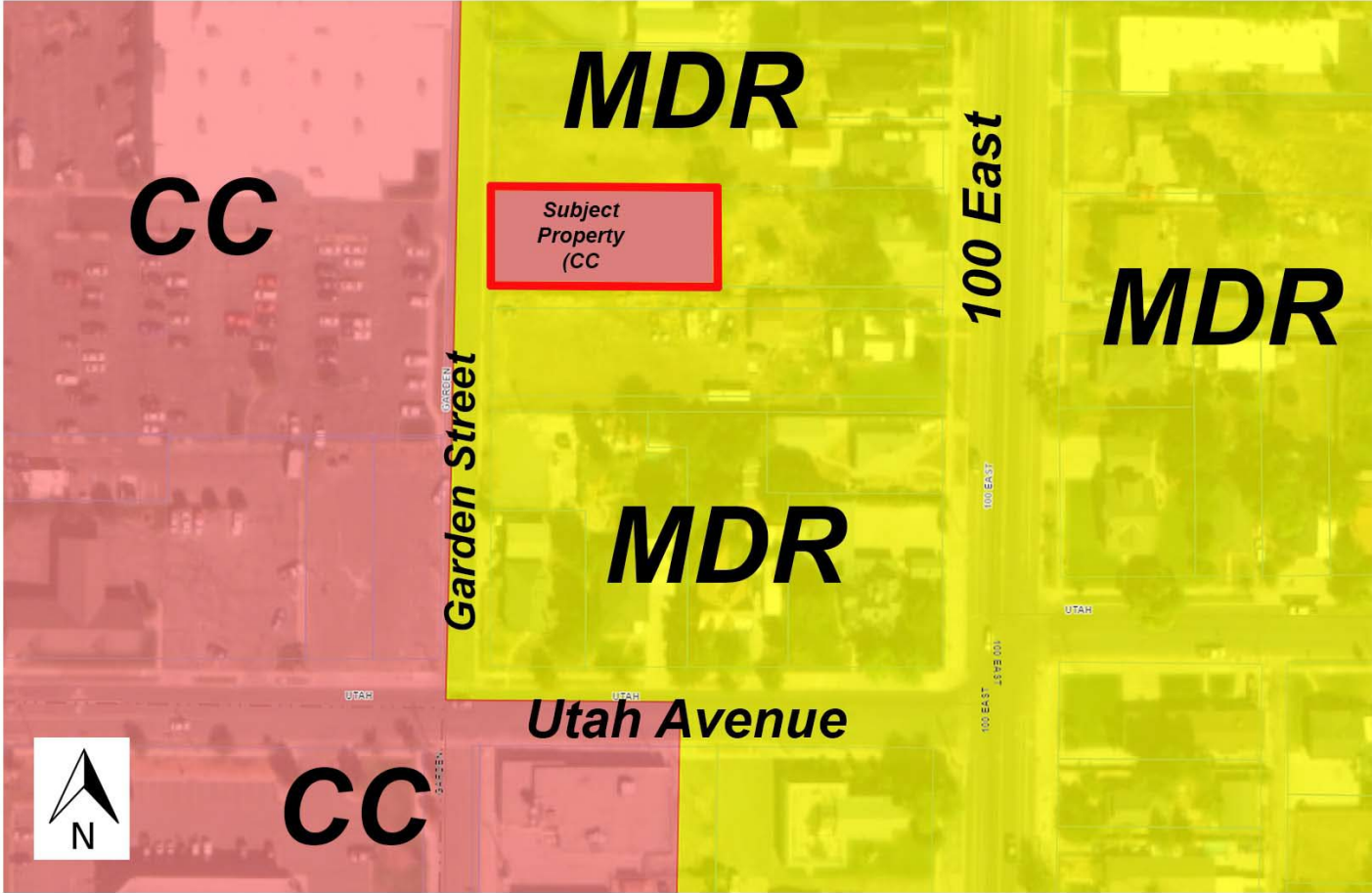
Current Zoning

Palomino - Cruz Land Use Map Amendment



Current Land Use

Palomino - Cruz Land Use Map Amendment



Proposed Land Use

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



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Project Information				23-337			
Date of Submission: 04/10/2023		Current Map Designation: Medium Density Residential		Proposed Map Designation: Community Commercial		Parcel #(s): 02-034-0-0008	
Project Name: Laundry & Beauty Salon						Acres: .28 Acres	
Project Address: 248 North Garden Street, Tooele, UT 84074							
Proposed for Amendment: <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: <u>Land Use Map</u>							
Brief Project Summary: We want to build and operate a laundry service & beauty salon							
Property Owner(s): Godelio Eleuterio Palomino- Vilchez & Juana R. Ventura Cruz				Applicant(s): Godelio Eleuterio Palomino- Vilchez & Juana R. Ventura Cruz			
Address: 7159 West Antelope Road				Address: 7159 West Antelope Road			
City: West Valley City		State: UT		Zip: 84128		City: West Valley City	
Phone: 801-458-0842				Phone: 801-458-0842			
Contact Person: Godelio Eleuterio Palomino- Vilchez				Address:			
Phone: 801-458-0842				City:		State: Zip:	
Cellular: 801-458-0842		Fax:		Email: godeliopalomino@yahoo.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				2230363			
Received By:		Date Received: 4/11/23		Fees: 1100.00		App. #: 555256	

General Plan Map

1. What is the present land use designation of the subject property(s)?

Medium Density Residential

2. Explain how the proposed land use designation is similar or compatible with the other land use designations in the surrounding area.

Lot is situated in the middle of the city, across the street is a commercial area that includes Vasa Gym, Wells Fargo, Twisted Piston & RW Auto Sales. The block where my land is situated is Medium Density Residential and is mostly vacant on the east side of Garden Street, the nearest Residence on the same side of the block is about 150 feet away.

3. What do you anticipate the land being used for?

We want to build and operate a laundry service & Beauty Salon

4. Explain how the proposed land use designation would affect property, surrounding properties, and Tooele City.

The update of the zoning will allow the neighborhood to have a facility to service the community with cleaning and personal Care service that is not noisy and is very useful for the city Bringing efficient and effective Services.

5. Explain how the proposed land use designation promotes the goals and objectives of Tooele City.

Our plan and objective will update and stimulate growth, will promote a strong Community providing employment opportunities that will improve the quality of life of the residents of Tooele.

