

**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, July 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](http://www.youtube.com/@tooelecity) or searching for our YouTube handle **@tooelecity**. If you would like to submit a comment for any public hearing item you may email [pcpubliccomment@tooelecity.org](mailto:pcpubliccomment@tooelecity.org) anytime after the advertisement of this agenda and before the close of the hearing for that item during the meeting. Emails will only be read for public hearing items at the designated points in the meeting.*

**AGENDA**

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Hearing and Recommendation** on a Zoning Map Amendment request by Cindy McInnes to re-assign the zoning for approximately .39 acres located at 105 E 1000 N from the existing Zoning designation of RR-1 Residential Zone to R1-7 Residential Zone.
4. **Public Hearing and Decision** on a Conditional Use Permit request by IRVA Development to authorize the use of "Accessory drive through facility" for 2.283 acres of property located at 245 N Main Street in the GC General Commercial zoning district.
5. **Decision** on a Design Review request by Reeve and Associates to consider the use of asphalt millings gravel as finished paving material for designated parking areas associated with a new industrial business proposed to be located at 600 South Tooele Boulevard in the TCBP Tooele City Business Park zoning district on approximately 24.9 acres.
6. **City Council Reports**
7. **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**

July 14, 2023

**To:** Tooele City Planning Commission  
Business Date: July 26, 2023

**From:** Planning Division  
Community Development Department

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

**Re: McInnes Property – Zoning Map Amendment Request**

Application No.: P23-624  
Applicant: Cindy McInnes  
Project Location: 105 East 2000 North  
Zoning: RR-1 Rural Residential Zone  
Acreage: .39 Acres (Approximately 16,984 ft<sup>2</sup>)  
Request: Request for approval of a Zoning Map Amendment in the RR-1 Rural Residential zone regarding re-assigning the zoning for approximately .39 acres of property to the R1-7 Residential zoning district.

**BACKGROUND**

This application is a request for approval of a Zoning Map Amendment for approximately .39 acres located at 105 East 2000 North. The property is currently zoned RR-1 Rural Residential. The applicant is requesting that a Zoning Map Amendment be approved to allow a .39 acre lot to be subdivided from the larger 5.57 acre parcel that an existing home is currently located upon.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Medium Density Residential land use designation for the subject property. The property has been assigned the RR-1 Rural Residential zoning classification, supporting approximately one dwelling unit per acre. The RR-1 Rural Residential zoning designation is not identified by the General Plan as a preferred zoning classification for the Medium Density Residential land use designation. Properties located to the north, east and west of the subject property are currently zoned RR-1 Rural Residential. Properties to the south are zoned GC General Commercial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant’s home is currently located on a large 5.57 acre parcel of record. The home is located at the south east corner of the parcel and fronts onto 1000 North with the front yard of the home aligning perfectly with 100 East. The applicant wishes to subdivide a .39 acre parcel from the larger 5.57 acre parcel in order to maintain ownership of the home on its own lot and enable the sale and possible development of the larger 5 acre parcel. In order to accomplish this a few land use approvals need to be obtained.

The first, the Land Use Map Amendment was completed when the City Council approved a change in the Land Use Map designating the subject property as Medium Density Residential. This was approved on June 21, 2023. With that change the applicant is now able to apply to consider changes to the zoning map.

The MDR land use designation is a land use that requires single-family and two-family residential land uses and zones. The zones permitted in the MDR areas are the R1-7, R1-8 and R1-10 residential zones. These zones do not permit any commercial other than the commercial activities that are permitted by Tooele City code as home occupations. Even with a home occupation, the primary use of the structure is residential.

In order to accomplish a subdivision involving a .39 acre lot which is nearly 17,000 square feet, the applicant needs a residential zone that permits lots smaller than 17,000 square feet. The RR-1 zone, which the property is currently zoned, requires a lot size minimum of 1 acre or 43,560 square feet. As such the RR-1 zone does not accomplish what the applicant wishes to do with their existing home. There are three zones that qualify under the Medium Density Residential land use designation. Those zones are the R1-7, R1-8 and R1-10 Residential zoning districts. Each of these zones are identical in regards to permitted and conditional uses. Where they differ is in regards to lot size and lot width. The R1-7 permits the smallest single-family residential lot in Tooele City with a lot size minimum of 7,000 square feet. The R1-8 permits lots as small as 8,000 square feet and the R1-10 permits 10,000 square foot lots. The applicant did not select any one of these three zones as each zone will accomplish the desired outcome. As such staff has recommended the R1-7 zone as it is the most commonly used single-family zone in Tooele City. If the Planning Commission were inclined to recommend one of the other two zones instead of the R1-7 zone, staff would also support one of those as well as the applicant's desired lot size will exceed minimum lot size requirements for all three zoning districts.

The question may be asked why the surrounding properties, especially the home to the east are not being included in this Zoning Map Amendment request. Staff does not interject itself into personal issues between families and as such does not know the reasons, only that the applicant has indicated that the adjacent properties are to not be involved in this application.

It should also be noted that the property lines up directly with 100 East and is in a prime location for a point of ingress and egress if the larger 5 acre parcel were ever to develop. The home in its current location would need to be removed or relocated in favor of full motion signalized access into the larger 5 acre parcel. If the home remains the access to the 5 acre parcel for future development becomes more complicated and limited by restrictions, planned medians, and alignment with other points of access. The property owner has a right to maintain and keep their home where it is and this paragraph should not be construed to say otherwise or as a recommendation against the home staying. Staff is just pointing out the particulars of the situation to help the Commission and City Council understand the situation that presents itself in this complicated area of the City. City staff have personally met with the applicant and other property owners and have discussed the safety situation related to the intersection of 100 East and 1000 North and discussed the installation of a traffic signal with the property owners, so they are aware of these issues.

Subdivision Layout. A subdivision plat has not been provided. Ultimately, if the Zoning Map is amended as requested by the applicant, a subdivision will need to be conducted. The Land Use Map and Zoning Map will then, at that time, be amended to accurately reflect the .39 acre lot and the associated legal description of the property.

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. The property currently aligns with 100 East and will block the most ideal point of access for a commercial development at this location.
2. The nearest residential development is 500 feet to the east.
3. The .39 acre lot does not exist as the current zoning does not permit a lot size smaller than 1 acre. A subdivision will need to be done to create the new lot.
4. The Planning Commission may recommend an alternative zoning district to the R1-7 if they determine one to be more appropriate.

*Engineering & Public Works Division Review.* The Tooele City Engineering and Public Works Divisions have completed their reviews of the Zoning Map Amendment submission and have issued the following comments:

1. The home in its current location will have an impact on the City's ability to turn this intersection into a signalized intersection.

*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 comment regarding the request.

*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 Zoning Map Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

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

1. The effect of the proposed application on the character of the surrounding area.



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

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the McInnes Property Zoning Map Amendment request by Cindy McInnes, for the purpose of re-assigning the zoning for approximately .39 acres of property from the RR-1 Residential zoning district to the R1-7 Residential zoning, application number P23-624, based on the findings listed in the Staff Report dated July 14,2023:”

1. List findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the McInnes Property Zoning Map Amendment request by Cindy McInnes, for the purpose of re-assigning the zoning for approximately .39 acres of property from the RR-1 Residential zoning district to the R1-7 Residential zoning, application number P23-624, based on the following findings:”