STAFF REPORT

April 18, 2023

To: Tooele City Planning Commission
Business Date: April 26, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Leitner-Poma Development – Land Use Map Amendment Request

Application No.: P23-339
Applicant: Jared Stewart, representing the Tooele City RDA
Project Location: Approximately 450 South Tooele Boulevard
Zoning: RD Research and Development Zone
Acreage: 25 Acres (Approximately 1,089,000 ft²)
Request: Request for approval of a Land Use Map Amendment in the RD Research and Development zone to re-assign the land use designation from Regional Commercial (RC) to Light Industrial (LI).

BACKGROUND

This application is a request for approval of a Land Use Map Amendment for approximately 25 acres located at approximately 450 South Tooele Boulevard. The property is currently zoned RD Research and Development. The applicant is requesting that a Land Use Map Amendment be approved to allow for the development of the currently vacant site as an office building. The applicant is requesting that a Land Use Map Amendment be approved to re-assign the land use designation of the property to Light Industrial (LI) in order to facilitate the construction of a light manufacturing and assembly business.

ANALYSIS

The Land Use Map of the General Plan calls for the Regional Commercial land use designation for the subject property. The property has been assigned the RD Research and Development zoning classification. The RD Research and Development zoning designation is identified by the General Plan as a preferred zoning classification for the Regional Commercial land use designation. Properties to the north of the subject property are zoned IS Industrial Service and LI Light Industrial. Properties to the east are zoned RD Research and Development as are properties to the south. Properties to the west are zoned both RD and IS. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The proposed land use map amendment involves the 25 acre parcel located at approximately 450 South Tooele Boulevard. The property currently bears the Regional Commercial land use designation. This designation recommends the Regional Commercial and Research and Development zoning districts. These two zoning districts permit larger commercial activities that are specific to regional and larger scale commercial uses such as business parks and other large commercial centers. The Research and Development zoning district permits some commercial uses but is more oriented to educational and research facilities, medical office and higher end commercial activities. Both of these zones are not industrial zones and do not permit many of the industrial uses that are prevalent in the Light Industrial and Industrial Service zones.

The applicant wishes to have the land use designation of the 25 acre parcel re-assigned to the Light Industrial designation. The Light Industrial designation recommends both the LI Light Industrial zoning district as well as the IS Industrial Service zoning district. Both of these zoning districts are oriented towards lighter manufacturing that generate little in terms of impact to adjacent properties. These zones do permit heavier commercial uses along with some medical and research and development activities as well. The Light Industrial land use designation does not incorporate the I Industrial zoning district.

The property is currently under the ownership of the Tooele City RDA. The RDA is looking to sell the property to a business which wishes to utilize the property as a light manufacturing and assembly business that specializes in the construction and assembly of parts for tramways, gondolas, ski lifts, elevators, etc. This use is not permitted in the RD Research and Development zone but is permitted in the LI Light Industrial zone. The use is also permitted in the IS Industrial Service zoning district. Both zones require a Conditional Use Permit to approve any associated accessory outside storage.

Site Plan Layout. A site plan has not been provided during this stage of the development of this parcel. A site plan application will be conducted later.

Subdivision Layout. These are existing parcels of record. A subdivision plat does not exist for these parcels.

Criteria For Approval. The criteria for review and potential approval of a Land Use Map Amendment request is found in Sections 7-11-6, 8 and 9 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) In considering a proposed amendment to the Tooele City General Plan, 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 General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
 - (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
 - (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
 - (e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and
 - (f) The overall community benefit of the proposed amendment.

REVIEWS

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

1. There are no residential uses in immediate vicinity of the subject property.

Engineering Review. The Tooele City Engineering Division did not issue any comments regarding the proposed Land Use Map Amendment.

Public Works Review. The Tooele City Public Works Division have completed their reviews of the Land Use Map Amendment submission and completed their review without providing comments.

Noticing. The applicant has expressed their desire to re-assign the land use 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 Leitner-Poma Development Land Use Map Amendment Request by Jared Stewart, representing the Tooele City RDA, to re-assign the land use for the 25 acre parcel from Regional Commercial to Light Industrial, application number P23-339, based on the findings and subject to the conditions listed in the Staff Report dated April 18, 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 Leitner-Poma Development Land Use Map Amendment Request by Jared Stewart, representing the Tooele City RDA, to re-assign the land use for the 25 acre parcel from Regional

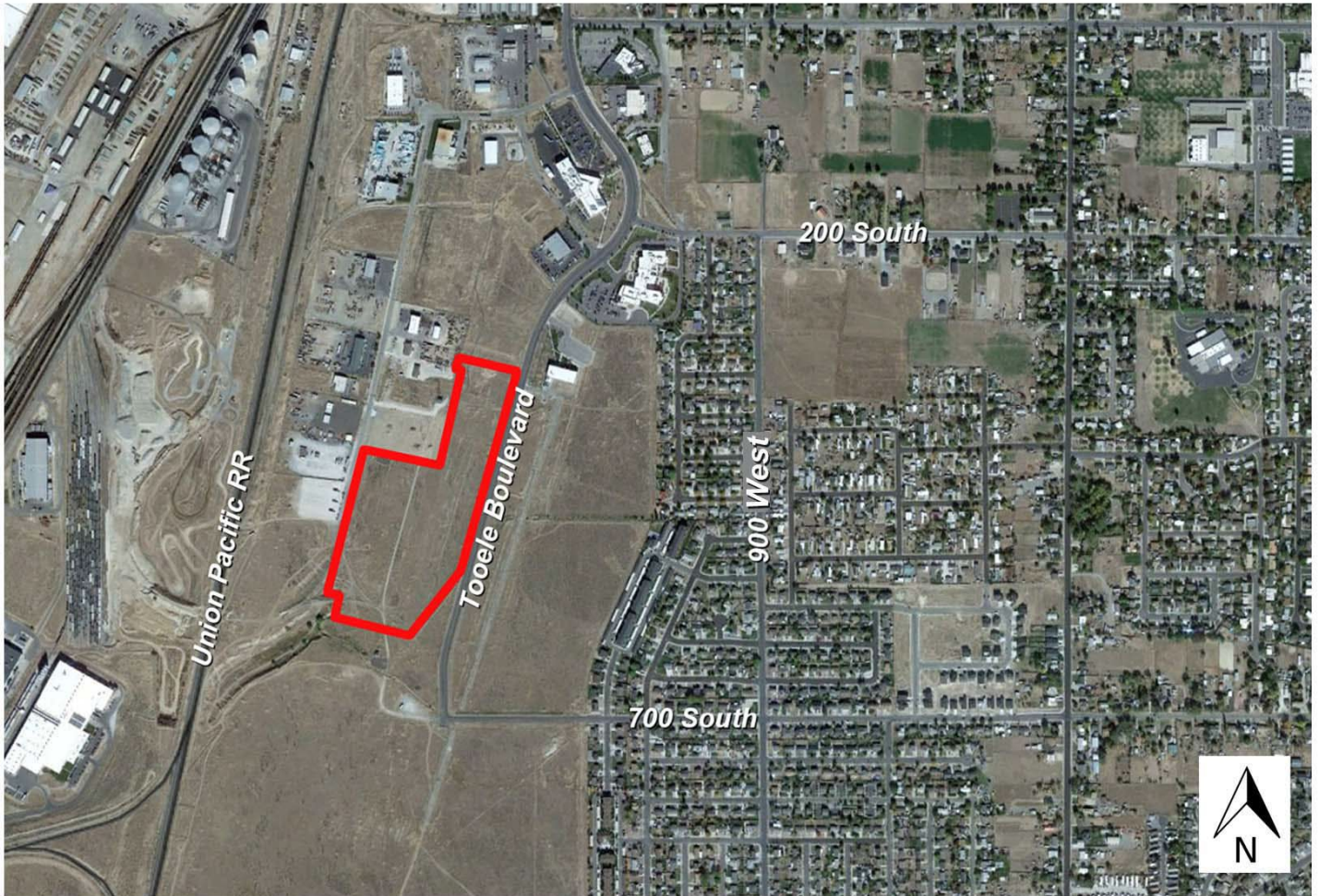
Commercial to Light Industrial, application number P23-339, based on the following findings:”