1. List findings...

**EXHIBIT A**

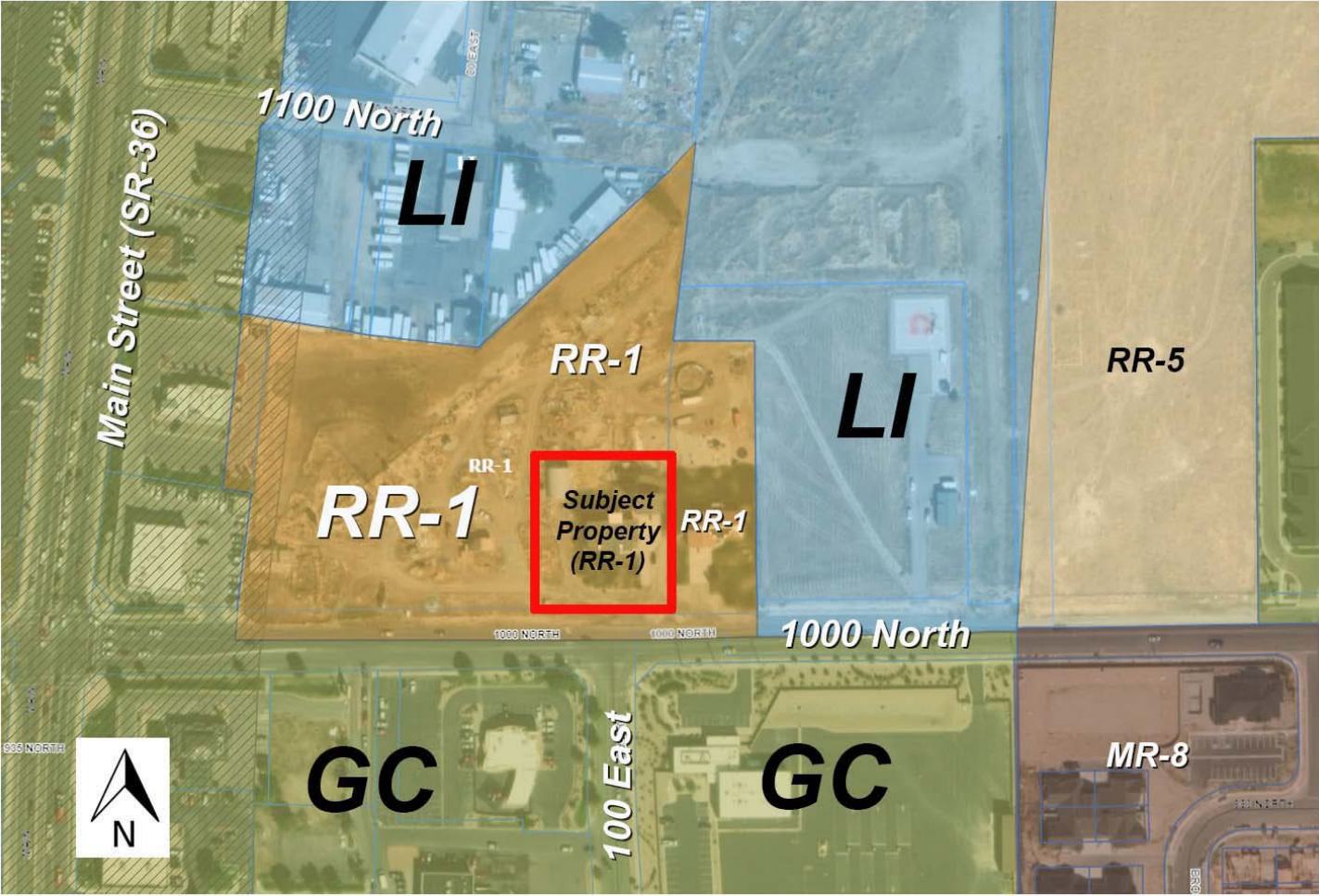
**MAPPING PERTINENT TO THE MCINNES PROPERTY ZONING MAP AMENDMENT**

***McInnes Zoning Map Amendment***



***Aerial View***

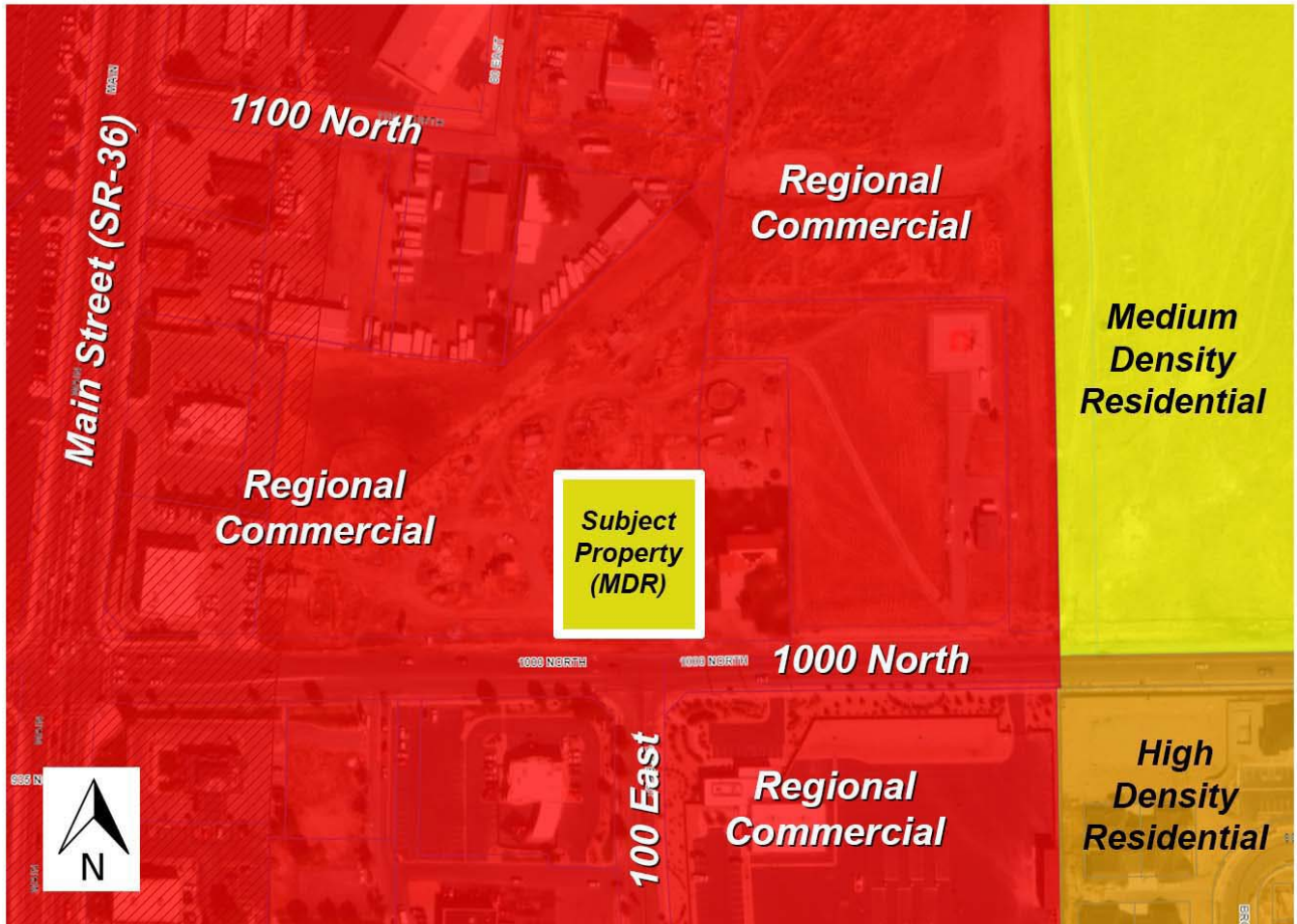
# McInnes Zoning Map Amendment



Current Zoning

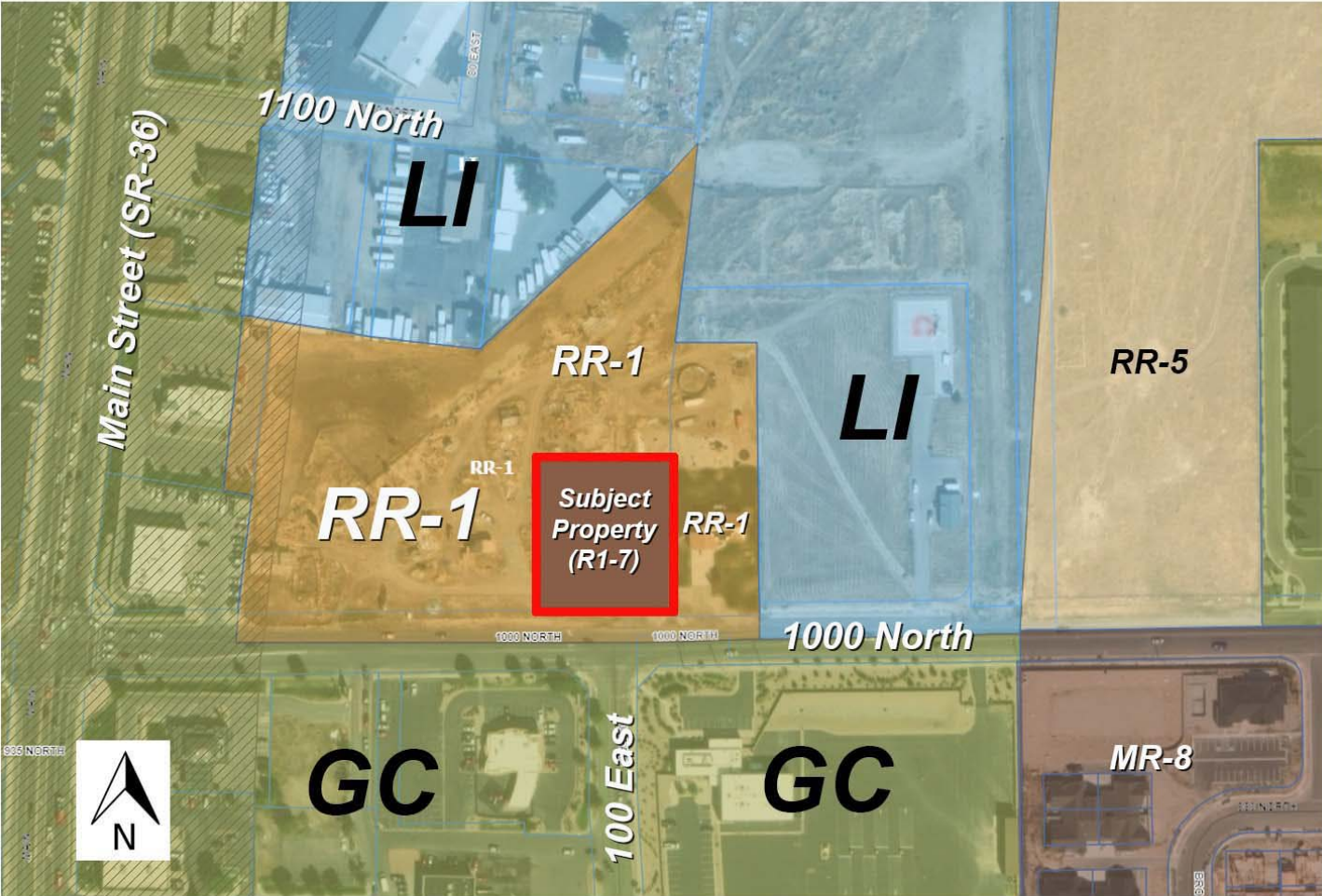


# **McInnes Zoning Map Amendment**



**Current Land Use**

# McInnes 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  
[www.tooelecity.org](http://www.tooelecity.org)



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

Project Information				23-624		
Date of Submission:		Current Map Designation: RRI		Proposed Map Designation: see below		Parcel #(s):
Project Name: McInnes					Acres: .39	
Project Address: 105 E 1000 N						
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____						
Brief Project Summary: Rezone to <u>R17-R18-R40</u>						
Property Owner(s): Duffy-Johnson Trust				Applicant(s): Cindy McInnes		
Address: 105 E 1000 N				Address: 105 E 1000 N		
City: Tooele		State: UT	Zip: 84074		City: Tooele	
Phone: 435-830-9052		State: UT				
Phone: 435-830-9052		Zip: 84074				
Contact Person: Cindy McInnes				Address: 105 E 1000 N		
Phone: 435-830-9052				City: Tooele		State: UT
Cellular:				Fax:		Email: c.mcinnest@hotmail.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				2230670	
Received By: Jessi		Date Received: 7/1/23		Fees: 1100.00	
				App. #: Receipt	

FOCUS BAN

LEADY BAN

575821

**STAFF REPORT**

July 17, 2023

**To:** Tooele City Planning Commission  
Business Date: July 26, 2023

**From:** Planning Division  
Community Development Department

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

**Re: IRVA Tooele Retail – Conditional Use Permit Request**

Application No.: P23-605  
Applicant: Elliot Abel, representing IRVA Development  
Project Location: 245 South Main Street  
Zoning: GC General Commercial Zone  
Acreage: 2.28 Acres (Approximately 99,316 ft<sup>2</sup>)  
Request: Request for approval of a Conditional Use Permit in the GC General Commercial zone regarding authorization of the use of “Accessory Drive Through Facility” associated with new commercial structures for an existing commercial development.

**BACKGROUND**

This application is a request for approval of a Conditional Use Permit for approximately 2.28 acres located at 245 South Main Street. The property is currently zoned GC General Commercial. The applicant is requesting that a Conditional Use Permit be approved to permit new proposed development on the existing commercial site to have two “Accessory Drive Through Facilities.”

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Community Commercial land use designation for the subject property. The property has been assigned the GC General Commercial zoning classification. Properties to the east, west and south are all zoned GC General Commercial and are utilized as commercial. Properties to the west are zoned R1-7 Residential and are utilized as single-family residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant is proposing some changes to the existing commercial development that currently includes a fitness center, a Chinese food restaurant, a pizza place and a few other commercial establishments located in a multi-tenant building on the west side of the property. The applicant intends to construct a new, smaller multi-tenant building on the vacant section of the area (see aerial view) as well as the addition of a smaller drive-up coffee shop or other drink / food retail service. The proposed amendments to the existing site will require some substantial changes and amendments to the existing parking area, parking circulation and so forth.

Staff must emphasize to the Planning Commission that this is not a site plan design review. The site plans are approved administratively by staff unless there is a design review issue that needs to be specifically addressed or if there is a particular issue that requires a conditional use permit. In this case this application is focused entirely upon two proposed accessory drive through aisles associated with the two proposed commercial buildings. Please focus your review and thoughts on this specific use to identify any potential impacts that may be generated by what is being proposed and how you can mitigate those potential impacts with specific conditions of approval.

Site Plan Layout. The applicant has submitted an application for site plan approval and that application has been in the review process for a few months. The site plan has been revised and amended as we have worked with the applicant to resolve issues related to parking lot circulation, landscaping and so forth. The site plan that has been provided to the Planning Commission demonstrates the latest and greatest revisions for the site up to this date. Some of those changes include the additions of required landscape islands and end caps, changing the parking from 45 degree parking to 90 degree parking and increasing drive aisle widths according to fire department requirements for emergency vehicle access. The site plan also includes the addition of a new building at the north east corner and a new, smaller building located central to the site adjacent to Main Street.

Both of the new buildings include an accessory drive through aisle. The drive through aisle for the northern building is proposed to be entered near the access to Main Street. Vehicles will drive north and then west to obtain their purchases at the west end of the building. This drive through aisle has sufficient space to hold 7 vehicles and that is with the assumption that all of the vehicles are mid-size or full-size cars and not large pick up trucks or vans. The other structure also proposes the drive through aisle be entered at or near the same entrance for the other drive through aisle at SR-36 and has room to stack 7 vehicles. This entrance could be more problematic if there are vehicles waiting to turn left or right onto SR-36. If there is vehicle queuing at this point, vehicles attempting to enter the drive through aisle for the southern building could end up waiting which could result in vehicles stacking onto Main Street. Staff is also concerned that either of these two proposed drive through aisles could have excessive vehicular stacking that will ultimately block the entrance to the site and result in spill over vehicle stacking onto Main Street.

Some drive through uses have greater vehicular stacking than do others. Coffee shops tend to be very busy in the morning hours. Staff has personally observed at two of Tooele's older coffee shops easily 10 or more vehicles queuing. Soft drink shops like the Guzzle and the Swig tend to be very popular and can easily have 10 or more vehicles queuing and in those cases staff have personally observed stacking onto streets and into parking areas blocking circulation. Restaurants with drive through aisles don't usually see that kind of drive through demands but during rush times such as lunch or dinner do result in increased vehicular stacking.