1. List findings...

EXHIBIT A

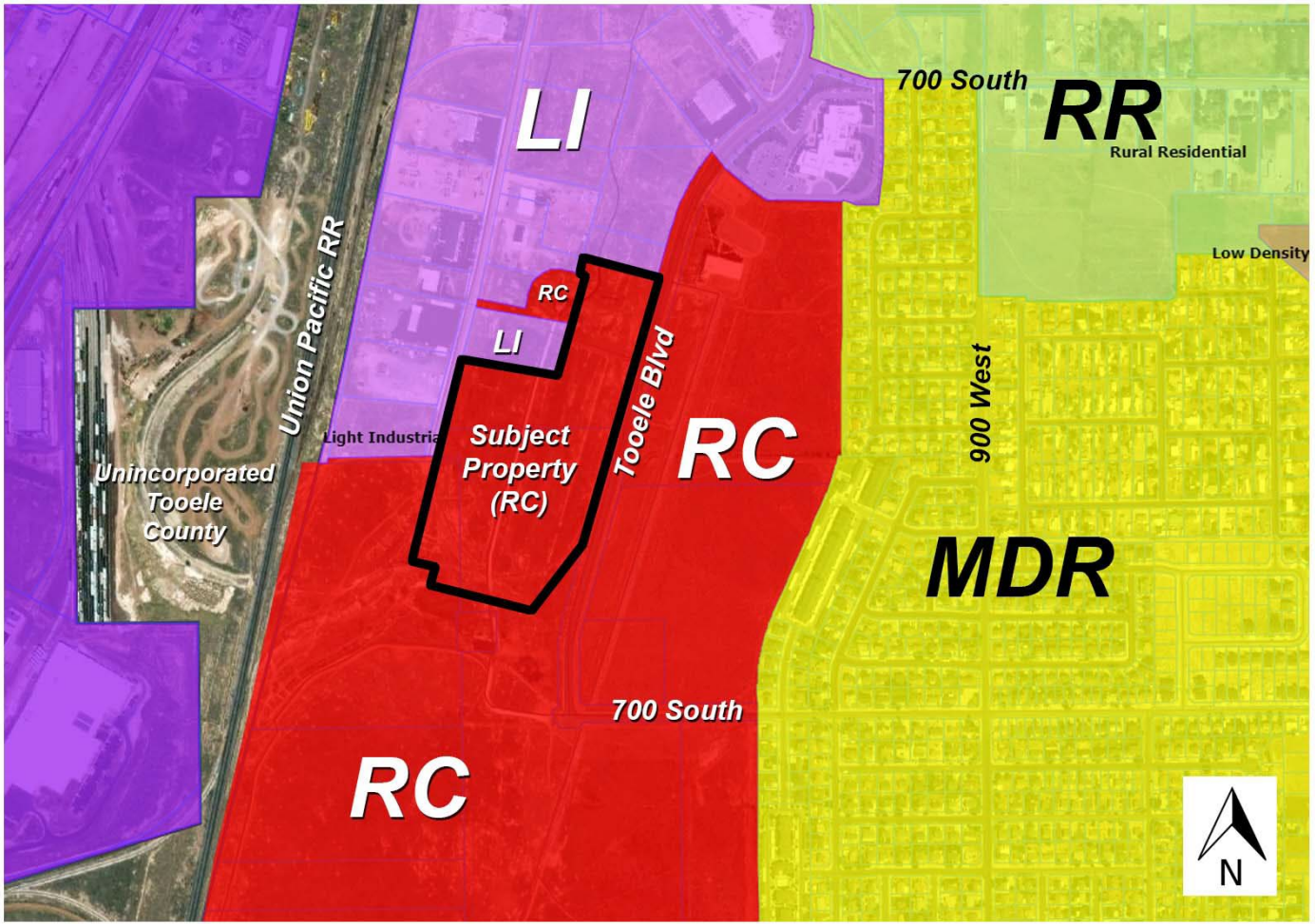
MAPPING PERTINENT TO THE LEITNER-POMA DEVELOPMENT LAND USE MAP AMENDMENT

Leitner-Poma Land Use Map Amendment



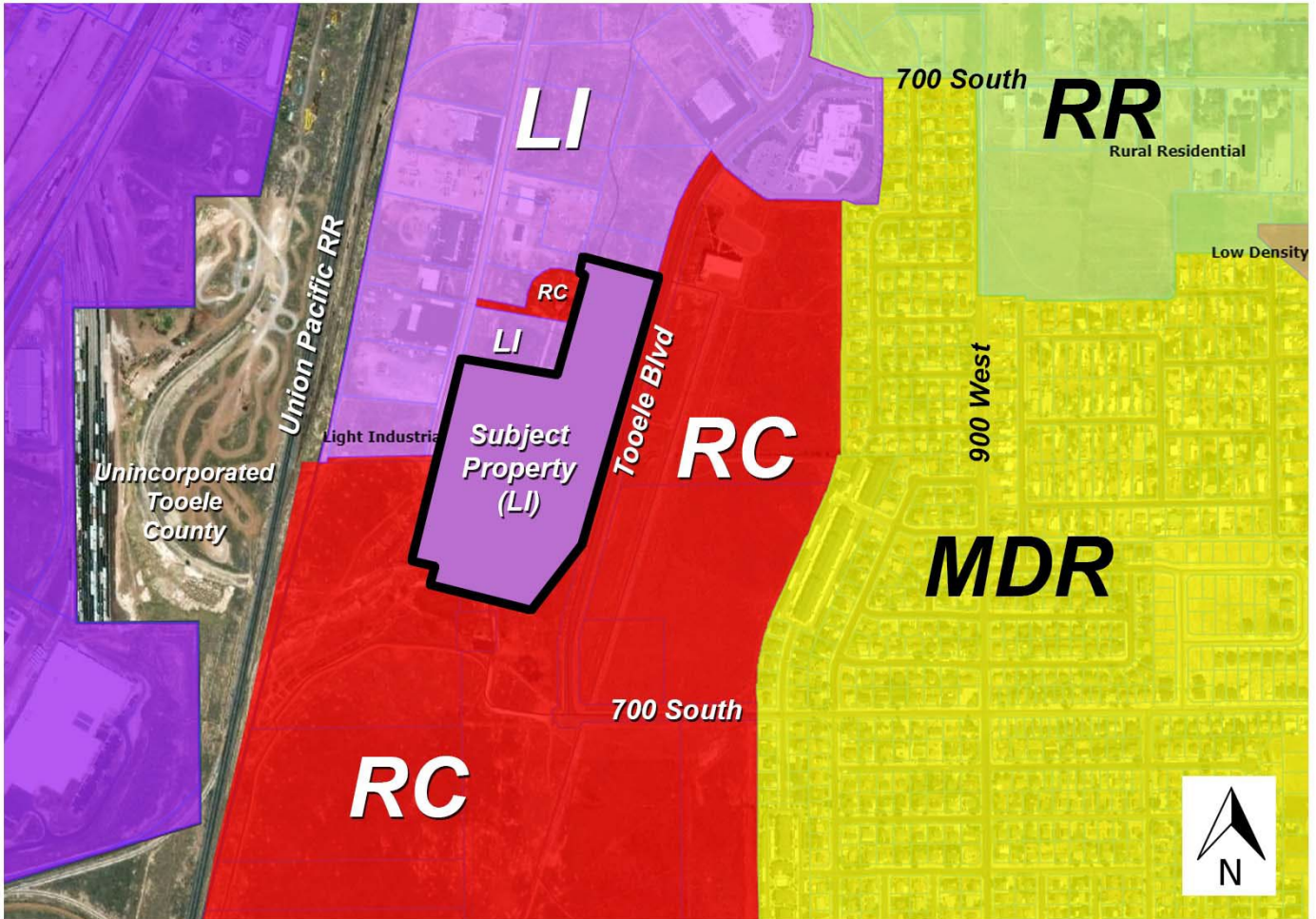
Aerial View

Leitner-Poma Land Use Map Amendment



Current Land Use

Leitner-Poma Land Use Map Amendment



Proposed Land Use

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			
#23-339			
Date of Submission: April 13, 2023	Current Map Designation: RC	Proposed Map Designation: L1	Parcel #(s): 02-009-0-0115
Project Name: Leitner-Poma Development (Land Use Map)			Acres: 25
Project Address: Approx. 450 S Tooele Blvd.			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Project Summary: Leitner-Poma is in a sales agreement with the Redevelopment Agency to purchase 25 acres of land for light manufacturing and assembly. They will have in-door manufacturing with outdoor storage (CUP) and no anticipated impacts on neighboring properties. The business would result in approx. 100 new jobs.			
Property Owner(s): RDA		Applicant(s): RDA	
Address:		Address: 90 N Main Street	
City:	State:	Zip:	City: Tooele
			State: UT
			Zip: 84074
Phone:		Phone: 435-843-2169	
Contact Person: Jared Stewart		Address:	
Phone: 435-843-2169		City:	State:
			Zip:
Cellular: 801-834-3858	Fax:	Email: Jared_S@TooeleCity.org	

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

Note to Applicant:

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

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

Land Use Map Amendment Application: Leitner-Poma Development (RDA), 25 acres

What is the present land use designation of the subject property?

Currently the General Plan's Future Land Use Map designates this property as Regional Commercial.



Explain how the proposed land use designation is similar or compatible with the other land use designations in the surrounding area.

The proposed use designation is Light Industrial (LI). The neighboring area of 1200 W, other sections to the north are already designated LI. There are no residential or uses with major conflicts. The LI designation matches plans for development of the property (light manufacturing and assembly) and within the 200+ acres that the Tooele City RDA and other private owners have for areas to the south.

What do you anticipate the land being used for?

The RDA has a purchase and sale agreement in place for these 25 acres to Leitner-Poma, whose business consists of manufacturing and assembly of cables and other equipment used at ski resorts across the globe. The business will result in approximately 100 new jobs, accomplishing economic development objectives of Tooele City. Outdoor storage of equipment and materials will be needed (requiring a CUP in the LI zone).

Explain how the proposed land use designation would affect the property, surrounding properties, and Tooele City.

The land is currently vacant. The proposed use would allow development and expansion of a business and is supported by the State of Utah with income tax incentives. This land use map amendment would

provide consistency in the land use map with the amendments made on adjacent properties. It would be consistent with development trends in the area and is driven by market interest. The proposed use is expected to increase property values (tax revenue) and have a positive benefit to surrounding properties and to Tooele City.

Explain how the proposed land use designation promotes the goals and objectives of Tooele City.

The Tooele City RDA and Tooele City's intent has been to use land in the Tooele Business Park area to create new jobs for residents with the goal of reducing the need for many residents to commute to the Salt Lake Valley for employment. This proposed land use amendment supports business expansion and job creation. A Light Industrial designation on the land use map (along with other amendments to zoning and the futured conditional use permit) will allow Leitner-Poma to operate within their intended scope.

Legal Description of the parcel: This parcel recently was approved for a Parcel Boundary Adjustment (recorded at Tooele County on 4/10/2023). The new description results in 25 acres.

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, AND THE NORTHWEST QUARTER OF SECTION 32, THE NORTHEAST QUARTER OF SECTION 31, AND THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, AND BEING DESCRIBED BY SURVEY AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, THENCE NORTH 00°05'41" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 29.95 FEET; THENCE SOUTH 89°43'19" WEST, A DISTANCE OF 117.24 FEET TO THE EAST RIGHT-OF-WAY LINE OF 1200 WEST

STREET (E-300524); THENCE NORTH 15°38'12" EAST ALONG SAID EAST LINE, A DISTANCE OF 501.19 FEET; THENCE SOUTH 79°18'33" EAST, A DISTANCE OF 485.95 FEET; THENCE NORTH 16°07'20" EAST, A DISTANCE OF 523.28 FEET; THENCE NORTH 73°52'43" WEST, A DISTANCE OF 39.53 TO THE EAST LINE OF INNOVATIVE SUBDIVISION (ENTRY NO. 396498); THENCE NORTH 16°07'17" EAST ALONG SAID EAST LINE, A DISTANCE OF 84.41 FEET; THENCE SOUTH

73°52'40" EAST, A DISTANCE OF 390.65 FEET TO THE WEST LINE OF TOOELE BOULEVARD (ENTRY NO. 401144); THENCE SOUTH 16°07'20" WEST ALONG SAID WEST LINE, A DISTANCE OF 1265.84 FEET; THENCE SOUTH 37°50'37" WEST, A DISTANCE OF 521.54 FEET TO THE NORTH LINE OF A STORM DRAIN EASEMENT (E-558505); THENCE NORTH 74°31'43" WEST ALONG SAID NORTH LINE, A DISTANCE OF 487.52 FEET TO THE EAST LINE OF A POND EASEMENT (E-558507); THENCE NORTH 30°27'04" EAST ALONG SAID POND EASEMENT, A DISTANCE OF 89.74 FEET; THENCE NORTH 51°56'35" WEST, A DISTANCE OF 181.71 FEET TO THE PROJECTED EAST RIGHT-OF-WAY LINE OF 1200 WEST STREET (E-300524); THENCE NORTH 15°38'12" EAST ALONG SAID PROJECTED

EAST LINE, A DISTANCE OF 415.06 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN; THENCE NORTH 89°43'00" EAST ALONG SAID NORTH LINE, A DISTANCE OF 125.69 FEET TO THE POINT OF BEGINNING.

CONTAINS: 1,086,922 SQ.FT. OR 24.952 ACRES +/-

STAFF REPORT

April 18, 2023

To: Tooele City Planning Commission
Business Date: April 26, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: **Leitner-Poma Development – Zoning Map Amendment Request**

Application No.: P23-341
Applicant: Jared Stewart, representing Tooele City RDA
Project Location: Approximately 450 South Tooele Boulevard
Zoning: RD Research and Development Zone
Acreage: 25 Acres (Approximately 1,089,000 ft²)
Request: Request for approval of a Zoning Map Amendment in the RD Research and Development zone requesting re-assignment of the zoning to the LI Light Industrial zoning district.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 25 acres located at approximately 450 South Tooele Boulevard. The property is currently zoned RD Research and Development. The applicant is requesting that a Zoning Map Amendment be approved to re-assign the zoning to the LI Light Industrial zoning district.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Regional Commercial land use designation for the subject property. The property has been assigned the RD Research and Development zoning classification. The RD Research and Development zoning designation is not identified by the General Plan as a preferred zoning classification for the Light Industrial land use designation. Properties to the north of the subject property are zoned IS Industrial Service and LI Light Industrial. Properties to the east are zoned RD Research and Development as are properties to the south. Properties to the west are zoned both RD and IS. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The purpose of the RD zoning district is intended to combine certain elements of the General Commercial and Light Industrial zoning districts while excluding other elements. The intent of the RD zone is to allow for a professional business park within the City where businesses may locate in an environment that allows a mix of certain small commercial and light industrial uses. It is not intended for large commercial or industrial uses or for intensive retail or manufacturing activities. The prevalence of the RD zoning district in the area is a result of what was, at one time, going to be a large Utah State University Tooele Campus. Those plans have not come to fruition and it is not known if Utah State University has abandoned those plans. What is known is that the University has not expanded into those areas previously intended for the school’s growth.

The applicant is requesting that the property be rezoned to the LI Light Industrial zone. The purpose of

the Light Industrial (LI) District is to provide locations for light industrial assembly and manufacturing uses that produce no appreciable negative impact to adjacent properties. This District encourages clean, light industrial and manufacturing uses which provide employment opportunities for city residents, strengthen the city's tax base and diversify the local economy.

Although staff often avoids focusing on a specific use that triggers the need for a zoning map amendment, it should be noted that the applicant, the Tooele City RDA, is seeking to sell the property to a light manufacturing and assembly business that specializes in the construction and assembly of parts for tramways, gondolas, ski lifts, elevators, etc. The use is prohibited in the RD district but is a permitted use in the LI Light Industrial zone.

It should also be noted that when changing the zoning of a property from one specific zone to another specific zone that the change in the zoning also brings along every potential use that can occur in that zone. Even though this application is specific to one business, every use permitted in the IS zoning district can occur on this property.

Surrounding land uses are predominantly light industrial, heavy commercial and educational facilities. The nearest residential uses are located approximately 1000 feet to the east.

Site Plan Layout. A site plan has not been provided during this stage of the development of this parcel. A site plan application will be conducted later.