To help assist this vehicular stacking staff suggests two possible solutions that the Commission can consider.

1. The northern building. The drive up window where customers pick up their purchases should be on the south east corner of the building. This would require customers to enter from the west and provide additional vehicular stacking from the pickup window and to the west into the parking area if necessary.
2. The southern building. The access to the drive through aisle in its current location should be eliminated and the access moved slightly to the south requiring users to stack into the parking area instead of into the public street. See staff's redlined document to demonstrate this.

The Commission may ask that if these changes are made vehicles will be stacking and disrupting parking area circulation and parking areas. This may be true but at least vehicles will be stacking onto private property and not onto public roads and thus the issues and problems this develops will need to be addressed privately by the site owners and not by the City or the State of Utah.

It is also well within the purview and authority of the Planning Commission to table this item with a request that a traffic study be performed related to the proposed improvements and drive through aisle locations if this is necessary to help the Planning Commission make a more informed decision or determine conditions to mitigate any potential impacts. Tabling an item pending additional information is a useful tool in the Commission's tool belt. Use it if necessary.

Landscaping. Tooele City encourages drive through vehicle stacking lanes to be obscured from view at public streets in favor of building architecture and landscaping. Vehicles lined up in a row don't result in an aesthetically pleasing environment. A good example of this is the McDonald's in front of Macey's. The most prominent view of that building is the vehicle queuing lanes.

Both of these drive through lanes involve vehicle stacking next to Main Street. There is not an ordinance that requires drive through aisles to be located behind buildings so the City's hands are tied when requiring this. However, measures and steps can be taken to increase landscaping buffers between Main Street and the drive through aisles to limit the view of the drive through aisle in favor of pleasing landscaping and building architecture. Some of those landscape measures can be:

1. Landscape berms.
2. Landscape boulders.
3. Dense landscape plantings involving evergreen shrubs and trees.
4. Decorative solid visual barrier fences.

Staff suggests the use of one or a combination of these elements will help screen the accessory drive through aisle from view along Main Street and will serve to add visual aesthetics to the site and area.

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

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

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

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

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

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

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



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

3. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's building plan review, permitted, and inspection processes.
4. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Fire Department plan review, permitted, and inspection processes.
5. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with all requirements of the geotechnical report.
6. Staff anticipates that the likelihood of vehicles queuing into and interfering with a critical ingress/egress point at SR-36 during busy / peak times is very high. Vehicles waiting on SR-36 could result in automobile collisions and disruptions to critical traffic flow. Given that other coffee shops and drink shops throughout the City easily have excessive vehicle stacking during peak times, it is likely the same will occur here. Staff has proposed some alternatives that should not alter the number of parking spaces but will direct vehicle stacking in these drive through aisles towards the inside of the development and away from the public streets.
7. There will be vehicle queuing in the drive through aisles. Often waiting vehicles will have their lights on and that can disorient or disrupt those driving on nearby streets. As such it is imperative for the safety of those driving on nearby public streets, or for those waiting to access public streets or enter the site itself that measures be taken to screen these drive through aisles from view, as much as possible, from the public streets.

## **REVIEWS**

*Planning Division Review.* The Tooele City Planning Division has completed their review of the Conditional Use Permit submission and has issued the following comments concerning this application.

1. Staff has demonstrated that vehicle stacking areas for drive through aisles can be changed to direct vehicle queuing into the site and away from public rights-of-way, particularly SR-36 (Main Street).
2. There are landscaping means available to screen drive through aisle from public view along Main Street. Staff can enforce any conditions regarding landscaping during the ongoing site plan review process.

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

*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. Emergency access routes need to maintain the 30' access widths as well as the queuing line directions being kept from impeding on access into these areas.

*Noticing.* The applicant has expressed their desire to obtain the CUP 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 Elliot Abel, representing IRVA Development, application number P23-605, subject to the following conditions:

1. That all requirements of the Tooele City Engineering Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Public Works Development shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.
6. That vehicle stacking in the drive through aisles shall be directed towards the interior of the site in order to prevent vehicle stacking onto public rights-of-way such as SR-36.
7. The drive through aisles shall use landscaping or fencing elements to screen the drive through aisles from view on SR-36.

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 issue of vehicles stacking onto and disrupting traffic on SR-36 can be resolved by making some changes to the site plan that will direct vehicle queuing towards the interior of the site and away from public rights-of-way.
7. Visual aesthetics and vehicle light pollution can be enhanced, eliminated or reduced by the inclusion of landscaping and fencing measures between the drive through aisles and SR-36 (Main Street).
8. 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 Elliot Abel, representing IRVA Development, to authorize the use of “Accessory Drive Through Facility” for property located at 245 North Main Street, application number P23-605, based on the findings and subject to the conditions listed in the Staff Report dated July 17, 2023:”

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

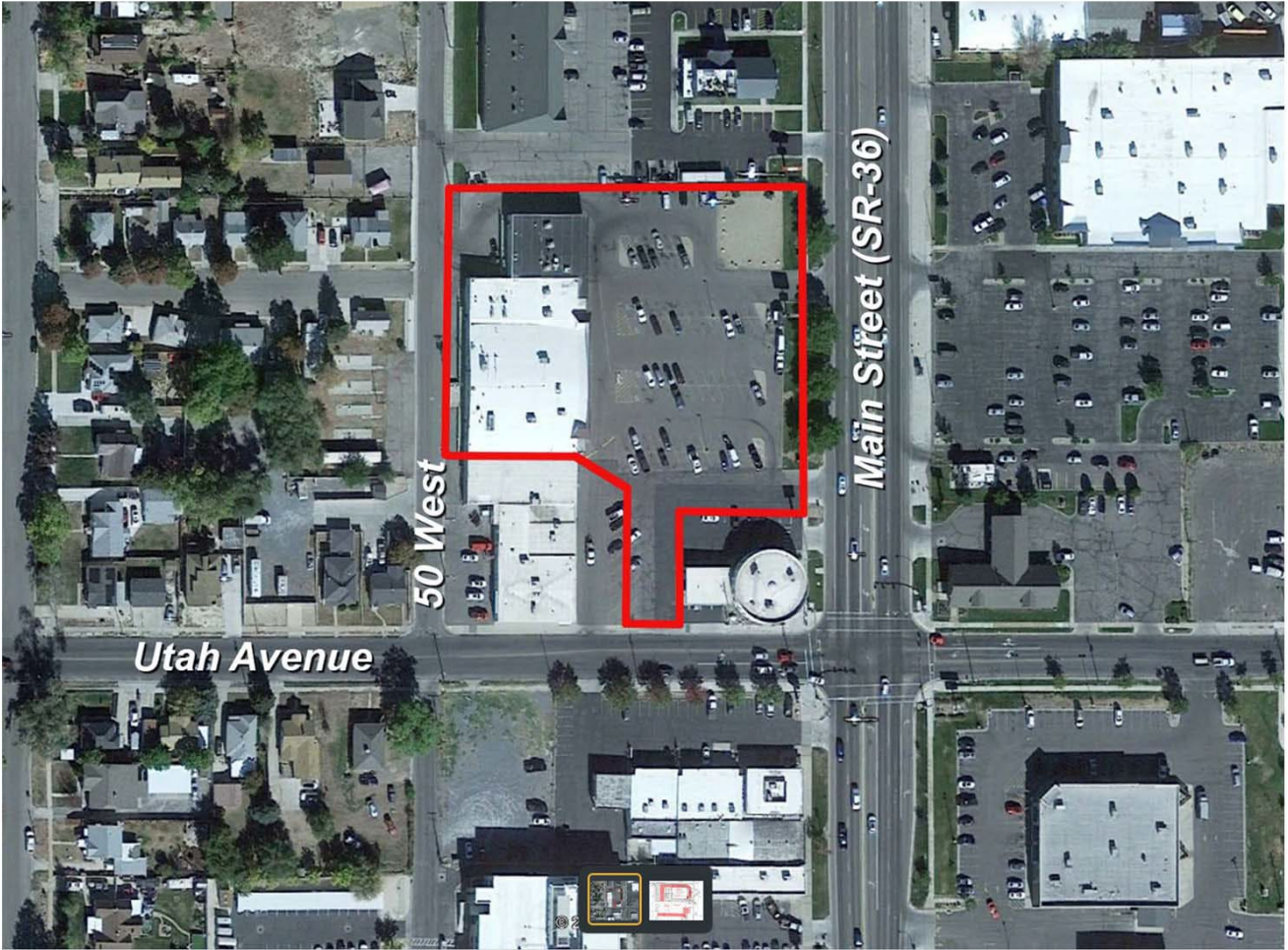
Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Elliot Abel, representing IRVA Development to authorize the use of “Accessory Drive Through Facility” for property located at 245 North Main Street, application number P23-605, based on the following findings:”