Subdivision Layout. These are existing parcels of record. A subdivision plat does not exist for these parcels.

Criteria For Approval. The criteria for review and potential approval of a Land Use Map Amendment request is found in Sections 7-11-6, 8 and 9 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) In considering a proposed amendment to the Tooele City General Plan, 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 General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
 - (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
 - (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
 - (e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and
 - (f) The overall community benefit of the proposed amendment.

REVIEWS

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

1. There are no residential uses in immediate vicinity of the subject property.

Engineering Review. The Tooele City Engineering Division did not issue any comments regarding the

proposed Land Use Map Amendment.

Public Works Review. The Tooele City Public Works Division have completed their reviews of the Land Use Map Amendment submission and completed their review without providing comments.

Noticing. The applicant has expressed their desire to re-assign 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.
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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.
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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 Leitner-Poma Development Zoning Map Amendment Request by Jared Stewart, representing the Tooele City RDA to re-assign the zoning for the 25 acre parcel from the RD Research & Development zone to the LI Light Industrial zone, application number P23-341, based on the findings and subject to the conditions listed in the Staff Report dated April 18, 2023:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the

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1. List findings...

EXHIBIT A

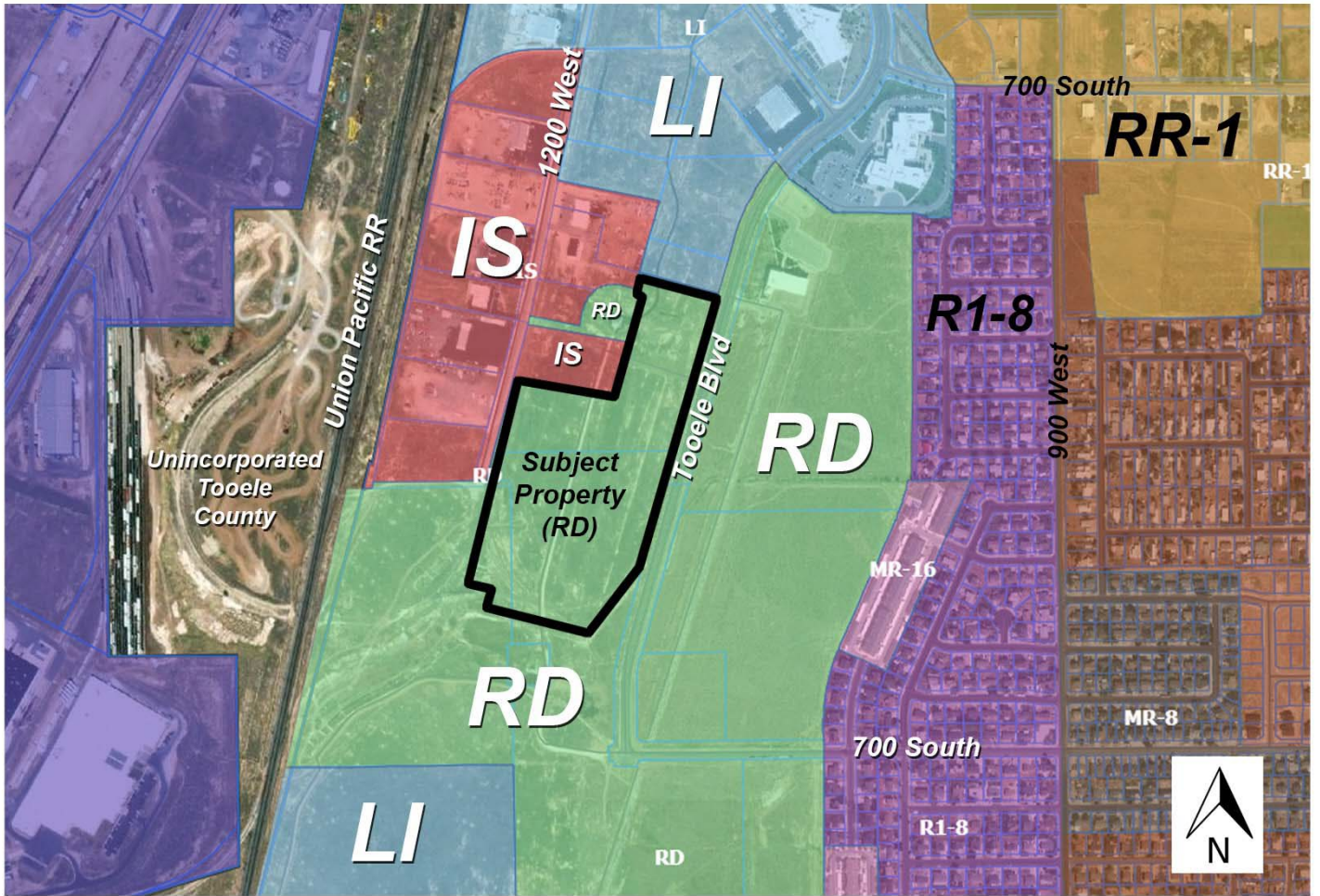
MAPPING PERTINENT TO THE LEITNER-POMA DEVELOPMENT ZONING MAP AMENDMENT

Leitner-Poma Zoning Map Amendment



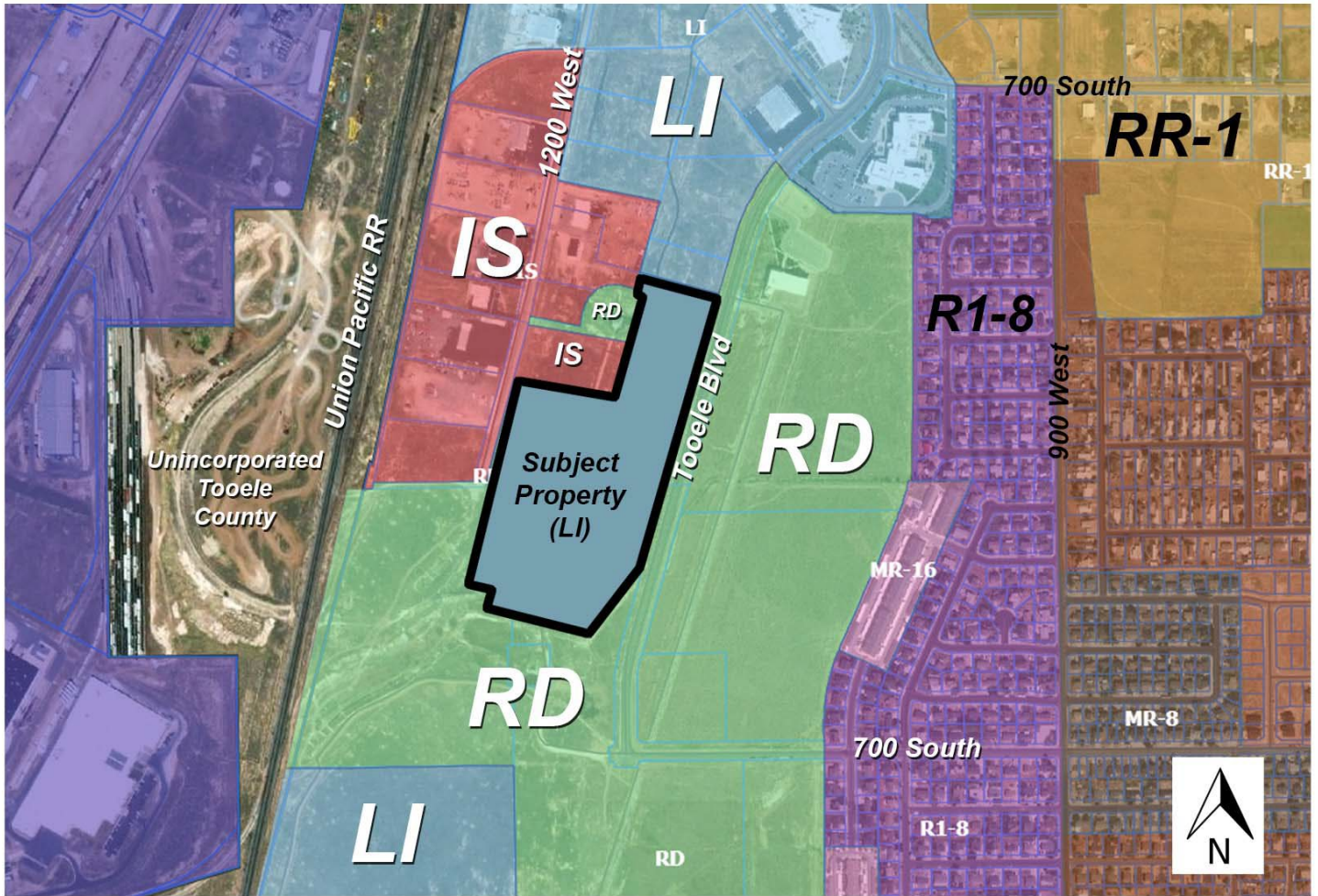
Aerial View

Leitner-Poma Zoning Map Amendment



Current Zoning

Leitner-Poma Zoning Map Amendment



Proposed 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
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Project Information			
#23-339			
Date of Submission: April 13, 2023	Current Map Designation: RC	Proposed Map Designation: L5	Parcel #(s): 02-009-0-0115
Project Name: Leitner-Poma Development (Land Use Map)			Acres: 25
Project Address: Approx. 450 S Tooele Blvd.			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Project Summary: Leitner-Poma is in a sales agreement with the Redevelopment Agency to purchase 25 acres of land for light manufacturing and assembly. They will have indoor manufacturing with outdoor storage (CUP) and no anticipated impacts on neighboring properties. The business would result in approx. 100 new jobs.			
Property Owner(s): RDA		Applicant(s): RDA	
Address:		Address: 90 N Main Street	
City:	State:	Zip:	City: Tooele
			State: UT
			Zip: 84074
Phone:		Phone: 435-843-2169	
Contact Person: Jared Stewart		Address:	
Phone: 435-843-2169		City:	State:
			Zip:
Cellular: 801-834-3858	Fax:	Email: Jared.S@TooeleCity.org	

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

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, April 12, 2023

Time: 7:00 p.m.

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

Commission Members Present:

Melanie Hammer
Jon Proctor
Chris Sloan
Tyson Hamilton
Matt Robinson
Weston Jensen
Melodi Gochis
Doug Newel
Alison Dunn

City Council Members Present:

Ed Hansen
Maresa Manzione

City Employees Present:

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

Minutes prepared by Katherin Yei

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Hamilton.

2. Roll Call

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

Doug Newell, Present
Alison Dunn, Present

3. Public Hearing and Recommendation on a Zoning Map Amendment to consider a request to re-assign the zoning for approximately 324 acres located at approximately 1200 West 700 South from the existing zones of LI Light Industrial and RD Research and Development to the Tooele Business Park CSD Commercial Special District zone and to authorize the specific standards that accompany the CSD designation.

Mr. Aagard presented a Zoning Map Amendment to re-assign 324 acres located near 1200 West 700 South, near the Union Pacific Railroad. It is zoned RD, Research and Development and LI, Light Industrial. The Land Use map shows it as Regional Commercial. A CSD is a special zone that allows the applicant that allows them to write their own zoning code. It is authorized by City code, as long as it has 50 acres and a designation of Commercial on the land use map. CSD is approved in the same manner as the zoning map amendment along with a new ordinance being approved. If the zoning map is changed, it will be Tooele Business Park CSD. This is a public hearing and notices were sent out.

Mr. Stewart addressed the Planning Commission. The RDA, Redevelopment Agency, owns about 60% of the property alongside four other property owners. One of the assets of Tooele is having rail that the City and businesses can utilize. One of the objectives is to create jobs within town. A CSD will allow them to design landscape standards, design standards, and look at various uses that benefits Tooele. With this being such a large site, this is not development that will happen all at once. This project will take years to come and look at the concept.

Mr. Stewart addressed some of the public comments received via email.

There is a uniqueness to the size of the property, providing an opportunity for architecture standard. This is raising the standard for businesses in the community. This development will create responsible business in the area that will have a vested interest to reduce crime, improve the community, and help keep things in order. This project is great for tax base. The right-of-way for Mid-Valley Highway is outlined on the road map. The plan would be to build a bypass road that compliments the Mid-Valley Highway, connecting to Tooele Boulevard. Acting as a buffer and connect to SR-36, pulling traffic from main street. To pay for the road, they will sell property. Looking at the table of uses, they can adjust as needed. Hazardous use could be taken out or adjusted. As well as putting only Light Industrial or Commercial by the residential areas. There is a perspective buyer that manufactures ski cables, parts for snow machines, and wind turbines. Wind Turbines come in a variety of sizes. The wind turbines proposed would be on the smaller versions and a Conditional Use Permit would be required.