1. List findings of fact ...

**EXHIBIT A**

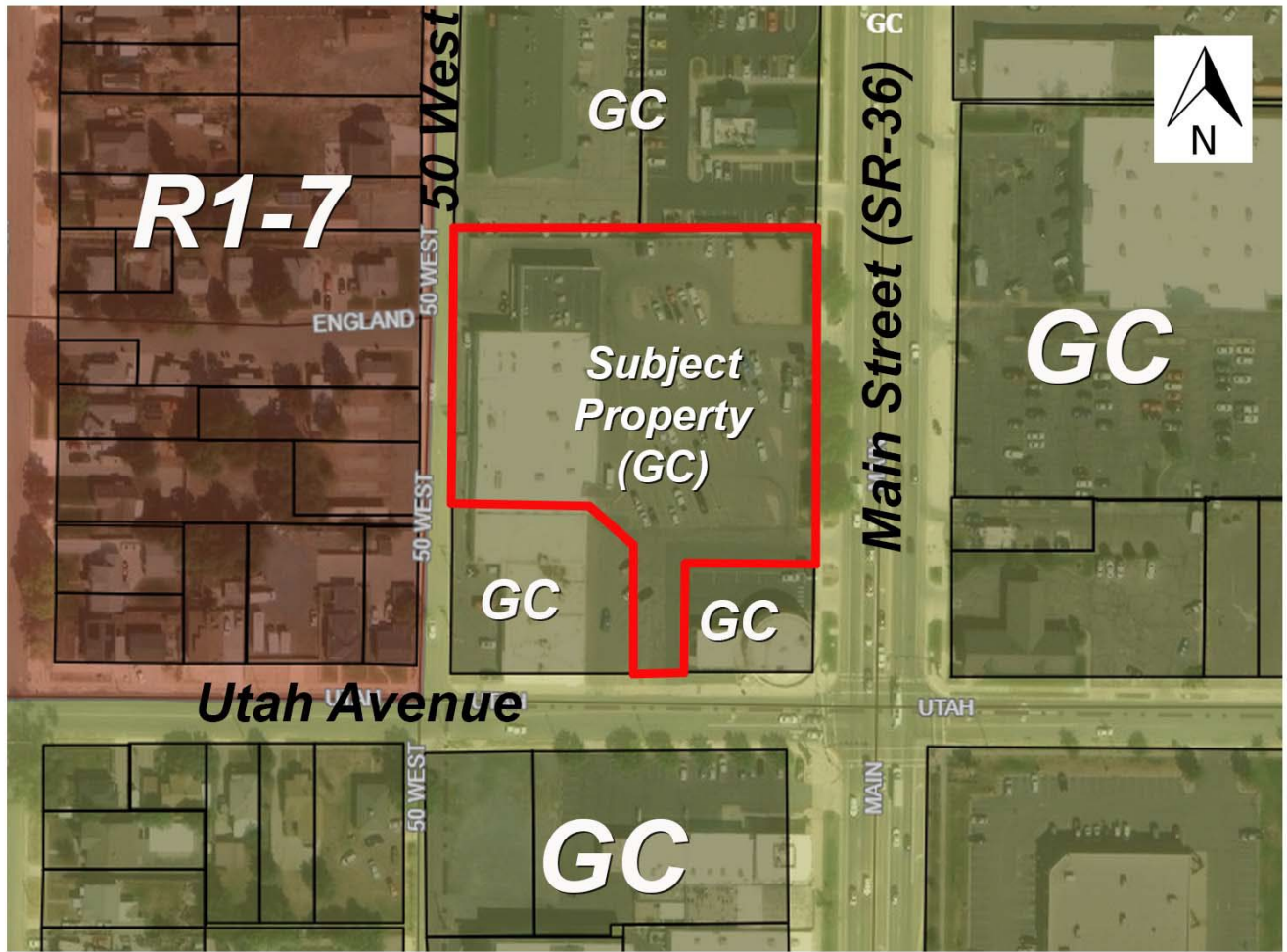
**MAPPING PERTINENT TO THE  
IRVA TOOELE RETAIL CONDITIONAL USE PERMIT**

***IRVA Tooele Retail Conditional Use Permit***



***Aerial View***

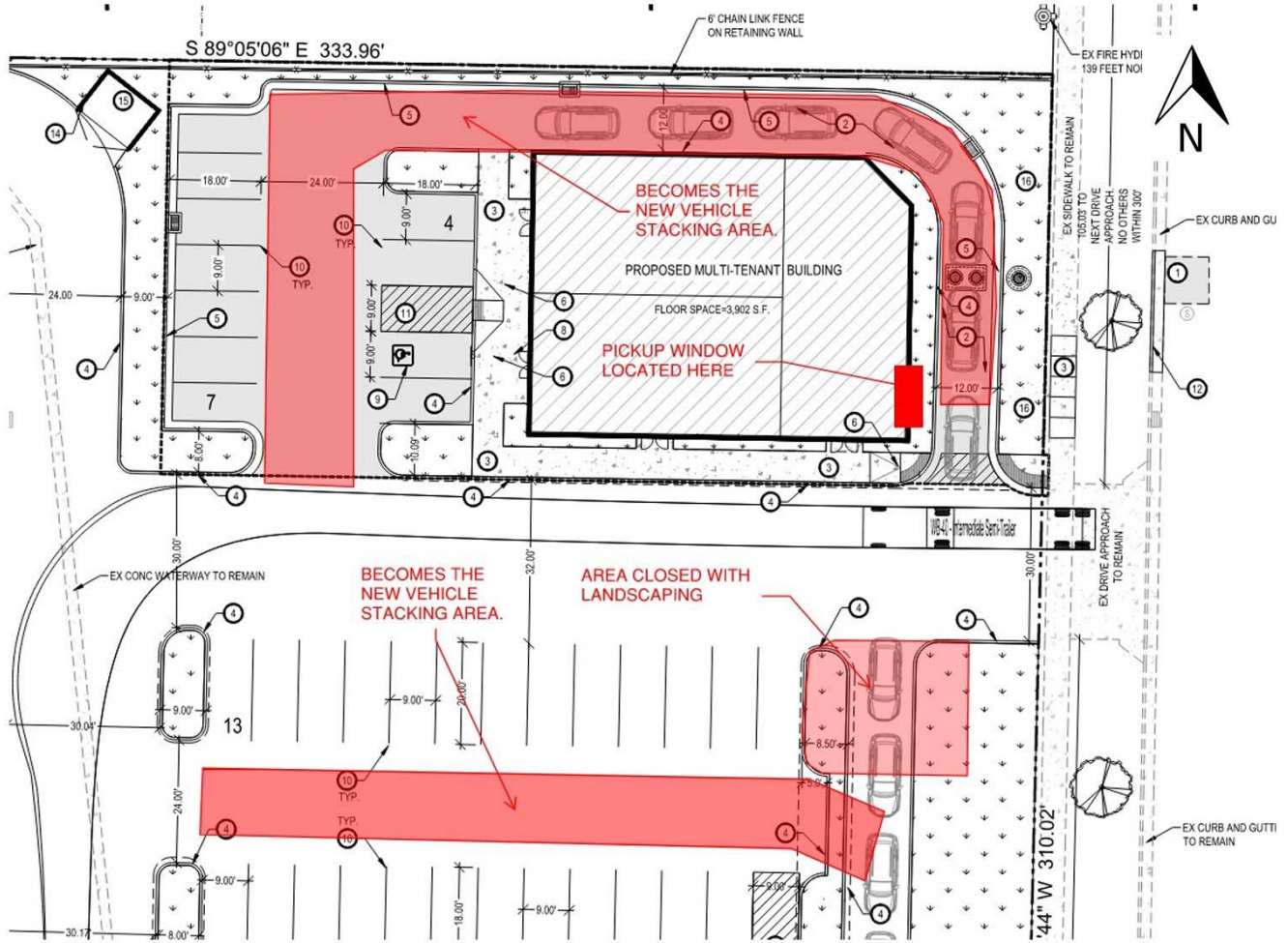
**IRVA Tooele Retail Conditional Use Permit**



**Current Zoning**



# IRVA Tooele Retail Conditional Use Permit



**Possible Vehicle Stacking Solutions**

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS &  
APPLICANT SUBMITTED INFORMATION**

Permit # 23-80


# Conditional Use Permit Application

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



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


23-605

Project Information					
Date of Submission: 7/3/23		Current Zoning:		Parcel #(s): 02-036-0-0033	
Project Name: IRVA Tooele Retail				Acres: 2.283	
Project Address: 245 N main Street, Tooele				Units: 4 (2 buildings)	
Project Description: Retail Drive through Structures					
Current Use of Property: Retail					
Property Owner(s): Eliason Equities and more			Applicant(s): IRVA Development		
Address: 411 W 7200 S suite 201			Address: 411 W 7200 S suite 201		
City: midvale	State: UT	Zip: 84047	City: midvale	State: UT	Zip: 84047
Phone: 801-231-8722			Phone: 801-231-8722		
Contact Person: Elliot Abel			Address: 411 W 7200 S suite 201		
Phone:			City: midvale	State: UT	Zip: 84047
Cellular: 8012318722	Fax:		Email: Elliot@IRAUT.com		
Signature of Applicant: 					
Date: 6/29/23					

\*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.

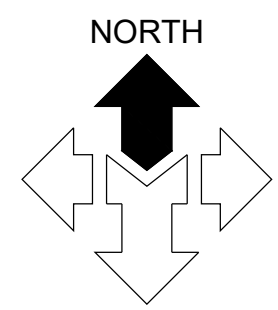
2230649

For Office Use Only			
Fee: 1000.00 (213)	Received By: 	Date Received: 7/3/23	Receipt #: 074780

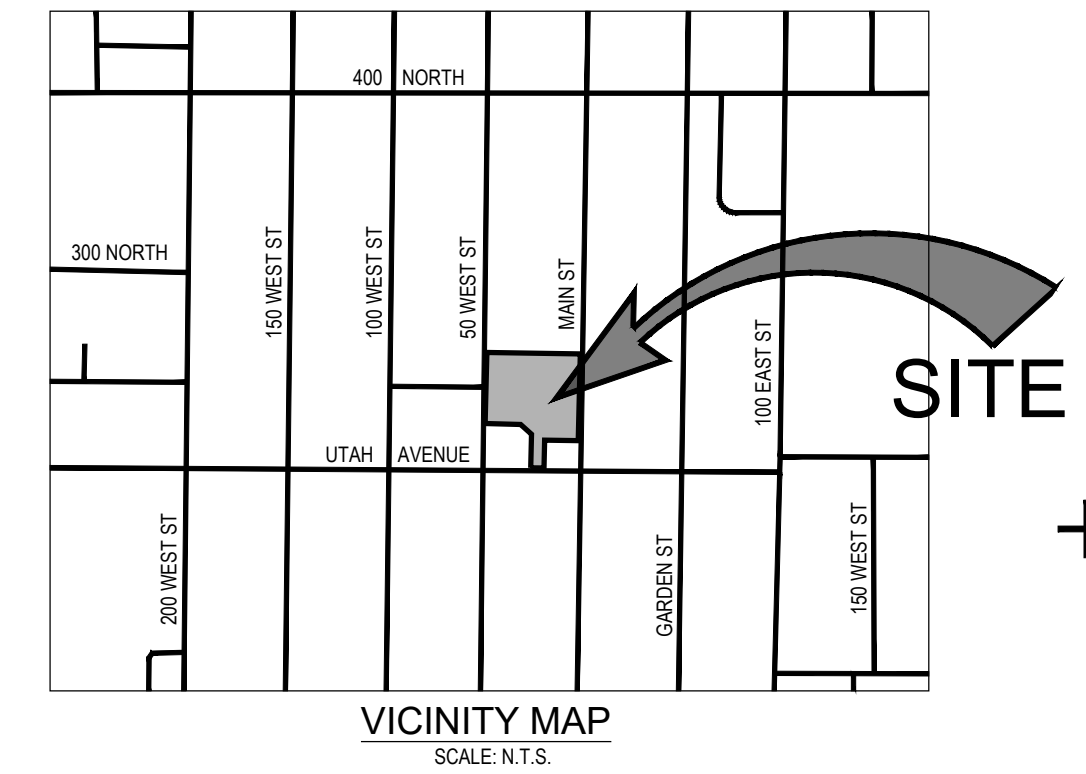


# IRVA TOOELE RETAIL CONSTRUCTION PLANS

245 NORTH MAIN STREET,  
TOOELE, UTAH 84074  
LOCATED IN THE NORTHEAST 1/4 OF SECTION 28,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, S.L.B. & M.



SCALE: 1" = 20'  
0 10' 20' 40' 60'



### DRAWING INDEX

SHEET	DESCRIPTION
C0.00	CIVIL COVER SHEET
C0.01	GENERAL NOTES, LEGEND AND ABBREVIATIONS
C0.10	DEMOLITION PLAN
C1.01	CIVIL SITE PLAN
C2.01	GRADING AND DRAINAGE PLAN
C2.02	EROSION CONTROL PLAN
C4.01	SITE UTILITY PLAN
C5.01	CIVIL DETAILS
C5.02	EROSION DETAILS
C5.03	CIVIL DETAILS
C5.04	TOOELE CITY DETAILS

ALL WORK AND MATERIALS FOR WATER  
MUST CONFORM TO TOOELE CITY  
STANDARDS AND SPECIFICATIONS

ALL WORK AND MATERIALS FOR SEWER  
MUST CONFORM TO TOOELE CITY  
STANDARDS AND SPECIFICATIONS

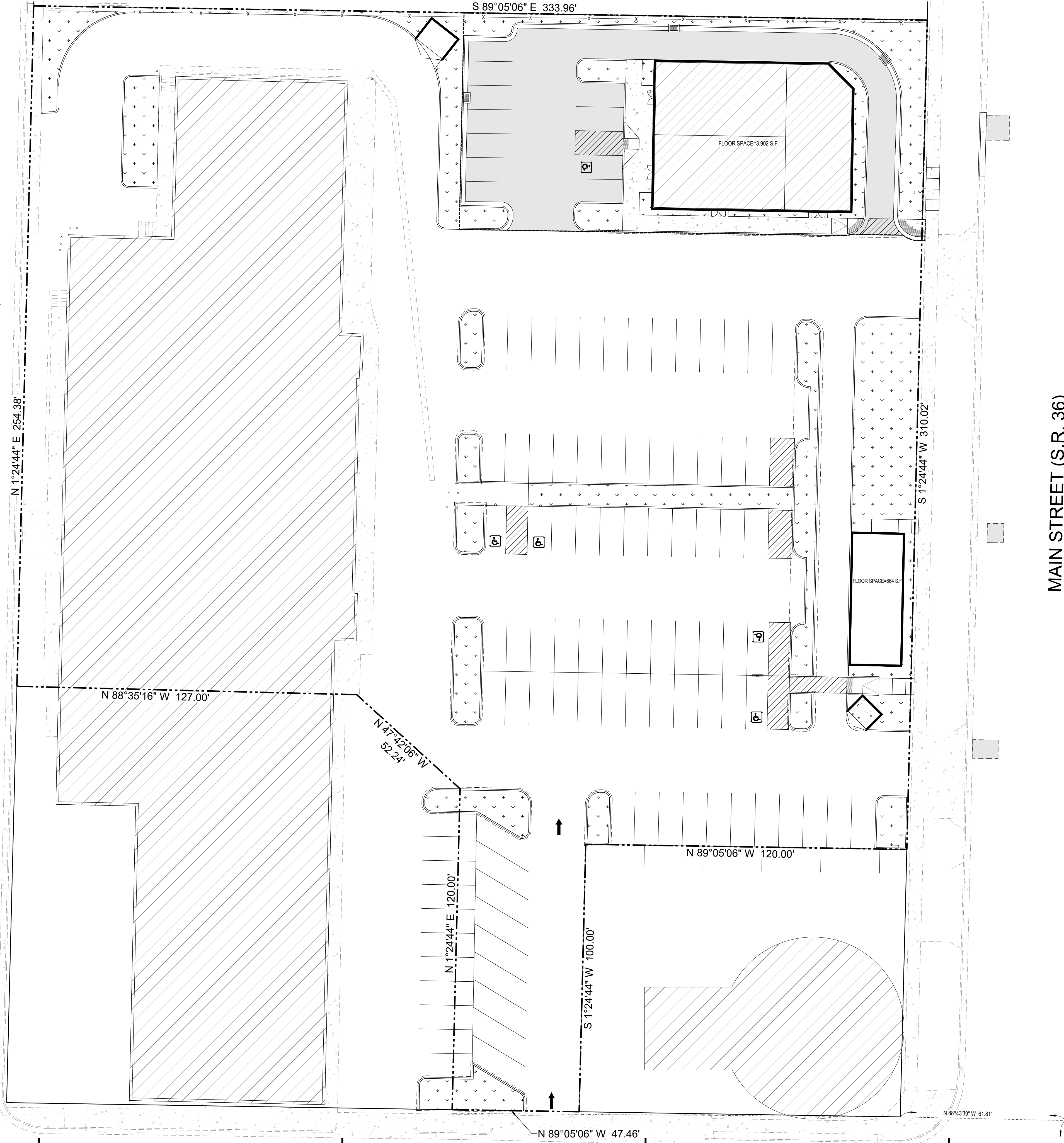
ALL WORK AND MATERIALS MUST  
CONFORM TO TOOELE CITY STANDARDS  
AND SPECIFICATIONS

### DEVELOPER & OWNER

DEVELOPER: IRVA DEVELOPMENT LLC  
CONTACT: ELLIOT ABLE  
1174 E. GREYSTONE WAY  
SALT LAKE CITY, UTAH 84106 SUITE #100

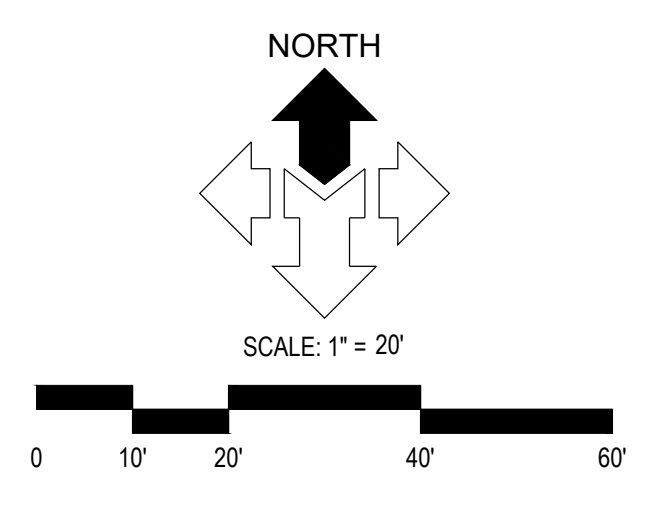
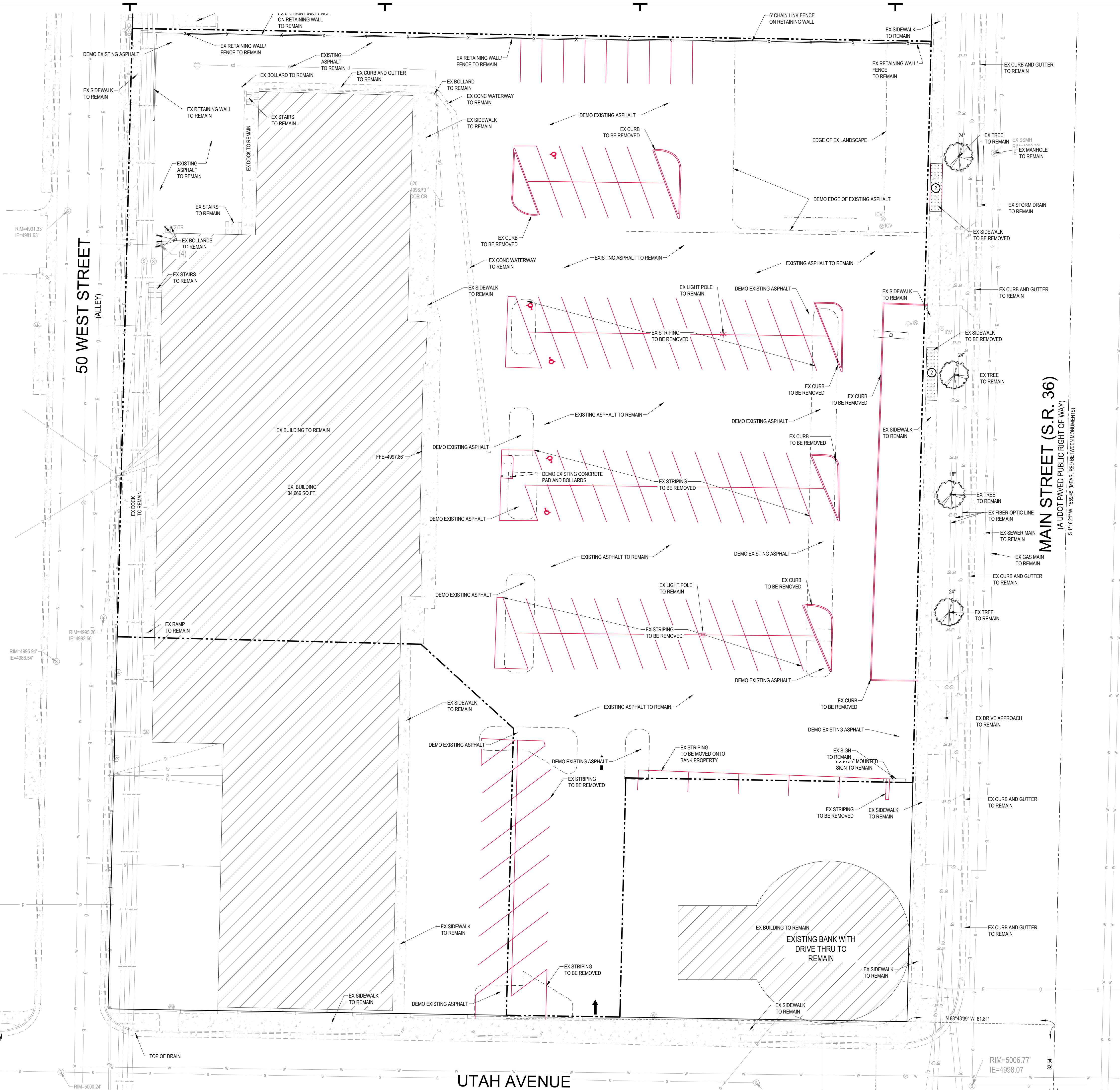
**McNEIL ENGINEERING™**  
Economic and Sustainable Designs, Professionals You Know and Trust  
8610 South Sandy Parkway, Suite 200 Sandy, Utah 84070 801.255.7700 mcneilengineering.com  
Civil Engineering • Consulting & Landscape Architecture  
Structural Engineering • Land Surveying & HDS

50 WEST STREET  
(ALLEY)





C:\Users\BDBP-MCM\AppData\Local\Temp\AcfPublish\_10660\21329\_P\1\1.dwg Rjb Jun 27, 2023 - 5:06pm



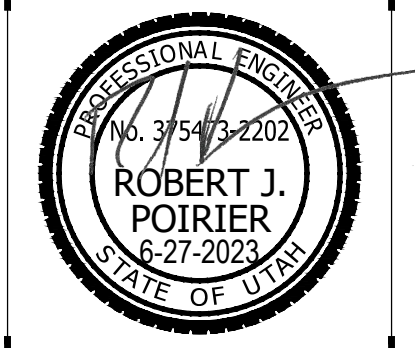
**GENERAL NOTES:**  
 ALL WORK TO COMPLY WITH GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.  
 COORDINATE WITH GOVERNING AGENCY PRIOR TO DEMOLITION OF ANY PUBLIC UTILITY.

UTILITY TYPE	PROVIDER
WATER	WATER
STORM	STORM
COMMUNICATIONS	COMCAST
COMMUNICATIONS	CENTURY LINK
COMMUNICATIONS	INTEGRA
SANITARY SEWER	SANITARY SEWER
NATURAL GAS	DOMINION ENERGY
POWER	ROCKY MOUNTAIN POWER

**KEYED NOTES:**  
 DEMOLISH AND/OR REMOVE THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED AND THE DETAILS NOTED AND AS SHOWN ON THE CONSTRUCTION DRAWINGS.

- 1. [Symbol] EXISTING ASPHALT PAVEMENT TO BE REMOVED/DEMOLISHED AND PROPERLY DISPOSED OF.
- 2. [Symbol] EXISTING CONCRETE FLATWORK TO BE REMOVED/DEMOLISHED AND PROPERLY DISPOSED OF.
- 3. EXISTING SITE FEATURES (FENCES, GATES, BOLLARDS, GRAVEL DRIVEWAYS, IRRIGATION GATES, CONCRETE DITCHES, WHEEL STOPS, LANDSCAPING, GROUND LIGHTING, IRRIGATION, MOWSTRIPS, ETC.) TO BE REMOVED/DEMOLISHED AND PROPERLY DISPOSED OF.
- 4. EXISTING CONCRETE CURB AND GUTTER AND/OR CURB WALL TO BE REMOVED/DEMOLISHED AND PROPERLY DISPOSED OF.
- 5. SAWCUT EXISTING ASPHALT.
- 6. EXISTING STRIPING TO BE REMOVED.
- 7. EXISTING SIGNAGE TO BE REMOVED AND PROPERLY DISPOSED OF (IF SIGNAGE IS IN GOOD CONDITION, IT MAY BE RE-USED ON SITE AS NEEDED).
- 8. EXISTING LIGHT POLE AND ASSOCIATED EQUIPMENT/HARDWARE TO BE REMOVED. CONTRACTOR AND OWNER TO COORDINATE ON LOCATION TO STORE FOR POSSIBLE RE-USE.
- 1. PRESERVE AND PROTECT EXISTING CONCRETE FLATWORK. CONTRACTOR TO TAKE NECESSARY PRECAUTIONS TO PROTECT EXISTING CONCRETE FLATWORK FROM DAMAGE DURING CONSTRUCTION.
- 2. PRESERVE AND PROTECT EXISTING CONCRETE CURB AND GUTTER AND/OR CURB WALL. CONTRACTOR TO TAKE NECESSARY PRECAUTIONS TO PROTECT EXISTING CONCRETE CURB AND GUTTER AND/OR CURB WALL FROM DAMAGE DURING CONSTRUCTION.
- 3. PRESERVE AND PROTECT EXISTING ABOVE-GROUND UTILITY STRUCTURE. CONTRACTOR TO TAKE NECESSARY PRECAUTIONS TO PROTECT EXISTING UTILITY FROM DAMAGE DURING CONSTRUCTION.
- 4. PRESERVE AND PROTECT EXISTING UNDERGROUND UTILITY STRUCTURE. CONTRACTOR TO TAKE NECESSARY PRECAUTIONS TO PROTECT EXISTING UTILITY FROM DAMAGE DURING CONSTRUCTION.
- 5. PRESERVE AND PROTECT EXISTING UNDERGROUND UTILITY LINE. CONTRACTOR TO TAKE NECESSARY PRECAUTIONS TO PROTECT EXISTING UTILITY FROM DAMAGE DURING CONSTRUCTION.
- 6. PRESERVE AND PROTECT EXISTING TREE. CONTRACTOR TO TAKE NECESSARY PRECAUTIONS TO PROTECT EXISTING TREE FROM DAMAGE DURING CONSTRUCTION.