The Planning Commission shared concerns of allowing Heavy Industrial in the business park that close to a residential area. There is concern that they pass this, there is a lot of unknowns and possibilities to what could be put in there. The building height requirements seem high. Having 85-foot buildings and wind turbines can be an eye sore. They need to consider view scaping.

The Planning Commission asked the following questions:

How do they feel comfortable moving forward with the unknowns of the highway and rail?

With the conglomeration of land owners involved, how are the handling the private property owners?

Is there a drainage channel or ditch?

Who will pay for the road and infrastructure?

Can the City request a bridge or at grade crossing for the railroad?

Mr. Stewart addressed the Commission's questions and concerns. If they can create a map that shows Heavy Industrial in only one area of the property. If the CSD moves forward, there are options. They can do multiple uses and specifications. They have been working with an CRS to approach Union Pacific for development concept preliminary approval. They have an option for a UP focus site. A business comes to UP and asks for a location to manufacture and use rail. They will help the City plan infrastructure needed for that site. Savage and Peterson Industrial Depot is interested in participating, owning and operating in the rail. They have applied for congressional funding to construct the rail. To begin the development, they do not need Mid-Valley Highway to run the business park. UDOT has not released the plan for the highway. The RDA has been coordinating with the owners of the property for a long time. They have provided letters of interest to participate. There is a mix of local owners in town and a few that are not locally owned. When it comes to property sales, a relator will be involved of the sale to mitigate and help the transaction. The City will maintain the easements and possibly expand the existing infrastructure where Tooele Boulevard ends and connects to 700 South. The rail crossing will not be a public crossing, but used mainly for emergency or special access.

The public hearing was opened.

The public shared concerns for increased traffic and speeding, decrease in property values, view obscuring walls and buildings, increased crime rates, noise pollution, the need for increased emergency response, unappealing architecture, and waste.

Those that spoke are included as the following:

Jed Richardson, Chris Erickson, Scott Paris, Kaleni Mascherino, Nick Broderik, Ann Paris, and Michelle Besendorf.

Emails were received from multiple people listed as the following:

Desiree Mudrow, Jennifer Nay, Chris Freerksen, Scott Parris, Sarah Minchey, Nick Broderick, and Ann Paris.

Mr. Bolser made a recommendation to continue the public hearing because when they come back, they will have ample opportunity to comment. There are two ways, leave open through conclusion or close public hearing and in the motion to continue the item, it will be continued when the item comes back. Mr. Stewart thought about bringing back a single piece for the site and would have its own public hearing. It is encouraged to look at future agendas.

Mr. Baker addressed the Commission. It gives staff an opportunity to publish a public hearing notice again and a greater likelihood of greater participation in the public hearing. The example renderings start on page 29 of the Commission packet.

For specifics, the recording of the meeting is available to view.

The public hearing was closed.

Commissioner Robinson moved to table the item until the items and questions can be adequately addressed by staff and the public hearing by re-noticed and re-opened.

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

4. Recommendation on a Minor Subdivision request for the Five Star Subdivision by Cameron Dortch to subdivide 19.4 acres located at 1471 West L Avenue into 4 industrial lots and accompanying railroad parcels in the PID Industrial zoning district.

Mr. Aagard presented a minor subdivision request for the parcel located east of Garnet and south of L Avenue. The parcel is built out and includes four existing structures. It is zoned PID Industrial. The subdivision does not result in any new development; the request by the owner is to create four parcels for the purpose of selling those off individually. All lot sizes exceed lot requirements. Staff is recommending approval with the basic house keeping items in the staff report.

Commissioner Proctor motioned to forward a positive recommendation on a Minor Subdivision request for the Five Star Subdivision by Cameron Dortch based on the findings and conditions listed in the staff report. Chairman Hamilton seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Robinson, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

5. Decision on a Site Plan Design Review request by Lexington Townhomes LLC for Phase 2 of Lexington Townhomes proposed to be located at approximately 625 West 1200 North on 2.5 acres in the MR-16 Multi-Family Residential zoning district.

Mr. Aagard presented a site plan review request by Lexington Townhomes south of Carols Way. Phase one of the Lexington Townhomes is constructed. The property is zoned MR-16. Phase two proposes the construction of 30 townhomes. The layout is simple with roads running north to south. The roads are private streets maintained by the HOA. They are proposing dry-scape and minor sod with a child play structure. Each unit has a two-car garage and a driveway to accommodate two cars. The building architecture complies with the City Code. Staff is recommending approval, with a condition to ass signage on all entrances.

The Planning Commission asked the following questions:

Can they request to have additional grass and bigger play area?

Mr. Aagard addressed the Commission. There is nothing in the site plan that offers organized sports area. Amenities are required by the number of units.

Mr. Baker addressed the Commission. At this point in the process, they have lost the opportunity to request those items. At this point in the process, the applications have been submitted and the City is required to approve them if they comply with City Code. Also, if the City required such amenities, earlier in the process, the City would have to pay for them.

Commissioner Sloan motioned to approve on a Site Plan Design Review request by Lexington Townhomes LLC for Phase 2 of Lexington Townhomes proposed to be located at approximately 625 West 1200 North on 2.5 acres in the MR-16 Multi-Family Residential zoning district based on the findings and conditions listed in the staff report and include the additional signage. Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Robinson, “Aye”, and Commissioner Gochis, “Aye”. The motion passed.

6. City Council Reports

Council Member Manzione shared the following information from the City Council Meeting: They approved the Vista Meadows Subdivision, the amended City Code for parking violations, and the construction for the new headworks building. They thanked Mr. Bolser for his service with the City.

7. Review and Approval of Planning Commission Minutes for the meeting held on March 22, 2023.

There are no changes on the minutes

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

8. Adjourn

Chairman Hamilton adjourned the meeting at 8:15 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 April, 2023

Tyson Hamilton, Tooele City Planning Commission Chair

DRAFT