**McNEIL ENGINEERING**  
 Economic and Sustainable Designs, Professionals You Know and Trust  
 8410 South Sandy Parkway, Suite 200 Sandy, Utah 84070 801.253.7700 mcneilengineering.com  
 Civil Engineering • Consulting & Landscape Architecture  
 Structural Engineering • Land Surveying & HDS



**IRVA TOOELE RETAIL**  
**245 NORTH MAIN STREET**  
**TOOELE, UTAH**  
 LOCATED IN THE NE 1/4 OF SEC 28, TS 3 S, RANGE 4 W, S.L.B. & M.

REV	DATE	DESCRIPTION

PROJECT NO: 21329  
 DRAWN BY: RJP/TJO  
 CHECKED BY: RJP  
 DATE: 06-27-2023

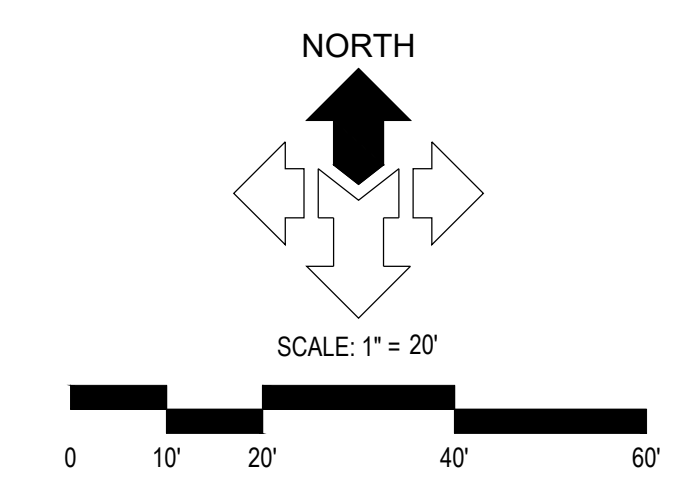
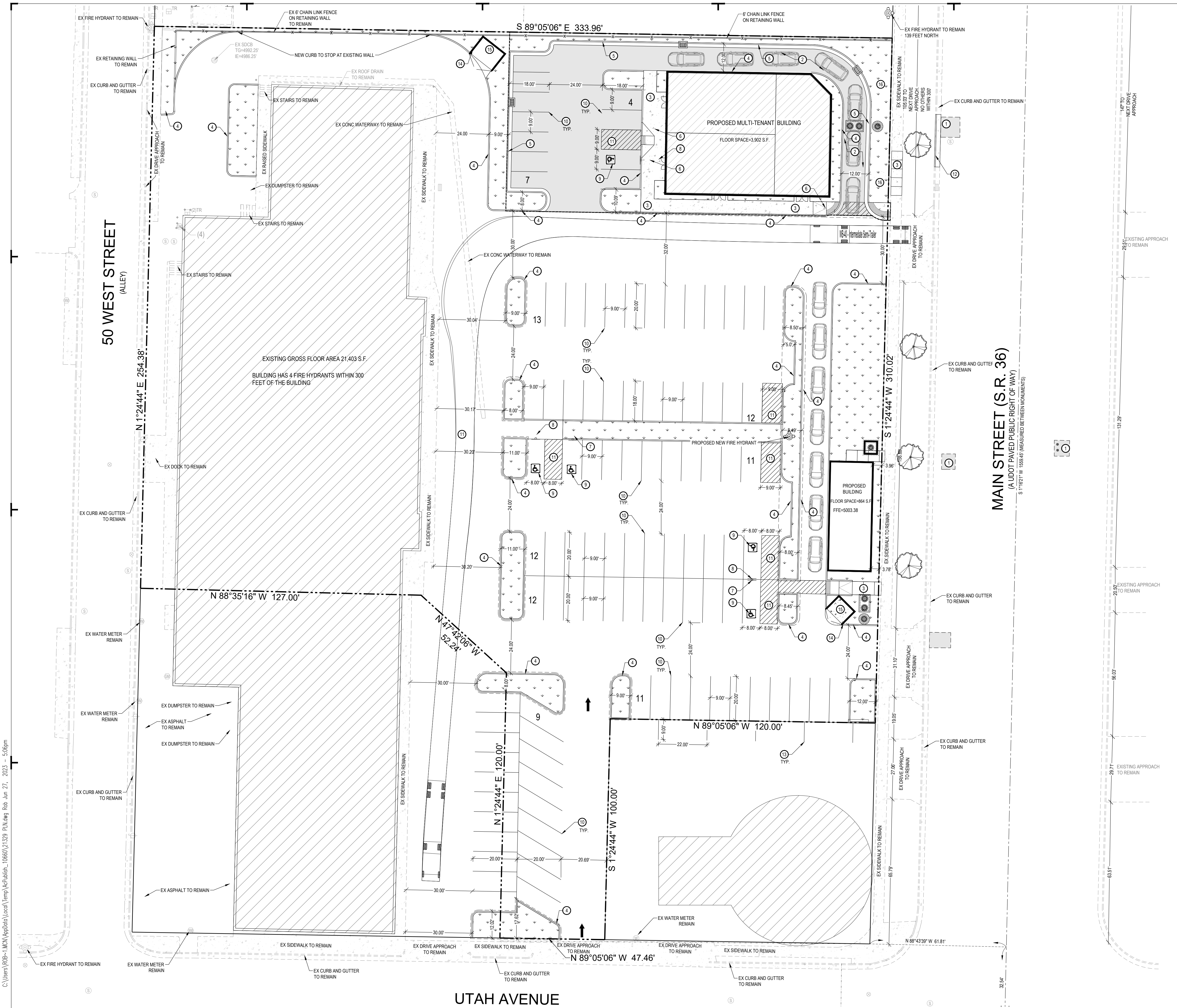
**DEMOLITION PLAN**

**CO.10**

**Blue Stakes of UTAH811**  
 Bluestakes.org

**NOTICE!**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, PROTECTION, AND RESTORATION OF ALL BURIED OR ABOVE GROUND UTILITIES, SHOWN OR NOT SHOWN ON THE PLANS.





DESCRIPTION	AREA	%
HARDSCAPE	64,094 SQFT	64%
LANDSCAPE	10,361 SQFT	10%
BUILDINGS	25,361 SQFT	25%
TOTAL	99,816 SQFT	100%

**GENERAL NOTES:**  
 ALL DIMENSIONS ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED.  
 SEE ARCHITECTURAL SITE PLAN FOR ADDITIONAL INFORMATION.  
 SEE LANDSCAPE PLANS FOR IRRIGATION AND PLANTING.  
 ALL WORK TO COMPLY WITH GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.  
 ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.

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

- 1 ASPHALT T-PATCH PER UDOT STDS.
- 2 STANDARD DUTY ASPHALT PAVEMENT WITH GRANULAR BASE PER DETAIL 'D', SHEET C5.01.
- 3 CONCRETE SIDEWALK, PER APWA PLAN NO. 231.
- 4 6" CONCRETE CURB WALL, PER TOOELE CITY STANDARD '205 R' TYPE P. SHEET C5.01. INSTALL TBC 6" ABOVE EXISTING GRADE UNLESS SPECIFIED OTHERWISE WITH A TBC LABEL. INFILL AREA BETWEEN SAWCUT AND FACE OF CURB WITH 1" THICK ASPHALT.
- 5 24" CONCRETE CURB AND GUTTER, PER TOOELE CITY STANDARD '205 R' TYPE A, SHEET C5.01.
- 6 ADA RAMP WITH DETECTABLE WARNING SURFACE. SEE APWA PLAN NO. 236.3, FOR RAMP DETAIL AND APWA PLAN NO. 238 FOR DETECTABLE WARNING SURFACE DETAIL.
- 7 ADA PARKING SIGN. SEE DETAIL 'C6', SHEET C5.01.
- 8 VAN ACCESSIBLE ADA PARKING SIGN. SEE DETAIL 'D6', SHEET C5.01.
- 9 PAINTED ADA SYMBOL. SEE DETAIL 'C5', SHEET C5.01.
- 10 4" WIDE SOLID YELLOW PARKING STALL STRIPE LINES.
- 11 4" WIDE SOLID YELLOW PEDESTRIAN STRIPE LINES.
- 12 NEW 30" CURB AND GUTTER PER UDOT STD PLAN GW-2, TYPE B1.
- 13 EXISTING PARALLEL STALLS FOR BANK PARKING TO BE RE-STRIPED ON THEIR SIDE OF THE PROPERTY LINE AS SHOWN.
- 14 NEW MASONRY DUMPSTER ENCLOSURE WITH SOLID GATES, COLORS TO MATCH NEW BUILDING. SEE ARCHITECTURAL PLANS FOR DETAILS.
- 15 HEAVY DUTY CONCRETE DUMPSTER PAD, 6" CONCRETE OVER 6" ROAD BASE.
- 16 ADDITIONAL LANDSCAPING AND BERM TO PROVIDE SCREENING OF THE DRIVE THRU.
- 17 ACCESSIBLE ROUTE WITH MAXIMUM 1:48 CROSS-SLOPE AND MAXIMUM 1:20 RUNNING-SLOPE.

**PARKING ANALYSIS**

USE	CITY REQUIREMENT	GROSS FLOOR AREA	REQUIRED STALLS
EX COMMERCIAL CENTER	1 STALL PER 300 S.F.	21,403 S.F.	71.3 STALLS
NEW RETAIL BUILDING	1 STALL PER 300 S.F.	3,902 S.F.	13.0 STALLS
NEW RETAIL BUILDING	1 STALL PER 300 S.F.	864 S.F.	2.9 STALLS
			87.2 STALLS

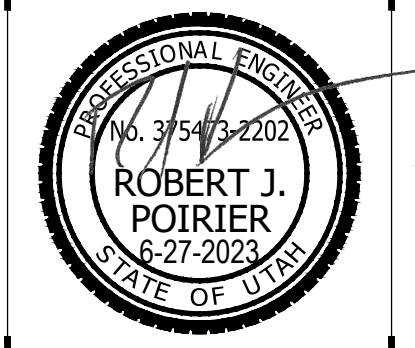
REQUIRED STALLS: 88  
 PROVIDED STALLS: 91  
 REQUIRED ADA STALLS: 5  
 PROVIDED ADA STALLS: 5

- UDOT NOTES**
1. UDOT RESERVES THE RIGHT, AT ITS OPTION, TO INSTALL A RAISED MEDIAN ISLAND OR RESTRICT THE ACCESS TO A RIGHT-IN OR RIGHT-OUT AT ANY TIME.
  2. WORK ON THE UDOT RIGHT-OF-WAY IS SEASONALLY RESTRICTED FROM OCTOBER 15 TO APRIL 15.
  3. ROW WORK: WORK IS NOT ALLOWED ON THE RIGHT-OF-WAY DURING THE AMPM PEAK TRAFFIC HOURS (6:00-9:00 AM AND 3:30-6:00 PM). ADDITIONAL WORK RESTRICTIONS OR MODIFICATIONS MAY BE IMPOSED AT THE TIME OF THE ENCROACHMENT PERMIT.
  4. REPLACE ALL PAVEMENT MARKINGS IN KIND (TAPE WITH TAPE AND PAINT WITH PAINT). INSTALL ALL PAINT LINES WITH PERMANENT PAINT APPLICATION PER UDOT SPECIFICATION 02765. PAINT MUST HAVE AT LEAST 6 MONTHS LIFE AS DETERMINED BY UDOT'S PERMITS OFFICER.
  5. ALL NEW PAVEMENT WORDS, ARROWS AND SYMBOLS MARKING WITHIN THE RIGHT-OF-WAY SHALL BE PRE-FORMED THERMO PLASTIC. ALL LETTERS, ARROWS, AND SYMBOLS SHALL CONFORM WITH THE STANDARD ALPHABET FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS ADOPTED BY THE FEDERAL HIGHWAY ADMINISTRATION.
  6. ALL SIGNS INSTALLED ON THE UDOT RIGHT-OF-WAY MUST BE HIGH INTENSITY GRADE (TYPE XI SHEETING) WITH A B3 SLIP BASE. INSTALL ALL SIGNS PER UDOT SIGN SERIES STANDARD DRAWINGS.
  7. BEFORE COMMENCING WORK ON THE STATE HIGHWAY, THE GENERAL CONTRACTOR IS REQUIRED TO OBTAIN AN ENCROACHMENT PERMIT FROM THE APPLICABLE REGION'S PERMITS OFFICE BEFORE WORKING WITHIN THE STATE RIGHT-OF-WAY.
  8. NO ROAD CUTS ALLOWED ON THIS JOB.
  9. FOR ALL UTILITY TAPS (ROAD CUTS), USE FLOWABLE FILL PER UDOTS CURRENT MIX DESIGN (50/150 PSI) UDOT SPEC. 03575.
  10. ALL UTILITIES WITHIN THE PAVED SURFACE MUST BE BORED.
  11. FOR EXCAVATIONS OUTSIDE OF THE ROADWAY, BACKFILL WITH UDOT APPROVED GRANULAR BORROW AND ROAD BASE. COMPACTION PER UDOT SPEC. 2056 AND 2721.
  12. OWNER, DEVELOPER, AND/OR THE CONTRACTOR IS REQUIRED TO HIRE AN INDEPENDENT COMPANY FOR ALL TESTING WITHIN THE UDOT RIGHT-OF-WAY.
  13. OWNER, DEVELOPER, AND THE CONTRACTOR ARE RESPONSIBLE FOR ANY DAMAGE TO THE UDOT RIGHT-OF-WAY THAT MAY BE DIRECTLY OR INDIRECTLY CAUSED BY THE DEVELOPMENT ACTIVITY.
  14. TRAFFIC SIGNAL INSTALLATION OR MODIFICATION REQUIRES A SEPARATE WARRANTY BOND ONCE THE WORK HAS BEEN COMPLETED AND ACCEPTED. THE PERMITTEE IS RESPONSIBLE FOR HIRING AN INDEPENDENT INSPECTION COMPANY TO PERFORM INSPECTION SERVICES FOR ALL SIGNAL WORK COMPLETED. FOR A LIST OF THE UDOT APPROVED CONTRACTORS AND CONSULTANTS CONTACT THE APPROPRIATE REGION'S TRAFFIC SIGNALS ENGINEER.
  15. PARTIAL CONCRETE PANEL REPLACEMENT IS NOT ALLOWED. WHEN PANELS ARE REMOVED, THE ENTIRE PANEL IS REQUIRED TO BE REPLACED PER UDOT STANDARDS, SPECIFICATIONS, AND STANDARD DRAWINGS.
  16. DOUBLE SAW CUT THE CONCRETE TO PREVENT THE SPALLING OF OTHER CONCRETE PANELS AND TO AVOID OVER CUTS. OVER CUTS AND SPALLS WILL REQUIRE FULL PANEL REPLACEMENT. REFERENCES: 1. UTAH ADMINISTRATIVE CODE R800-6 (ACCESS MANAGEMENT) FOR A COMPLETE VERSION OF THE DEPARTMENT'S STANDARDS AND GUIDELINES REGARDING ACCESS PERMITS PLEASE REFER TO UTAH ADMINISTRATIVE CODE R800-6. WWW.UDOT.UTAH.GOV/ACCESSMANAGEMENT. 2. AASHTO. A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS ("GREEN BOOK"), BOOKSTORE: TRANSPORTATION ORG. 3. AASHTO, ROADSIDE DESIGN GUIDE, BOOKSTORE: TRANSPORTATION ORG. 4. UTAH, MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), WWW.UDOT.UTAH.GOV.
  17. ALL ABOVE GROUND FEATURES INCLUDING UTILITIES (POLES, FIRE HYDRANTS, BOXES, ETC.) MUST BE RELOCATED OUT OF THE AASHTO CLEAR ZONE OR A MINIMUM OF 18' BEHIND CURB.



**NOTICE!**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, PROTECTION, AND RESTORATION OF ALL BURIED OR ABOVE GROUND UTILITIES, SHOWN OR NOT SHOWN ON THE PLANS.

**MCNEIL ENGINEERING**  
 Economic and Sustainable Designs, Professionals You Know and Trust  
 8610 South Sandy Parkway, Suite 200 Sandy, Utah 84070 801.253.7700 mceengineering.com  
 Civil Engineering • Consulting & Landscape Architecture  
 Structural Engineering • Land Surveying & HDS



**IRVA TOOELE RETAIL**  
**245 NORTH MAIN STREET**  
**TOOELE, UTAH**  
 LOCATED IN THE NE 1/4 OF SEC 28, T3 S, RANGE 4 W, S.L.B. & M.

**REVISIONS**

REV	DATE	DESCRIPTION

PROJECT NO: 21329  
 DRAWN BY: RJP/TJO  
 CHECKED BY: RJP  
 DATE: 06-27-2023

**CIVIL SITE PLAN**  
**C1.01**



**STAFF REPORT**

July 14, 2023

**To:** Tooele City Planning Commission  
Business Date: July 26, 2023

**From:** Planning Division  
Community Development Department

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

**Re: Leitner-Poma / Skytrac – Design Review Request**

Application No.: P23-511  
Applicant: Steve Peterson, representing Reeve & Associates  
Project Location: Approximately 600 South Tooele Boulevard  
Zoning: TCBP Tooele City Business Park Zone  
Acreage: 24.95 Acres (Approximately 10,846,440 ft<sup>2</sup>)  
Request: Request for approval of a Design Review in the TCBP Tooele City Business Park zone regarding authorizing the use of crushed / recycled asphalt for designated parking areas.

**BACKGROUND**

This application is a request for approval of a Design Review for approximately 24.95 acres located at approximately 600 South Tooele Boulevard. The property is currently zoned TCBP Tooele City Business Park. The applicant is requesting that a Design Review be approved to allow for the use of materials other than bituminous asphalt or Portland cement or other approved surface for a large portion of their designated parking areas.

**ANALYSIS**

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

Staff would like to emphasize that this is not a site plan review. Industrial site plans are generally approved administratively by staff, however, the ordinance authorizes the Planning Commission to review and approve specific design elements referred to as “design review.” When reviewing this report try to maintain focus on the question at hand and not on the site plan in general as this is not a request for site plan approval.

The issue at hand is that on the south side and west side of the building the applicant is proposing designated parking area to be finished with “asphalt millings gravel.” This is essentially recycled asphalt being used as finished surface material.

Tooele City Code 7-4-9 Parking Lots, Section 1 states: *(1) Each off street parking lot shall be surfaced*

*with a bituminous surface course, Portland cement concrete or other approved surface to provide a dustless surface. The Planning Commission, following a recommendation from the City Engineer, must approve any surface that is not bituminous surface course or Portland cement concrete.*

As the code states, any material other than bituminous asphalt or concrete requires Planning Commission approval. Yes, the chosen material by the applicant is, in its origins, asphalt, however, at this point it is recycled which makes the material a type of gravel not pavement.

One of the main reasons behind the City's requirement to have the parking areas paved is to prevent the percolation of hazardous materials into the soil and ultimately into the ground water aquifers. Asphalt and concrete tend to prevent percolation of oils, coolants and other chemicals into the ground as they create a solid barrier. Gravel areas are not as efficient at preventing percolation, especially when rain or snowmelt occurs. Asphalt and concrete are able to be graded in a manner that directs polluted water to designated storm water basins where polluted water is intended to be managed. Gravel lets the water percolate into the ground. It should also be noted that there is a city well immediately west of these proposed parking areas so this parking area is located in a well source protection area. As such, special care needs to be taken to ensure proper precautions are taken, especially in parking areas, to prevent excessive percolation of pollutants into the ground and ultimately the groundwater below it.

Site Plan Layout. Again, this is not a site plan review. This is a design review where the Commission is only considering just the parking lot issue. The site plan being provided is for the Commission's reference only and demonstrates where the parking areas in question are located.

Criteria For Approval. The criteria for review and potential approval of a Design Review request is found in Sections 7-11-9 of the Tooele City Code. This section depicts the standard of review for such requests as:

Section 7-11-9. Considerations. The Planning Commission, or the City Engineer, when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the considerations of [Chapter 7-11 TCC] as the Planning Commission or City Engineer deem reasonably necessary under the circumstances to carry out the intent of [Chapter 7-11 TCC].

## **REVIEWS**

Planning Division Review. The Tooele City Planning Division has completed their review of the Design Review submission and has issued the following comments:

1. Asphalt paving and concrete prevent a solid barrier that prevents percolation of oils, coolants and other vehicular wastes into the soil and ultimately the ground water.
2. Asphalt paving and concrete enable proper drainage of automobile polluted water to designated locations on the site where the water is properly managed. Gravel enables greater percolation and less management.
3. There is an existing City culinary water well located to the west of the proposed building.

Engineering and Public Works Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Design Review submission and have issued the following comments:

1. Measures must be in place to prevent percolation of automotive fluids commonly found in parking lots from percolating into the soil and potentially contaminating the ground water.

2. Would like to know what those measures of protection will be.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Design Review submission and has issued the following comment:

1. An area of concern for the Fire Department is any area that will be considered a fire lane or fire access will need to be a hard surface concrete or asphalt, this would include fire access at a minimum of two sides of the structure, for a building this size access is going to be difficult.

### **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Design Review by Steve Peterson, representing Reeve & Associates, application number P23-511, subject to the following conditions:

1. The applicant shall provide to the Tooele City Engineer standards for managing spills and to prevent spills from percolating through the gravel parking areas into the soils below as part of their site plan review.

This recommendation is based on the following findings:

1. Spills and leaks from automobiles in gravel parking areas can be mitigated if proper steps and measures are taken.

### **MODEL MOTIONS**

Sample Motion for Approval – “I move we approve the Design Review Request by Steve Peterson, representing Reeve & Associates to authorize the use of asphalt millings gravel in parking areas as designated on the site plan, application number P23-511, based on the findings and subject to the conditions listed in the Staff Report dated July 14,2023:”

1. List findings and conditions...

Sample Motion for Denial – “I move we deny the Design Review Request by Steve Peterson, representing Reeve & Associates to authorize the use of asphalt millings gravel in parking areas as designated on the site plan, application number P23-511, based on the following findings:”

1. List findings...



**EXHIBIT A**

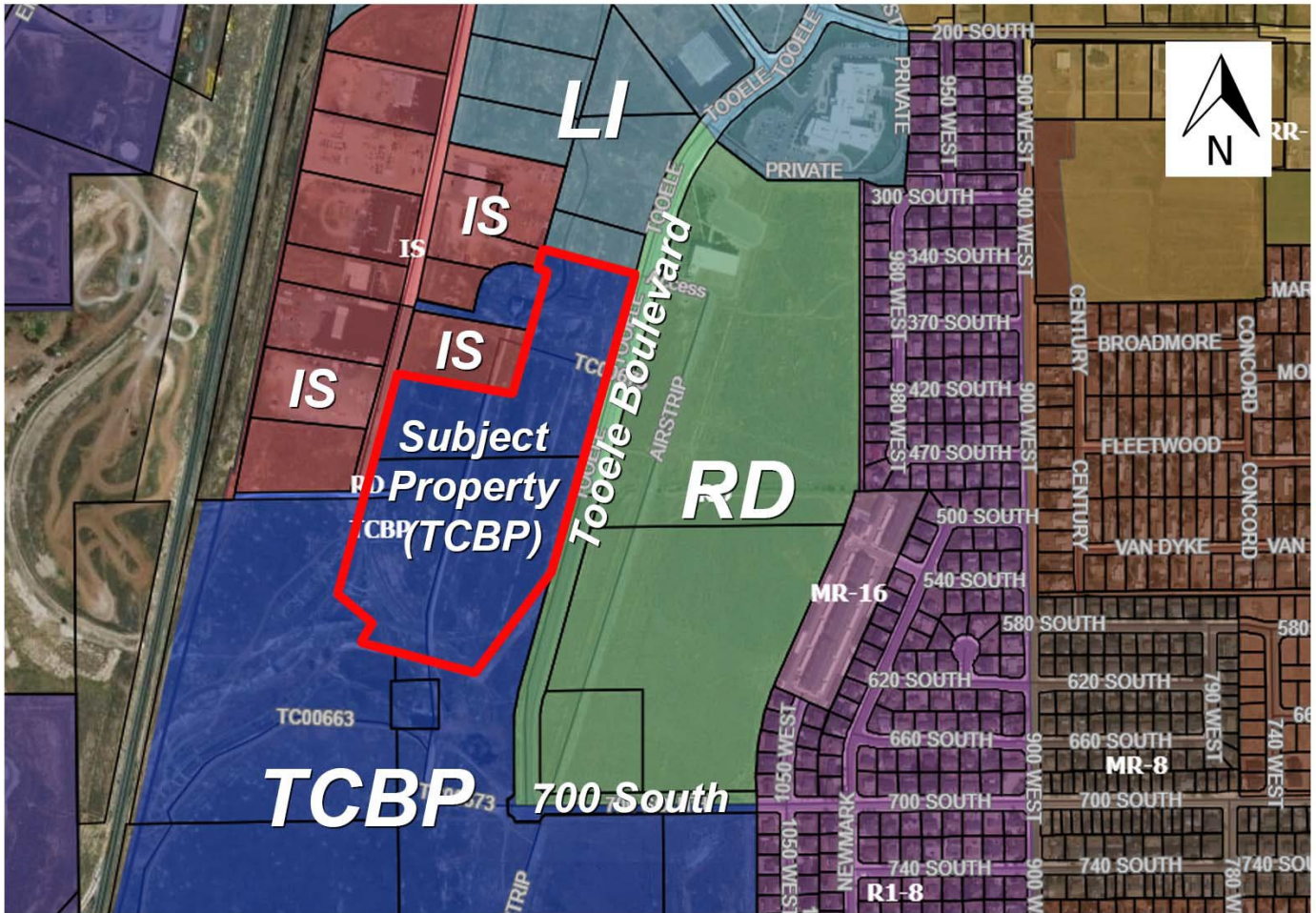
**MAPPING PERTINENT TO THE LEITNER-POMA / SKYTRAC DESIGN REVIEW**

***Leitner-Poma / Skytrac Design Review***



***Aerial View***

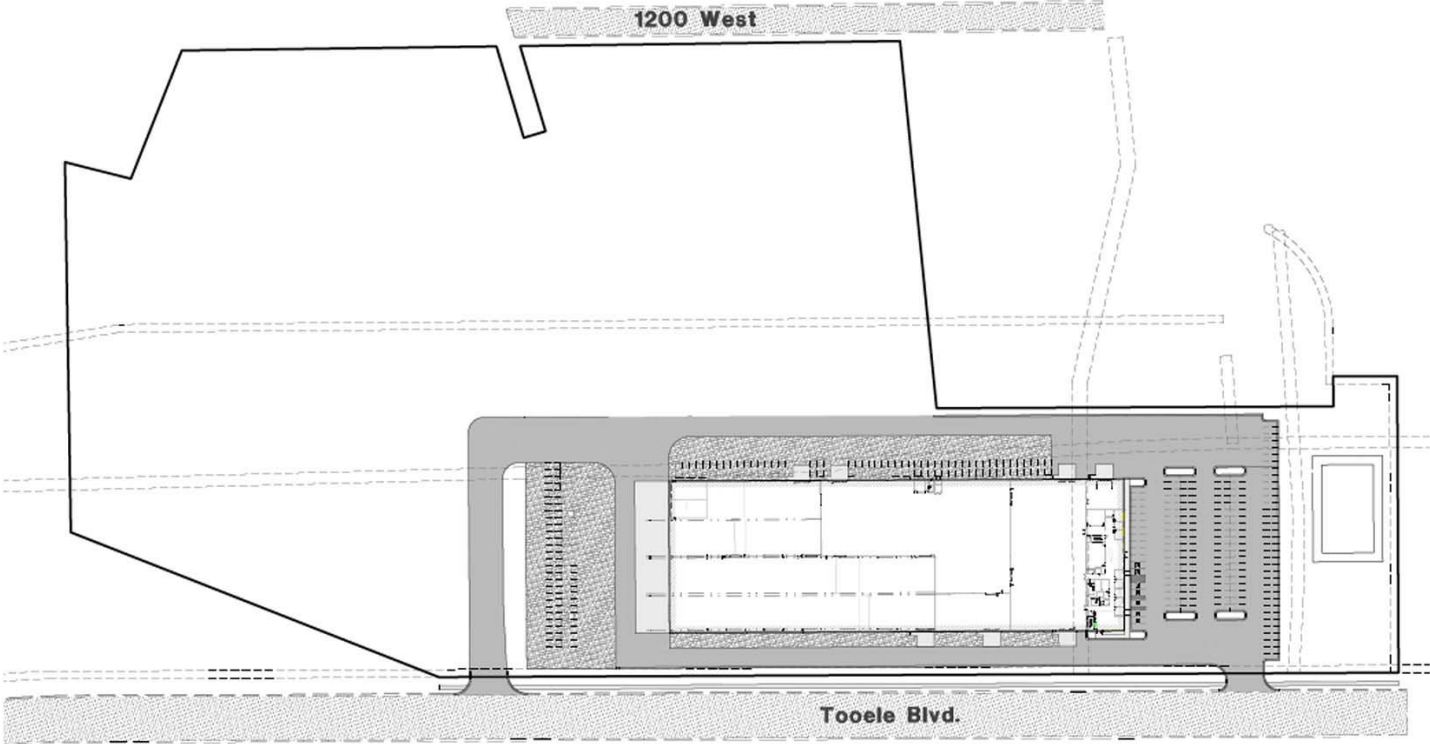
# Leitner-Poma / Skytrac Design Review



**Current Zoning**

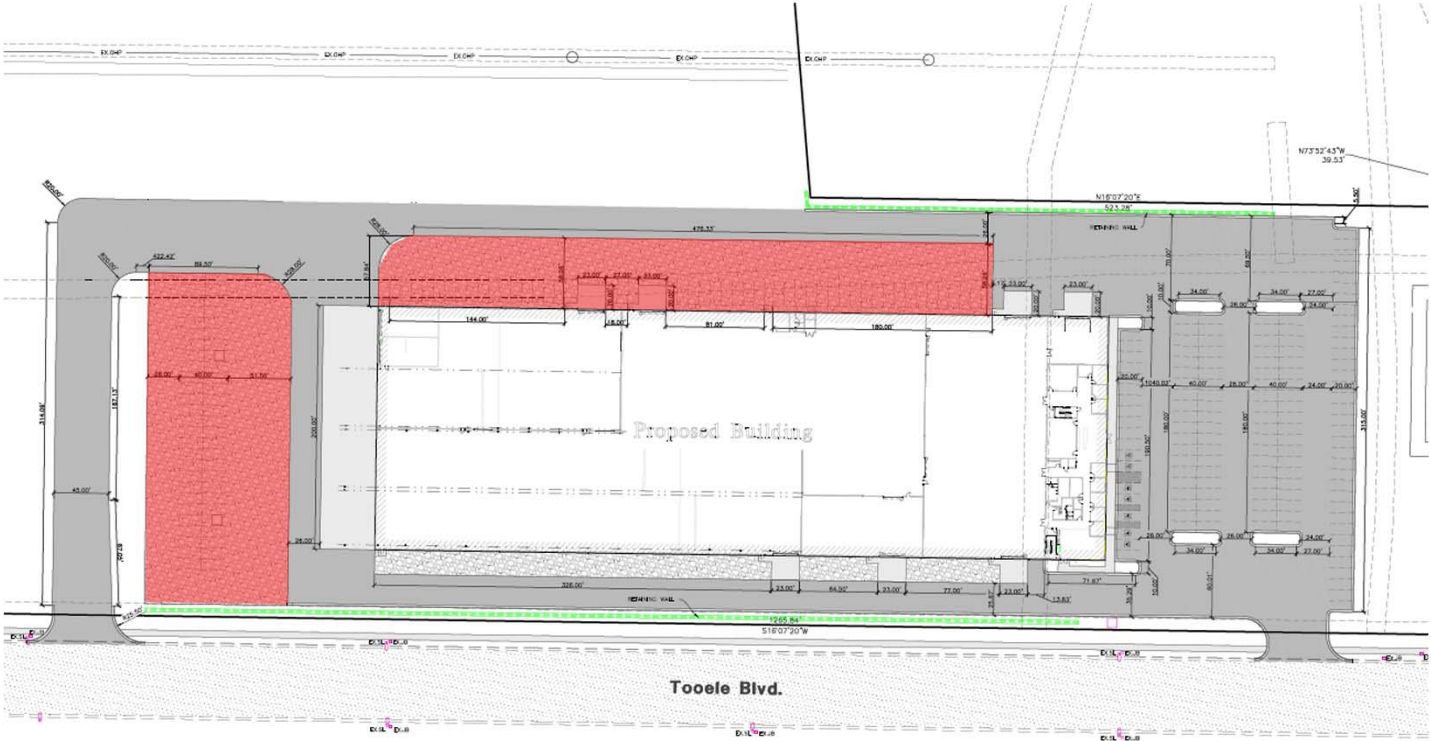


**Leitner-Poma / Skytrac Design Review**



**Overall Site Plan**

# Leitner-Poma / Skytrac Design Review



**Gravel Parking Areas**

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS  
APPLICANT SUBMITTED INFORMATION**



# Site Plan Application

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



*Notice:* The applicant must submit copies of the site plans to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a set of site plans 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 preliminary plan proposals shall be reviewed in accordance with the Tooele City Code. Submission of site plans in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all plans be submitted well in advance of any anticipated deadlines.

Project Information						23-511	
Date of Submission: 05/31/2023		Submittal #: <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4		Zone: R&D	Acres: 24.95	Parcel #(s): 02-009-0-0155	
Project Name: Leitner-Poma / Skytrac							
Project Address: 600 S. Tooele Blvd.							
Project Description: New manufacturing facility					Phases:		Lots:
Property Owner(s):				Applicant(s): Steve Peterson			
Address:				Address: 2484 Washington Blvd - Ste. 510			
City:		State:	Zip:	City: Ogden		State: UT	Zip: 84401
Phone:		Email:		Phone: 801-399-5821 ext. 14		Email: stevep@clhae.com	
Contact Person: Steve Peterson				Address: 2484 Washington Blvd. - Ste. 510			
Phone: 801-399-5821		City: Ogden		State: UT	Zip: 84401		
Cellular: 801-648-2300		Fax:		Email: stevep@clhae.com			
Engineer & Company: Reeve & Associates				Surveyor & Company: Reeve & Associates			
Address: 5160 1500 W				Address: 5160 1500 W			
City: Riverdale		State: UT	Zip: 84405	City: Riverdale		State: UT	Zip: 84405
Phone: 801-621-3100		Email: jeremy@reeve.co		Phone: 801-621-3100		Email: jeremy@reeve.co	

\*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:**

- A new application and checklist must accompany each submittal.
- Developer must submit plans in complete format to facilitate their review. Plans will be reviewed by the City staff, once they are found complete, they will be forwarded to Planning Commission for consideration. (as necessary)
- All fees must be paid at time of first submittal

For Office Use Only				22305380	
Received By:		Date Received:		App. #:	
City Planner Review		City Engineer Review		Date	
First Review Corrections Needed <input type="checkbox"/> Yes <input type="checkbox"/> No		Date Plans & Comments Returned			
Second Review Corrections Needed <input type="checkbox"/> Yes <input type="checkbox"/> No		Date Plans & Comments Returned			
Planning Commission Date		<input type="checkbox"/> Approved <input type="checkbox"/> Denied		Decision Date	







